

**RESOLUTION OF THE BOARD OF STORMWATER MANAGEMENT
OF THE CITY OF FORT WAYNE, INDIANA APPROVING
AMENDMENTS TO THE FORT WAYNE STORMWATER UTILITY
GENERAL RULES AND REGULATIONS**

Resolution No. # 111-6-25-24-2

WHEREAS, the City of Fort Wayne, Indiana (“City”) owns and operates a municipal separate stormwater system (the “Fort Wayne Stormwater Utility”) in accordance with I.C. § 8-1.5-5 *et seq.*

WHEREAS, the Fort Wayne Stormwater Utility has promulgated general rules and regulations (“Rules and Regulations”) to govern the operation of the Fort Wayne Stormwater Utility, which Rules and Regulations are approved by the Fort Wayne Board of Stormwater Management; and

WHEREAS, from time to time, the Rules and Regulations are updated to reflect changes in the stormwater industry and the manner by which the Fort Wayne Stormwater Utility conducts its business; and

WHEREAS, the Fort Wayne Stormwater Utility has evaluated the extent to which the original Rules and Regulations reflect the Fort Wayne Stormwater Utility’s current priorities, objectives, and regulatory requirements; and

WHEREAS, the Fort Wayne Stormwater Utility has drafted amendments to the Rules and Regulations to better reflect the Fort Wayne Stormwater Utility’s vision and mission; and

WHEREAS, the Board of Stormwater Management finds that the Amended Rules and Regulations attached hereto are in the best interest of the Fort Wayne Stormwater Utility and the City as a whole and should be approved.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF STORMWATER
MANAGEMENT OF THE CITY OF FORT WAYNE AS FOLLOWS:**

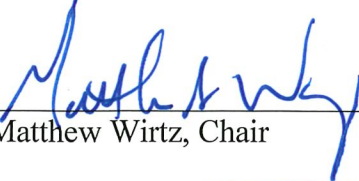
SECTION 1. That the Amended Fort Wayne Stormwater Utility Regulations attached hereto are approved.

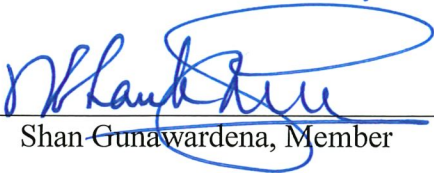
SECTION 2. That the Amended Rules and Regulations shall be effective upon passage of this resolution and publication on the Fort Wayne City Utilities website.

SECTION 3. Any and all actions taken in furtherance of the foregoing resolution are hereby ratified, and confirmed, and approved in all respects.

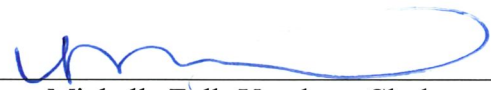
APPROVED THIS 25th DAY OF JUNE 2024.

BOARD OF STORMWATER MANAGEMENT

BY: 
Matthew Wirtz, Chair

BY: 
Shan Gunawardena, Member

BY: 
Chris Guerrero, Member

ATTEST: 
Michelle Fulk-Vondran, Clerk

FORT WAYNE STORMWATER UTILITY
FORT WAYNE, INDIANA
GENERAL RULES AND REGULATIONS



CITY UTILITIES
WATER THAT WORKS

Adopted and Approved by
The Board of Stormwater Management

Effective June 25, 2024

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**FORT WAYNE STORMWATER UTILITY
GENERAL RULES AND REGULATIONS**

The City of Fort Wayne, Indiana (the “City”), has adopted by ordinance the provisions of Indiana Code 8-1.5-5 (the “Act”) by virtue of the adoption of Section 53 of the City of Fort Wayne, Indiana, Code of Ordinances (the “Code”). Pursuant to the Act and the Code, the City has established a Department of Stormwater Management governed by a Board of Directors (the “Board”). Section 53.01(B) of the Code specifically authorizes the Board to establish and enforce rules and regulations governing the Department of Stormwater Management.

In accordance with the Act and the Code, the Board has established the following General Rules and Regulations to provide for the implementation of the provisions of Chapter 53 of the Code.

Together, Chapter 53 of the Code and these General Rules and Regulations provide for the safe and efficient capture and conveyance of stormwater runoff, the construction and maintenance of the City’s stormwater management system and the regulation, assessment, collection and crediting of rates and charges for stormwater management by the Stormwater Utility (“Stormwater Utility”).

These General Rules and Regulations are intended to supplement Chapter 53 of the Code and should be read to the maximum extent possible under applicable law to be consistent with the Act and the Code. To the extent of any conflict between these General Rules and Regulations and the Act and the Code, the Act and the Code shall apply, subject to the provisions of Section XIII hereof.

For simplification purposes, the masculine gender pronoun is used throughout these General Rules and Regulations but represents both the masculine and feminine pronoun.

The City’s Division of City Utilities (“City Utilities”) maintains rules and regulations specifically applicable to the operation of the City’s sanitary sewer utility (“Sewer Utility”) and to the operation of the City’s water utility (“Water Utility”). Please refer to those documents for questions about Sewer Utility and Water Utility policies and practices.

I. STATEMENT OF PURPOSE AND INTENT

According to the Environmental Protection Agency (the “EPA”), stormwater runoff is one of the largest contributors to water quality impairments in urban and urbanizing areas of the United States. When polluted stormwater runoff is discharged directly into surface water bodies, several adverse effects may occur: public health can be threatened; drinking water sources may be contaminated; aquatic habitats can be damaged or destroyed; and aesthetic values of waterways can decline.

Management of stormwater runoff quality and quantity is critical to ensuring the integrity of valuable surface water resources, the protection of publicly owned infrastructure, the protection of public health and safety, and a community’s ability to grow and thrive. An effective approach to managing stormwater runoff and its related impacts is the operation of a utility that delivers stormwater management services.

A. Purpose of the Stormwater Utility

1. To provide for effective operation of a stormwater management system within the City;

2. To protect public health, safety and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff from public and private property and to correct stormwater management (drainage) problems that impact public property;
3. To present to the City's legislative body for approval reasonable stormwater management charges proportionate to the cost of providing stormwater management service to each user in order to fund the activities of stormwater runoff management;
4. To authorize the establishment and implementation of plans for the stormwater management system including: operation and maintenance; design, coordination, construction, construction management and inspection of system improvements; and enforcement of the Code and these General Rules and Regulations;
5. To encourage and facilitate the protection of urban water resources; and
6. To ensure the City's compliance with its National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit(s).

B. General Rules and Regulations

To protect facilities, improvements and properties owned by the City; to secure the best results from the construction, operation and maintenance thereof; and to prevent damage and misuse of any drainage facilities, improvements or properties within the City; the Board may make and enforce rules and regulations that it deems reasonable and necessary to:

1. Prescribe the manner in which storm sewers, ditches, channels and other stormwater management facilities are designed, installed, adjusted, used, altered or otherwise changed;
2. Prescribe the manner in which such facilities are operated;
3. Protect all facilities, improvements and properties under the City's jurisdiction;
4. Protect water quality through the management of stormwater runoff;
5. Facilitate the enforcement measures described in Chapter 53 of the Code; and
6. Prescribe procedures for collection of the stormwater management service charge and timing of service charge bills.

II. DEFINITIONS

For the purposes of these General Rules and Regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and terms used herein shall have meanings as defined herein, as defined in Chapter 53 of the Code, or as appropriate to the context used.

“Shall” means mandatory; “may” means permissible.

ABATEMENT - Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a stormwater management system.

ACT – Indiana Code 8-1.5-5 *et seq.*

BEST MANAGEMENT PRACTICE (“BMP”) - Structural and/or non-structural controls that

temporarily store or treat stormwater runoff to reduce flooding, improve water quality and provide other benefits.

BRIDGE – A structure having an opening of more than 20 feet between faces of abutments or spring lines of arches, measured along the centerline of a roadway.

BOARD - Board of Directors of the Stormwater Utility established under Indiana Code 8-1.5-5 and Section 53.01 of the City of Fort Wayne, Indiana, Code of Ordinances.

CHANNEL – A portion of a natural or artificial watercourse that periodically or continuously contains surface water, groundwater or stormwater runoff, or which forms a connecting link

between two bodies of water, having a defined bed and banks that serve to contain water.

CITY – The City of Fort Wayne, Indiana.

CITY UTILITIES SEWER SERVICE AREA – The areas within and surrounding the City of

Fort Wayne, Indiana where City Utilities provides sanitary sewer collection and treatment services.

CLEAR WATER – Any water that is not required by state or federal law to be treated before being discharged to a water body. This includes, but is not limited to: unpolluted snow melt, stormwater runoff, natural precipitation, unpolluted groundwater, and water flow from a downspout, eaves trough, rain spout, yard drain, sump pump, foundation drain or other appurtenance.

CLOSED LOOP GEOTHERMAL SYSTEM - A geothermal system that uses one or more liquid-filled loops of buried or submerged pipe as a heat exchanger and where the fluid inside the loop(s) is (are) entirely contained with no discharge.

CODE – City of Fort Wayne, Indiana, Code of Ordinances.

COMBINED OR COMBINATION SEWER - Pipe or conduit that conveys sanitary sewage at all times and is designed to also collect and convey stormwater runoff during wet weather.

CONSTRUCTION STORMWATER GENERAL PERMIT (“CSGP”) – The Construction Stormwater General Permit (Permit No. INRA00000) issued by the Indiana Department of Environmental Management to regulate pollutants associated with construction and other land-disturbing activities, which replaced 327 IAC 15-5 on December 18, 2021.

CONVEYANCE – Any structural method for transferring stormwater runoff between at least two points. This includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, culverts, small structures, bridges, and roadways.

CULVERT –A structure having an opening measured along the centerline of a roadway of less than 10 feet in width between faces of abutments or spring lines of arches.

CUSTOMER – Also known as the Stormwater Utility Customer or Stormwater Service Customer. For purposes of billing stormwater charges for a particular property, the customer shall be the property owner.

DEPARTMENT OF STORMWATER MANAGEMENT – A department within the Division of City Utilities within the City of Fort Wayne as established by the Fort Wayne City Council according to the provisions of the Act and the Code, to provide for the safe and efficient capture and conveyance of stormwater runoff, also referred to as the “Stormwater Utility” or “DSM”. The administrative responsibilities of the Stormwater Utility shall be carried out variously and jointly by the following work groups and departments within the Division of City Utilities of Fort Wayne, Indiana:

- Utility Administration (“UTA”)
- Financial Services (“FSD”)
- Customer Support Department (“CSD”)
- Development Services (“DVS”)
- City Utilities Engineering (“CUE”)
- Water Pollution Control Maintenance (“WPCM”)
- Water Pollution Control Plant (“WPCP”)
- Industrial Pretreatment Section (“IPS”)

DESIGN STORM - A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate for a stormwater management facility.

DETENTION - The temporary storage of stormwater runoff in a basin, pond or other BMP to control the peak discharge rate by holding the stormwater for a lengthened period of time, and which may provide gravity settling of pollutants.

DEVELOPED - The condition of real property altered from its natural state by the addition to or construction on such property of impervious surfaces or physical improvements such that the hydrology of the property or a portion thereof is affected.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land, or a land development or redevelopment.

DEVELOPMENT – The improvement of one lot or two or more contiguous lots, tracts or parcels of land by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

DIRECT DISCHARGE - Stormwater runoff from a contiguous property that enters an exempt drain, such as a river, without entering any portion of the stormwater management system under the jurisdiction of the DSM.

DIRECTOR - The Director of City Utilities in Fort Wayne, Indiana or the Director of the DSM, if different from the Director of City Utilities.

DISCHARGE – Stormwater runoff from land and impervious areas such as streets, parking lots, sidewalks and building rooftops that is collected in stormwater management facilities and directed to a specific point.

DISCHARGE POINT – A location where stormwater runoff from the impervious surface on a property, within a development, sub-watershed or watershed leaves the area where it has been generated and enters a stormwater management facility or waterway.

DITCH – A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwater, flows either continuously or intermittently.

DRAIN - Relative to stormwater management, any sewer, tile, ditch, stream or other stormwater runoff conveyance channel or conduit.

DRAINAGE – The conveyance of excess surface water, groundwater, or stormwater runoff from land by means of natural or man-made ditches, drains or other stormwater management systems or components.

DSM – The Department of Stormwater Management, also known as the Stormwater Utility.

EASEMENT – A grant by a property owner to the general public and/or a public utility for the use of land for a specifically stated purpose.

EQUIVALENT RESIDENTIAL UNIT (“ERU”) - A unit value, equal to the average amount of impervious area on a single-family residential property within the City and established at 2,500 square feet of (measured) impervious area. It is also the base billing unit for calculating the proper assessment of stormwater charges to all users of the Fort Wayne stormwater management system.

EXEMPT DRAIN - A primary line of stormwater management whose principal jurisdiction and maintenance fall to the Indiana Department of Natural Resources, U.S. Army Corps of Engineers and/or the Allen County Drainage Board rather than the DSM.

GRAVEL AND STONE - Groundcover consisting of gravel and/or stone that shall be deemed impervious or pervious based on the usage of the area.

ILLEGAL CONNECTION – The connection of any discharge to a management system intended only for the conveyance of stormwater that would allow the introduction of material that is not composed entirely and exclusively of stormwater and naturally occurring, organic floatables.

ILLICIT DISCHARGE – Any discharge to the stormwater management system that contains something other than rainwater runoff and naturally occurring, organic floatable items. Illicit discharges include, but are not limited to, sanitary wastewater, septic tank effluent, automotive fluids, grease, radiator fluid and flushing discharge, laundry wastewater, roadway accident spillage, and household hazardous wastes if dumped or allowed to enter the stormwater management system.

IMPERVIOUS SURFACE/AREA - Area that has been paved and/or covered with buildings and materials which include, but are not limited to: concrete, asphalt, rooftop, blacktop, gravel or stone, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.

INDUSTRIAL WASTE – Any solid, liquid or gaseous substance or form of energy that is discharged, permitted to flow or escape, or be transported from an industrial, manufacturing, commercial or business operation or process, or from the development, recovery or processing of any natural resource carried on by any person.

INFILTRATION - A complex process of allowing stormwater runoff to penetrate the ground surface and flow through the upper soil surface.

INLET – An opening into a stormwater management system allowing for the entrance of surface stormwater runoff.

INTERACTIVE WATER FOUNTAINS – Interactive water fountains, also known as wet decks, splash pads, spray pads, or spray parks, are water fountains provided for water recreation that lack standing water.

LAND DISTURBING ACTIVITY – Any land alterations or disturbances that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, construction traffic, removal of ground cover, grading, excavating, and filling of land.

LEVEL OF SERVICE - The set of principles that guide the services to be provided by the Stormwater Utility. The Stormwater Utility level of service will:

- Provide for effective management of stormwater runoff within the City of Fort Wayne, Indiana to protect public health, safety and welfare;
- Provide for the safe and efficient capture and conveyance of stormwater runoff to protect public property; and
- Establish reasonable stormwater management service charges based on each property's contribution of stormwater runoff to the stormwater management system.

MODIFIED CLOSED LOOP GEOTHERMAL SYSTEM - A geothermal system that uses one or more liquid-filled loops of buried or submerged pipe as a heat exchanger. If the loops are submerged in a private detention or retention pond that contains water at all times, the loops may be open within the confines of the basin so that water flows into and out of the loops.

MONTH - The period between any two consecutive regular billings by the DSM for stormwater management service rendered to a customer. Billings are scheduled at intervals of approximately thirty (30) days. For purposes of billing, a month shall be considered to be a period of not fewer than twenty-five (25) and not more than thirty-five (35) days. Any billings for stormwater management service outside these parameters shall be on a per diem basis.

MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERAL PERMIT (“MS4 GP”) – The MS4 General Permit (Permit No. INR040000) issued by the Indiana Department of Environmental Management

to regulate discharges of stormwater from designated MS4 entities into waters of the State of Indiana, which replaced 327 IAC 15-13 on December 18, 2021.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (“MS4”) – The stormwater management system located inside the City limits that is designed and intended to collect and convey only stormwater runoff and other clear water, that is not a combined sewer, that is not part of a publicly-owned treatment works (“POTW”) and discharges to waters of the United States.

NON-RESIDENTIAL PROPERTY - All properties not encompassed by the definition of residential shall be defined as non-residential and will include:

- Agricultural property;
- Apartment complexes with more than four (4) units and condominium property;
- Mobile home parks where lots are available for rent;
- Commercial property;
- Industrial property;
- Institutional property;
- Governmental property;
- Churches;
- Schools;
- Federal, state, and local right-of-way; and
- Any other property not mentioned in this list or included in the definition of residential properties below.

NPDES - National Pollutant Discharge Elimination System. Regulations for stormwater discharges as described in the Federal Register, 40 CFR Parts 122, 123 and 124.

NPDES PERMIT - Stormwater management permit required of medium and large cities, certain industries and other entities by the EPA pursuant to Section 402 of the Clean Water Act.

NUISANCE – Any stormwater discharge that creates an icing, slime or deterioration problem on a city street or sidewalk or causes damage to a city street or sidewalk or other public property, creates ponding or standing water in the public right-of-way or that flows onto adjoining property.

OCCUPANT – Any person or entity that lives or does business within a real property, whether with or without any right or title to or interest in the property, or any person or entity in possession or charge of such real estate in the event that the owner resides or is located elsewhere.

OPEN LOOP GEOTHERMAL SYSTEM – A heating and/or cooling system for a building that typically includes one or more supply wells and one or more diffusion, recharge, return or injection wells. Groundwater is withdrawn from an aquifer, pumped to a heat exchange device

where it acts as a heat sink or heat source in the cooling and/or heating process, and is pumped back onto the surface of the ground.

OUTFALL – The point at which a stormwater management facility conveys the stormwater runoff it is carrying into another stormwater management facility or to a water body.

OVERLAND FLOW PATH – A designated area of land on a plat that can serve as a conductor of surface water runoff when capacity has been exceeded, typically during wet weather events. Overland flow paths are typically located within an established easement.

PARK STRIP – An area of land, typically planted with grass that may also contain street trees, that lies between the roadway curb and a sidewalk, trail or right-of-way line. The park strip is typically within the public right-of-way but is the responsibility of the adjacent property owner to maintain.

PEAK DISCHARGE - The maximum rate of flow of water passing a given point during or after a rainfall event or snow melt.

PERSON – Any individual, firm, partnership, limited liability company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

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; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; 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; runoff from construction sites; wastes and residues that result from mobile washing operations; noxious or offensive matter of any kind, and any sediment, soil, rock or landscaping material.

PREMISES or PROPERTY -- A dwelling, building, structure or parcel of real estate.

PRIVATE STORMWATER MANAGEMENT FACILITIES - Various stormwater and drainage works that have not been accepted as part of the public stormwater management system and therefore are not under the ownership of the DSM, city, county, state, and/or federal government, which manage rainwater falling on private property that does not evaporate or become absorbed into the ground. Said facilities may be comprised of inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

PROPERTY OWNER – That person, individual, partnership or corporation in whose name the deed or record title to a property is placed. For the purposes of these General Rules and Regulations, a contract purchaser, tenant, licensee or other occupant is not considered the property owner.

PUBLIC STORMWATER MANAGEMENT FACILITIES - Various stormwater and drainage works owned and/or managed by the DSM, city, county, state, or federal government which may include

inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, regulated drains, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater runoff occurring on public property. These facilities will be located in public rights-of-way or in designated easements. Public stormwater management facilities shall include public streets, roads, highways and rights of way.

REGULATED DRAIN – An open drain, tiled drain, or combination of the two, which is subject to the provisions of the Indiana Drainage Code, IC § 36-9-27 *et seq.* Most Regulated Drains are under the jurisdiction of the Allen County Drainage Board, except for those over which the Allen County Drainage Board has transferred jurisdiction to the DSM.

RESIDENTIAL PROPERTY - A lot or parcel of real estate on which a building or mobile home (not in a mobile home park) is situated, where the building contains a group of rooms forming a single inhabitable dwelling unit with facilities that are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes a lot or parcel of real estate containing four (4) or fewer separate or contiguous single-family dwelling units that has a property tax classification of residential. Each and every residential property shall be assigned one (1) ERU.

RETENTION - The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

RETROFIT - To install a new practice or improve an existing practice for stormwater quality or quantity management.

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 removed from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface.

SEWER - May refer to storm, sanitary or combined wastewater conveyance pipe.

SEWERAGE (OR SEWAGE) – Sanitary sewage and/or groundwater, stormwater and surface runoff also known as wastewater.

SEWERAGE (OR SEWAGE) SYSTEM - Storm and sanitary sewers; main, submain, local, lateral, interceptor, and outfall sewers; force mains and pumping stations; sewage treatment facilities; and any other structures necessary or useful for the collection, treatment, and disposal of liquid waste, sewage, stormwater runoff, and other drainage of a municipality.

SMALL STRUCTURE - A structure having an opening measured along the centerline of a roadway of more than 10 feet and less than 20 feet in width between faces of abutments or spring lines of arches.

SQUARE FOOTAGE OF IMPERVIOUS AREA - For the purpose of assigning an appropriate number of Equivalent Residential Units (ERUs) to a parcel of real property, the square footage of all impervious area, using the outside boundary dimensions of the impervious area, to include the

total enclosed planimetric square footage, without regard to topographic features of the enclosed surface.

STORM SEWER - A sewer designed or intended to convey only stormwater, surface runoff, and drainage, and not intended to receive or convey sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, continues through the sewer and any other conduits, to the outlet structure where water enters a channel, natural watercourse or combined sewer.

STORMWATER FACILITY MAINTENANCE AGREEMENT – An agreement between a customer and the Stormwater Utility that outlines the customer’s maintenance obligations for private stormwater management facilities.

STORMWATER LATERAL – A private stormwater pipe intended as a clear water discharge line for a building sump pump, roof drain, foundation drain or downspouts extending from the building foundation to an approved outlet.

STORMWATER MANAGEMENT DISTRICT – The area extending to the corporate boundaries of the City established by Section 53.01(A)(3) of the Code for the purpose of providing collection and management of stormwater in a manner that protects the public health and welfare and is also designated for the purpose of assessing fees to pay for the cost of stormwater management facilities and services.

STORMWATER MANAGEMENT FACILITIES/SYSTEM - All constructed facilities, structures and natural watercourses under the ownership, and/or control of the Stormwater Utility used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, ponds, lakes, culverts, retention or detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Allen County Drainage Board or considered to be private stormwater management facilities.

STORMWATER MANAGEMENT PLAN – The calculations, reports and drawings that define how stormwater will be collected, treated for water quality, stored and released from a development.

STORMWATER-ONLY ACCOUNT – A property to which Fort Wayne City Utilities is not providing potable water or sanitary sewer services and which is not receiving garbage collection services from the City of Fort Wayne. Therefore, the only utility service for which the property is being billed by City Utilities is stormwater.

STORMWATER QUALITY MANAGEMENT PLAN (“SWQMP”) – A written document that addresses stormwater runoff quality.

STORMWATER QUALITY MEASURE – Practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.

STORMWATER RUNOFF - Rainwater runoff, snowmelt runoff and surface water runoff and drainage.

STORMWATER SERVICE CHARGE - A charge imposed on users of the stormwater management system operated by the Stormwater Utility based on the amount of stormwater each user contributes to the system.

STORMWATER SERVICE CUSTOMER/USER - The owner of a lot or parcel of residential or non-residential property shall be considered the customer of Fort Wayne's Stormwater Utility for the purpose of assessing, billing and collecting stormwater service charges.

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

SUCCESSORS AND ASSIGNS – Persons to whom property or an interest is transferred or may be transferred by conveyance, assignment, will, descent and distribution, statute or common law.

SWALE – An overland open channel intended to carry small amounts of stormwater runoff at a shallow depth.

TOTAL MAXIMUM DAILY LOAD – A calculation of the maximum amount of a pollutant that a waterbody can accept and still meet the state's Water Quality Standards for public health and healthy ecosystems.

TRAINED 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 enable the individual to make judgments regarding stormwater management, treatment, and monitoring.

UNDEVELOPED - The condition of real property unaltered by the construction or addition to such property of any impervious surfaces or physical improvements that change the hydrology of the property from its natural state.

VACANT PROPERTY – A building that is unoccupied and because of its unoccupied state is not receiving billing from City Utilities for potable water, sanitary sewer or garbage collection services.

WATER QUALITY – Describes the chemical, physical and biological characteristics of water, usually with respect to its suitability for a particular purpose.

WATERCOURSE – Any river, stream, creek, brook, natural or man-made drainage way in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

WATERSHED – An area of land from which all water drains to a common point.

WET WEATHER – A weather condition that involves falling rain or melting snow that may cause the combined sewer system to become too full and overflow.

III. ENGINEERING AND CONSTRUCTION PRACTICES

A. Construction of Public Stormwater Management Facilities

1. Design and construction of stormwater management facilities shall comply with standards, specifications and details approved by the Board and found in the following manuals and publications, all of which are available on the City Utilities' website at utilities.cityoffortwayne.org:
 - City Utilities Design Standards Manual
 - City Utilities Master Specifications
 - City Utilities Standard Drawings and Details
 - Stormwater Utility General Rules and Regulations
 - Policy of the Fort Wayne Board of Stormwater Management Regarding Public and Private Stormwater System Infrastructure and Extension of Storm Sewer Mains
2. Any deviations from the prescribed standards must be reviewed and approved through the variance process as set forth in the City Utilities Design Standards Manual.
3. For development or redevelopment of properties, measures are required to control stormwater runoff generated by any change in land use or land use practices. On-site stormwater management systems must be designed so that public property is protected, negative impacts of runoff are minimized, upstream, downstream and peripheral impacts are minimized, minimal maintenance is required, and the potential for erosion is minimized.
4. If adequate off-site public stormwater management facilities do not exist to manage stormwater runoff from a proposed development or land use modification, the person developing land within the City limits shall extend or cause to be extended adequate public stormwater management facilities as may be required by the Development Services Department in accordance with the Policy of the Fort Wayne Board of Stormwater Management Regarding Public and Private Stormwater System Infrastructure and Extension of Storm Sewer Mains. Plans for any such facilities must be approved by the DSM through the Development Services Department. All extensions must be designed and constructed in accordance with the City Utilities Design Standards Manual and other applicable guidance documents.
5. All public storm drains and open channels must be constructed in public right-of-way, easements or on publicly owned properties. Suitable permanent easement or right-of-way must be acquired by the DSM or provided to the DSM to permit the DSM to access public stormwater facilities to perform necessary operation and maintenance activities or to repair or replace said facilities as may be required.
6. Review of the plans for post-construction stormwater management facilities and construction site erosion control practices to be installed as part of the development or redevelopment of land or change in land use, and inspection prior to and during construction by the Development Services Department or City Utilities Engineering, shall be paid for by the developer. The charge to the developer for review and approval of the stormwater management and erosion control plans, and inspection during installation, shall be based on the actual hours expended on such review and inspection, multiplied by the prevailing hourly rates for such work.

7. All excavations for construction or installation of stormwater management facilities shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in accordance with the City Utilities Design Standards Manual or other applicable City requirements.
8. No person shall backfill or otherwise conceal a storm sewer installation unless and until the installation has been inspected and approved by the DSM. In addition to all other remedies available for violation of this provision, the DSM may cause said installation to be excavated and exposed, may terminate connection to the existing stormwater management facilities, and may require the developer or contractor to pay or reimburse the DSM for its costs and expenses related to such excavation, exposure, termination, reconnection, and restoration. Such costs and expenses shall be considered as charges for stormwater treatment services and may be collected in accordance with the provisions of these General Rules and Regulations and Chapter 53 the Code.
9. Stormwater management systems that are funded privately as part of a development or redevelopment are not considered part of the public stormwater management system unless and until they have been accepted by the Board. Excluding ponds, pipe located within the embankment of a pond, and other stormwater facilities identified in a stormwater facility maintenance agreement, the Board will accept structures and appurtenances into the public system if they have been constructed in accordance with the City Utilities Design Standards Manual, plans approved by the Development Services Department, have passed construction inspection and are recommended for acceptance by City Utilities Engineering or the Development Services Department and meet all other requirements outlined by the Board.
10. No person shall make use of a public storm sewer extension until it has been formally accepted by the Board as part of the public stormwater management system. In addition to all other remedies available for violation of this provision, the DSM may cause said installation to be excavated and exposed, may terminate connection to the existing stormwater management facilities, and may require the developer or contractor to pay or reimburse the DSM for its costs and expenses related to such excavation, exposure, termination, reconnection, and restoration. Such costs and expenses shall be considered as charges for stormwater treatment services and may be collected in accordance with the provisions of these General Rules and Regulations and Chapter 53 the Code.
11. All private construction and installation of public stormwater management facilities or connections to such facilities shall include provisions for erosion and sediment control and proper restoration in accordance with the City Utilities Design Standards Manual, the Code and other applicable laws, rules regulations, or policies.

B. Construction of Private Stormwater Management Facilities

1. The Stormwater Utility shall have no responsibility for the installation, maintenance, repair or replacement of private stormwater management facilities or private drain systems.
2. Property owners shall be responsible for the repair, restoration and perpetual maintenance of private stormwater management facilities on their private property. The owner shall clean and maintain the private stormwater management facilities as may be necessary to ensure proper operation and to avoid damage to public property. The DSM shall have no

responsibility for maintenance of private stormwater management facilities regardless of whether or not they exist within an easement.

3. Consideration and provisions must be made for drainage to and from neighboring properties when land use is altered, or development or redevelopment occurs.
4. Private Stormwater management facilities that cross the property of another private property owner should be contained within an easement that is duly recorded in the office of the Allen County Recorder.
5. Curb outlets for the purpose of discharging stormwater runoff or uncontaminated groundwater from a private stormwater management facility or system, including that from downspouts, sump pumps or runoff from impervious areas to public right-of-way are not permitted per 99.001, 99.020 and 99.080 of the Code.

C. Private Stormwater Facilities Outletting to Public Stormwater Management Facilities

1. All costs and expenses incidental to the installation of private stormwater management facilities and the connection of private stormwater management facilities to public stormwater management facilities shall be borne by the owner of the private stormwater management facilities. The owner shall indemnify City Utilities for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain, including backwater damages from the public stormwater management system.
2. No person shall uncover, make any permanent connection with or opening into, use, alter, or disturb any public stormwater management facilities without first obtaining a written permit from the DSM through the Development Services Department.
3. In order to maintain strict control over the quality of the collection system, all property owners, contractors and/or plumbers or other entities performing the installation, repair, or replacement of sewers connecting to the public stormwater management system shall comply with the City Utilities' design and construction specifications, standards, rules, regulations and ordinances as outlined in III(A)(1) above. This includes full compliance with the DSM's inspection protocols and requirements.
4. Tap permits shall be obtained from the Development Services' New Water and Sewer Permit Office and shall be issued only to a property owner, contractor and/or plumber, who shall pay to the DSM a fee for each permit. Not later than 48 hours after installing the stormwater management facilities and making each sewer tap, the contractor or property owner shall notify the Development Services' New Water and Sewer Permit Office of such connection so that an inspection may be performed by the DSM prior to backfilling of the sewer installation. Hours during which inspection requests will be accepted will be established by the Development Services' New Water and Sewer Permit Office.
5. All private construction and installation of public stormwater management facilities or connections to same shall include provisions for erosion and sediment control and proper restoration in accordance with the City Utilities Design Standards Manual and other applicable laws, rules and regulations.
6. No person shall make use of a connection to a public stormwater management facility unless and until the connection has been inspected and approved by the DSM as described in III(C)(4) above. In addition to all other remedies, the DSM may cause installation of the connection to be excavated and exposed, may terminate the connection, and may require

the owner, developer, manager or occupant to pay or reimburse the DSM for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for stormwater treatment services and may be collected in accordance with the provisions of these General Rules and Regulations and Chapter 53 of the Code.

7. In cases of requests for connections to newly constructed public stormwater management facilities prior to acceptance by the Board, a Prime Contractor's Release must be executed and granted through the Development Services Department. Upon satisfaction of all other requirements, a permit for connection may be issued.

IV. MAINTENANCE PRACTICES

A. Easements and Overland Flow Paths

1. Easements and overland flow paths intended for periodic or occasional use as conductors for the flow of surface water runoff shall be maintained in an unobstructed condition by the owners of the properties they cross. For purposes of these General Rules and Regulations, obstructions include, without limitation, fences, buildings, structures, excess vegetation or debris, and any other manmade or naturally existing condition that inhibits the flow of surface water runoff across the easement or overland flow path.
2. The property owner is responsible for keeping open any drainage and stormwater easements or overland flow paths on their property. If a drainage easement or overland flow path is unlawfully encroached upon or the function of a designated drainage or stormwater easement is reduced, the property owner is responsible for removing the encroachment or detriment.
3. The DSM shall have the right to determine if any obstruction exists and to repair, maintain, or remove, or require such repair, maintenance, or removal by the property owner, as shall be reasonably necessary to keep the conductors unobstructed. Prior to performing any work, the DSM will provide the property owner with at least ten (10), but not more than sixty (60), days' notice outlining the nature of the work that needs to be performed. If the property owner fails to perform the work within the time specified in the notice, the DSM may perform the work and bill the property owner the cost of work in accordance with state and local law.

B. Stormwater Management Facilities

1. For the purposes of this section, "maintenance" shall mean conforming the stormwater management facility to the plans on file with the DSM, preserving the original area, volume, configuration and function of the stormwater management facilities as described in relevant plans or studies.
2. Authorized representatives of the Stormwater Utility shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspecting, maintaining or operating public stormwater management facilities or investigating situations that may be impacting public stormwater management facilities.
3. The DSM is responsible for the maintenance of public stormwater management facilities such as inlets, catch basins, pipes, regulated drains under its jurisdiction, connecting structures and other appurtenances that receive water from public right-of-way, are intended to

protect the condition of public right-of-way or other public property, and conform to City access standards. The DSM's maintenance responsibility begins upon acceptance of the infrastructure as a part of the public stormwater management system by the Board. While the DSM is responsible for maintaining the good working order of the public stormwater management system, residents and property owners are expected to assist with minor functional maintenance such as keeping storm sewer inlets clear of surface debris and leaves so that public stormwater management facilities are able to operate as designed and intended.

4. No person shall commit any act that has a detrimental effect on the condition or operation of the facilities that comprise the public stormwater management system. This shall include the facilities of the combined sewer system. If the DSM determines that a person by his actions has caused damage to the public stormwater management system, including facilities of the combined sewer system, appropriate enforcement action will be taken. As part of the enforcement, the person determined to be responsible for the damage shall reimburse the DSM for the costs and expenses associated with repairing the damage.
5. Property owners shall place no structures or plantings that interfere with public stormwater management facilities or easements or their proper operation and maintenance. This includes the placement of structures in the statutory right-of-way for a regulated drain. Placement of structures or plantings that interfere with proper operation and maintenance of public stormwater facilities or easements without the prior written consent of the DSM are a violation of these General Rules and Regulations and are subject to enforcement actions.
6. No property owner shall change the stormwater runoff pattern of his property in such a way that public property is adversely affected. If the alteration adversely affects other private property, the owner of the property causing the alteration will be responsible for correcting the adverse effects.
7. Property owners shall be responsible for the routine maintenance of any portion of public drainage swales, ditches, regulated drains, and other structures situated in public right-of-way or within easements adjacent to or on their respective properties so that they remain open and functional. Maintenance in this instance includes removing trash and debris, removing accumulations of sediment, leaves or vegetative matter, mowing, irrigating and replacing when necessary, the lawn turf within drainage swales.
8. When the DSM or other public agency determines that the reconstruction of swales or a regulated drain under the DSM's jurisdiction is necessary to protect public property or public health and safety, the DSM may clean, repair, improve or replace roadside drainage swales or regulated drains as part of the operation and maintenance of public stormwater management facilities or as part of neighborhood improvement projects.
9. Driveway culvert replacement is the responsibility of the property owner; provided, however, the DSM has the right to replace driveway culverts as part of a capital project or if it is in the best interest of protecting public infrastructure, such as preventing a road from flooding. Property owners shall be responsible for the routine repair, restoration and maintenance of driveway culverts including periodic removal of leaves, trash, debris and sediment that may be necessary to keep the culvert functioning properly.
10. The DSM may clean, repair, replace or improve driveway culverts as part of the operation, maintenance or improvement of public stormwater management facilities, as part of

neighborhood improvement projects, or as may be determined by the DSM to be necessary to ensure the functionality of the public stormwater management system and/or to protect public infrastructure. Such cleaning, repair, replacement or improvement does not imply acceptance of the culvert as part of the public stormwater management system or an obligation of the DSM to perform any future maintenance of the private facility.

11. City Utilities shall have the authority to inspect the construction, alteration, repair, removal, demolition, equipment, use, location and maintenance of any and all stormwater management facilities located upon any property within the jurisdiction of the Stormwater Utility. The DSM shall, when the public interest requires, make site investigations and issue notices or orders to owners or contractors as may be necessary to enforce compliance with these General Rules and Regulations.
12. In case of an emergency or if the owner of stormwater management facilities located on private property fails to take timely action to correct conditions cited in a notice issued by the DSM, DSM personnel or a contractor hired by the DSM may perform the required work and charge the property owner the abatement cost, fees and expenses.
13. Detention pond maintenance is the responsibility of the owner of the property on which the pond is located, or the properties served by the pond. In new developments within the jurisdiction of the DSM, land developers will be required to enter into a pond maintenance agreement with the DSM that will apply to the developer and any successors and assigns. In pre-existing developments where no pond maintenance agreement exists, maintenance of the detention pond remains the responsibility of the owner of property upon which the pond is located, or the properties served by the pond.
14. Property on which detention ponds are located may not be sold for development. Ponds may not be changed, altered, reduced in size, or otherwise modified without prior plan review and approval by the Development Services Department.
15. Maintenance of stormwater quality BMPs installed on private property is the responsibility of the owner of the property on which the BMP is located or the properties it serves. Developers will be required to enter into a BMP maintenance agreement with responsibility devolving to future owners and/or their successors. In pre-existing development where no BMP maintenance agreement exists, maintenance of stormwater quality BMPs will remain the responsibility of the owner of property upon which the pond is located or the properties it serves. Stormwater quality BMPs may not be changed, altered, reduced in size, or otherwise modified without prior plan review and approval by the Development Services Department.

C. Annexation

1. Upon annexation of an area into the City, the area annexed shall be part of the City Stormwater Management District and the DSM will become responsible for the operation, maintenance, repair and replacement of all stormwater management facilities that comply with the definition of "Public Stormwater Management Facilities."
2. Stormwater management systems that do not lie within public rights-of-way or designated easements and systems that were considered to be private stormwater management facilities prior to annexation will remain private stormwater management facilities following annexation. Such private facilities will remain the responsibility of the property owner on which they are located or properties they serve for operation, maintenance and repair.

3. Upon annexation, operation and maintenance, repair and replacement of stormwater detention and retention ponds shall remain the responsibility of the owner of the property on which the pond is located or of the properties they serve as outlined in any existing detention pond maintenance agreement, subdivision plat or recorded covenants. Owners of detention or retention ponds or stormwater quality management facilities for which no maintenance agreement exists will be required to enter into such an agreement with City Utilities upon annexation.
4. Upon the effective date of annexation, all properties in the annexed area become subject to the rates and charges for the use of and services rendered by the DSM as outlined in Section VII of these General Rules and Regulations.

V. STORMWATER POLLUTION PREVENTION

A. General Provisions

1. It shall be a violation of these General Rules and Regulations to connect or outlet, either directly or indirectly, any discharge line, pipe or sewer carrying anything other than stormwater, surface runoff (including normal street and yard runoff), or uncontaminated groundwater to any public stormwater management facility.
2. No one shall dump or dispose of junk, rubbish, trash, garbage, yard waste, household waste, industrial waste, or debris in any stormwater inlet, sewer, ditch, or conveyance structure. Additionally, no water or fluid that has leaked from a dumpster or trash receptacle shall be permitted to flow to a storm sewer or other stormwater management facility. Any such fluids shall be collected and properly disposed at the direction of the DSM. City Utilities shall also enforce, as a violation of these General Rules and Regulations, Indiana Code 13-18-4-5.
3. Future state and federal water quality regulations may require the retrofitting of existing stormwater management facilities to provide water quality improvement for previously unmanaged or inadequately managed stormwater runoff in order to meet pollutant reduction targets. Future stormwater retrofit goals may include, among other things, the correction of prior design or performance deficiencies, flood mitigation, disconnecting existing impervious areas, improving recharge or infiltration performance, addressing pollutants or concern, demonstrating new technologies or supporting stream restoration activities.

B. Construction Site Erosion Control

1. Pursuant to 152.04(C)(2) of the Code, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water on or within any structure thereon.
2. Any site development or redevelopment where land disturbing activity exceeds the standards established in the IDEM's Construction Stormwater General Permit (IDEM CSGP), shall be required to develop and implement an erosion control plan in accordance with the requirements contained in the City Utilities Design Standards Manual.
3. Plans for construction site erosion control shall be documented in a Stormwater Pollution Prevention Plan ("SWP3") and submitted to the Development Services Department for review. No land disturbing activities may be conducted until the SWP3 is approved by the Development Services Department.

4. All stormwater quality measures and erosion and sediment control necessary to comply with Chapter 53 of the Code must be implemented in accordance with the approved SWP3 and City Utilities Design Standards Manual. All water quality measures must comply with the requirements of the City Utilities Design Standards Manual.
5. A project site owner shall be identified for all projects that require the submission of a SWP3 and a construction permit pursuant to Section 53.11(A) of the Code. A contact person with responsibility for the day-to-day operation of the site and for the self-monitoring program shall be identified and contact information, including a telephone number, shall be provided to the DSM. If the contact person/information changes, the DSM shall be notified immediately, and new contact information provided.
6. The project site owner shall implement a self-monitoring program to ensure that the SWP3 is effectively meeting the conditions described above. A trained individual shall perform an inspection of the site and prepare a written evaluation of the project site:
 - a. By the end of the next business day following each rainfall of 0.5 inch or more.
 - b. A minimum of one time each week during the time the construction site is active and during any period during which the site is temporarily inactive.
7. Each written evaluation must address the maintenance of existing stormwater quality measures to ensure they are functioning properly, identify any additional measures necessary to comply with all applicable laws and ordinances and must include the name of the person completing the report, a telephone number at which the person completing the report may be contacted, the date of the evaluation, problems identified at the site and details of corrective actions recommended and completed.
8. All evaluation reports for the project site must be maintained on the construction site and made available to DSM personnel or their designees within forty-eight (48) hours of a request.
9. Personnel employed by or contracted by the DSM shall have the authority to conduct project site inspections to ensure full compliance with the approved SWP3.
10. Failure to submit for review and implement an approved erosion control plan in accordance with the requirements contained in the City Utilities Design Standards Manual is a violation of these General Rules and Regulations and Chapter 53 of the Code and may subject the project site owner to enforcement action by the DSM.
11. For project sites where the land disturbing activity is less than one (1) acre, the following minimum requirements must be met, which are in addition to any other requirements contained in the Code, state or federal law, or applicable rules and regulations:
 - a. No property owner shall begin, cause to begin, or continue any land-disturbing activity on less than one acre prior to installing the required erosion and sediment control practices.
 - b. During the construction activity at a site, erosion and sediment control measures necessary to meet the requirements of this chapter shall be maintained, at all times.
 - c. On-site sediment shall be detained on site by erosion and sediment control measures.
 - d. Water shall not be discharged from the site in a manner that causes erosion or sedimentation at or downstream of the point of discharge.

- e. All access to building sites that cross a natural watercourse, drainage easement, or swale/channel shall have an appropriately designed culvert or crossing.
- f. Public or private roadways and drains off site and on site shall be kept cleared of sediment by the property owner.
- g. All storm drain inlets shall be protected against sedimentation.
- h. Drainage ways and swales shall be protected adequately to prevent channel or outlet scouring and to prevent reduction of flow capacity by sedimentation.

The DSM or any Authorized Enforcement Agencies of the City may enter the site for the purpose of investigating noncompliance reports and verifying compliance measures. If entry is denied by the owner, a court order may be sought to allow such entry.

C. Post-Construction Stormwater Management

1. Post-construction stormwater management involves the installation of permanent stormwater quality features designed to intercept and filter pollutants in stormwater discharges from newly developed or redeveloped sites once construction is complete.
2. Any site development or redevelopment where land disturbing activity exceeds the standards established in IDEM's Construction Stormwater General Permit (IDEM CSGP) shall be required to develop and implement a post-construction stormwater management plan in accordance with the requirements contained in the City Utilities Design Standards Manual.
3. Plans for post-construction stormwater quality management shall be documented in a SWP3 and submitted to the Development Services Department for review. No land disturbing activities may be conducted until the SWP3 is approved by the Development Services Department.
4. A project site owner shall be identified for all projects that require the submission of a SWP3 and a construction permit pursuant to Section 53.11(A) of the Code.
5. All constructed stormwater quality facilities shall be maintained by the property owner or per agreements on file with the DSM in accordance with the approved SWP3 operation and maintenance procedures and schedules.
6. The approved post-construction stormwater quality facilities shall not be subsequently altered, revised or replaced unless plans for the modifications have been reviewed and approved by the Development Services Department.
7. The DSM shall have the authority to conduct inspection of the site and installed BMPs to ensure full compliance with Chapter 53 of the Code, the City Utilities Design Standards Manual, the terms and conditions of any applicable maintenance agreement or the terms and conditions of any applicable SWP3.
8. Failure of private property owners to maintain the approved and installed post-construction stormwater quality management facilities so that they function as intended is a violation of these General Rules and Regulations and may subject the property owner to enforcement action by the DSM.

D. Illicit Discharge Detection and Elimination

1. No person shall discharge or cause to be discharged to the City's MS4, a stormwater management facility such as a storm sewer, watercourse or water body, directly or

indirectly, anything – solid or liquid -- other than stormwater or permitted discharges under Code of Federal Regulations Section 40 CFR 122.26(b)(2). Solids and liquids that may not be discharged to any portion of the public stormwater management system include, but are not limited to: organic, natural and manmade substances such as leaves, soil and yard waste; animal waste, offal, body parts and blood; synthetic and organic chemicals; septic system discharge; human sanitary waste; industrial waste/discharge; fats, oils and grease; chlorinated water (fire hydrant flushing is a permitted discharge); untreated runoff from pressure washing or surface cleaning; dye and foam material, or wash water containing dyes or foam; or any unidentified solids or liquids that potentially could contain or include any natural, organic or manmade pollutants, insects or insect larva, mold, mildew, or bacteria.

2. This section shall not apply to the following categories of non-stormwater discharges or flows which are exempted from the requirements pursuant to Code of Federal Regulations Section 40 CFR 122.26(b)(2) and the MS4GP, which may be discharged to the separate storm sewer system so long as the appropriate tap, connection or discharge permits have been secured, if needed:
 - a. Water line and hydrant flushing;
 - b. Irrigation water;
 - c. Footing, foundation, and crawl space drains (uncontaminated);
 - d. Excess Storm Sewer cleaning water not collected by a vacuum truck (uncontaminated);
 - e. Fire suppression activities;
 - f. Uncontaminated pumped groundwater;
 - g. Springs;
 - h. Residential car washing;
 - i. Non-commercial car washing by community organizations;
 - j. External building washdown without detergents;
 - k. Dechlorinated/dibrominated residential swimming pool discharges;
 - l. Uncontaminated groundwater (as defined at 40 CFR 35.2005(20));
 - m. Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids.
3. In addition to the list above, septic system perimeter drains are considered an approved discharge provided the septic system is in proper working order.

Septic systems experiencing problems or failures shall monitor and address contaminated flow entering the perimeter drains to prevent an illicit discharge.
4. Properties, owners, tenants, occupants and persons in responsible charge of properties shall not discharge or cause to be discharged, either directly or indirectly, to a public stormwater management facility, any liquid that may contain any pollutants. Before discharging any liquid to a public stormwater management system, the property, owner, tenant, occupant or person in responsible charge must contact the DSM through Development Services for guidance on the appropriate routing for the discharge in question. If the liquid is determined

to be acceptable clear water, the DSM will provide a location where the clear water may be discharged.

5. Approved discharges must be carried by a hose or other enclosed conveyance mechanism to the designated outfall and may not be allowed to run across public property or any private property other than property owned by the owner of the source of the discharge. If it is determined by the DSM that the discharge must be routed to a sanitary or combination sewer, the discharge must be conveyed through a hose or other enclosed conveyance mechanism to the approved discharge location.
6. The DSM is authorized to require property owners or occupants to implement pollution prevention measures, including approved BMPs, to prevent or reduce the discharge of pollutants to City's stormwater management system.
7. The construction, use, maintenance and existence of illegal connections to the public stormwater management system are prohibited. This prohibition includes, without limitation, connections that were made in the past but are currently illegal, regardless of whether the connection was permissible under law or prevailing practice at the time of connection and regardless of whether the connection was approved at the time by an authorized enforcement agency. Such connections include, but are not limited to, the connection of floor drains, septic discharge lines and sanitary sewers to the stormwater management system.
8. Polluting substances as identified by the US EPA or the Indiana Department of Environmental Management ("IDEM") may not be stored in a way that violates laws protecting public health, safety and welfare or the environment when the storage method has the potential to allow discharge of the polluting substance to any waterway of the United States, streams, streets, storm sewers or drains, regulated drains, ditches or drainage ways leading to any waterway of the United States.
9. Storage or stockpiling of material designated as hazardous or toxic by the US EPA or IDEM on any site requires adequate protection and/or containment to prevent these materials from entering any temporary or permanent stormwater management facility or watercourse.
10. Any person responsible for a property or premises that is found to be the source of an illicit discharge may be required to implement BMPs as may be suggested or required by the DSM to prevent further discharge of pollutants and may be subject to enforcement actions as outlined in Chapter 53 of the Code and these General Rules and Regulations.
11. Section 50.19 of the Code prohibits dumping of any dirt, gravel, sand, clay, stone, rock, rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage or debris of any sort, or any organic or non-organic material, or other offensive matter on any street, lot, park, public place or area whether publicly or privately owned.

E. Good Housekeeping and Pollution Prevention

1. The DSM has established acceptable BMPs for operations, activities and facilities that may cause or contribute to pollution or contamination of stormwater, the MS4 system or the waters of the United States as such are defined in the Code of Federal Regulations, 40 CFR. This includes BMPs for outdoor events that may involve the use of color dyes or foam. Although site owners may be given options as to the types of BMPs to be implemented to prevent pollution or contamination of stormwater, the DSM reserves the right to require

specific BMPs (per the City Utilities Design Standards Manual) to remediate conditions where pollution or contamination has been found to be occurring.

2. The owner or operator of any commercial or industrial facility shall provide, at their own expense, reasonable protection from the accidental discharge of prohibited materials or other wastes into the MS4 or waters of the United States.
3. Section 91.018 of the Code requires that persons responsible for an animal must immediately remove the animal's excrement from public lands or the private property of others. In addition, animals being kept in a pen or tied must be kept in a sanitary condition. The person responsible for the animal must maintain all animal areas and animal contact areas to prevent odor and health and sanitation problems.

VI. SPECIAL DISCHARGES TO PUBLIC STORMWATER MANAGEMENT SYSTEMS

A. General

All clear water drains, including roof drains, downspouts, sump pumps, surface drains, subsoil drains, refrigerator cooling water, air conditioning drains, and any other drains or devices that carry only clear water, shall discharge directly into a storm sewer or other stormwater drainage conveyance whenever possible, but in no case shall the discharge be to a sanitary sewer.

Special discharges are addressed here because they may, in some cases be prohibited or require special handling prior to discharge. The discharge point may be the stormwater management system or to another location in accordance with these General Rules and Regulations.

Determination of the appropriate discharge point will be made by the DSM, which may take into consideration system availability, capacity, and the nature of the discharge.

Special discharges generally are not considered to create a nuisance. However, special discharges shall be considered to be a nuisance if they create an icing, slime or deterioration problem on a City street or sidewalk, cause or threaten damage to a City street, sidewalk, or other public infrastructure such as utility pipes and stormwater management facilities, create ponding or standing water, or flow onto adjoining property. When a nuisance affects public property or right-of-way, the DSM or its designee will notify the owner in writing providing a timeframe for correction. The DSM will provide technical assistance and suggestions for managing special discharges in a way so as to avoid creating a nuisance.

B. Curb Drains

Pursuant to Section 99.020 of the Code, it is unlawful to place anything on a street or sidewalk that may block the use thereof or endanger the life or limb or property of others using the street or sidewalk. Therefore, no person or entity shall install drainage outlets into curbsides with the intent to route clear water from a property's roof drains, downspouts, sump pumps, surface drains, yard drains, subsoil drains, refrigerators, air conditioners or any other devices that carry clear water onto a public street.

C. Downspouts

1. Section 152.04(D)(6) of the Code requires that gutters and downspouts for the collection and transportation of water from roofs shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

2. The DSM shall have the right to order property owners to disconnect downspouts that are found to be connected, directly or indirectly, to a public sanitary sewer or combined sewer.
3. Downspout discharge must be in compliance with any recorded covenants, restrictions, and/or other applicable neighborhood requirements.
4. Stormwater runoff may be discharged to a public stormwater management system, or a private stormwater management system (provided the appropriate permits are acquired and the connection is made according to the City Utilities Design Standards Manual).
5. In combined sewer areas, if downspouts cannot discharge to the ground without creating a nuisance, the property owner may apply to the Development Services Department for a waiver that would allow downspout discharge to enter the combined sewer system. In order to qualify for a waiver, the property owner must prove that connecting downspouts to the combined sewer will result in no net increase in water being discharged to the combined sewer system and that the property has no other option for a discharge location that will meet the criteria set forth above. In no case will a waiver allow discharge into a sanitary sewer.

D. Sump Pumps

1. General
 - a. When needed, sump pumps are to be used exclusively for the purpose of discharging clear water from foundation drains and uncontaminated ground water infiltration.
 - b. Sump pump discharges consisting of clear water from foundation drains and uncontaminated groundwater may be connected to the public stormwater management system as described below. Sump pump discharges that are not routed directly to the public stormwater management system shall not discharge in a manner that creates a nuisance.
 - c. Except as described below, washing machines, floor drains and other potential sources of pollutants may not be connected to a sump pump.
 - i. In cases where washing machines, floor drains or other potential sources of pollution cannot reasonably be disconnected from the sump pump, the sump pump discharge will remain connected to a sanitary or combined sewer.
 - ii. A property having a sump pump discharge connected to a sanitary or combined sewer system must apply for and receive a waiver and permit from the Development Services Department.
 - iii. A property obtaining a permit to connect or continue the connection of a sump pump discharge to a sanitary or combined sewer system will be charged a sump pump discharge fee to pay for the discharge not caused by impervious surfaces on the property and therefore in excess of the applicable number of ERUs assigned to the property. The fee will be billed by the Stormwater Utility to the customer receiving the bill at the address where the sump pump is located.
2. Existing Buildings with Sump Pumps Connected to a Sanitary or Combined Sewer System
 - a. It is the intent of the DSM that sump pump discharges going into sanitary or combined sewer systems be eliminated so far as possible.

- b. Sump pump discharges to sanitary or combined sewer systems shall be eliminated at time of sale of property.
 - c. The DSM shall have the right to inspect properties at the time of sale and to order that property owners disconnect sump pumps that are found, at the time of sale or at any other time, to be connected, directly or indirectly, to a public sanitary sewer or combined sewer.
 - d. The DSM shall provide the order to disconnect in writing to the owner of the property.
 - e. Sump pumps in existing buildings, when ordered to disconnect from a sanitary or combined sewer, may discharge into a public stormwater management system where such is available and where the DSM determines that some other method of discharge would create a nuisance. Connections to public stormwater management systems shall be made in accordance with the standards and specifications of the DSM.
 - f. In cases where sump pump disconnection is ordered by the DSM and no public stormwater management system is available, sump pump discharge shall be addressed as follows:
 - i. The sump pump shall discharge onto the ground of the owner of the property served by the sump pump;
 - ii. The sump pump shall not discharge in a way that causes water to flow onto an adjacent property;
 - iii. The sump pump shall not discharge to public right-of-way or in a manner that causes water to cross a public sidewalk;
 - iv. The sump pump shall not discharge in a way that creates a nuisance.
 - v. If no other options exist, the Development Services Department may authorize the sump pump to continue discharging to a sanitary sewer system or a combined sewer system. In such a case, the discharge will be metered for a period of one (1) year to develop an average monthly flow of discharge from the sump pump, which will then be used to calculate a sump pump discharge fee that will be added to the customer's bill each month.

The average monthly flow from the sump pump will be converted to an average equivalent ERUs (Equivalent Residential Units). An ERU is 7,667 gallons per month. The cost for the average monthly equivalent of ERUs will be added to the customer's bill each month. The minimum ERU quantity for any sump pump is three (3) ERU. The formula for this calculation is set forth in the City Utilities Design Standards Manual.
 - g. If a city or county inspector is on a property for the purpose of a building permit inspection, the city or county inspector has the authority to inspect the property for compliance with this section without further notice to the property owner or occupant.
3. Sump Pump Discharges in New Development and New Building Construction
- a. As part of new residential or non-residential development involving more than one lot, the DSM may require land developers to install, at their expense, one private storm sewer lateral for each buildable lot, to which a building sump pump may be connected in the future if the development is:

- i. In an area with significant flooding or basement backup complaints per City records;
 - ii. In an area with a high groundwater table;
 - iii. In an area with poor soils
 - iv. In any other area that public health or the public stormwater management system would be jeopardized absent such installation, as determined by the DSM.
- b. Storm sewer laterals intended to receive flow from sump pumps shall discharge to:
- i. the park strip adjacent to the property served by the sump pump;
 - ii. a privately owned and operated stormwater management system as described below;
 - iii. a neighborhood common area;
 - iv. privately owned and maintained stormwater detention or retention facility if the facility has been sized to accommodate sump pump discharge;
 - v. an underdrain if the underdrain is properly sized and constructed to standards established by the DSM
 - vi. the public stormwater management system.

If discharge is to the park strip, the DSM must ensure that the park strip is appropriately sized for the expected flow rates to ensure that water is contained within the park strip and will not flow into the street or cross a public sidewalk in such a way that it creates a nuisance as defined in these General Rules and Regulations.

- c. If discharge is to the public stormwater management system, the system must be sized to accept sump pump discharge from all of the properties within the development in addition to meeting the standards for a 10-year design storm. Appropriate sizing shall be determined during the development plan review process by the Development Services Department.
- d. The connection or outlet of the private storm sewer lateral into the public stormwater management system shall conform to the specifications and standards as described in Section III(A)(1) of these General Rules and Regulations.
- e. In areas where storm sewer laterals are not available and cannot be made available for new buildings, sump pump discharge should be addressed as follows:
- i. The sump pump shall discharge onto the ground of the property being served;
 - ii. The sump pump shall not discharge in a direction or manner that creates an adverse impact on an adjacent property;
 - iii. The sump pump shall not discharge to public right-of-way or in a manner that causes water to flow across a public sidewalk;
 - iv. The sump pump shall not discharge in a way that creates a nuisance.
 - v. Private storm sewer laterals conveying sump pump discharges may discharge to privately-owned and operated stormwater management systems after the system design has been reviewed and approved by the DSM.
 - vi. Discharge may be directed into a neighborhood common area or into a privately owned, operated and maintained detention or retention area so long as the

discharging property is located immediately adjacent to such common or detention area (subject to approval by the neighborhood association, if required), the common or detention area is intended and has been sized to accommodate sump pump discharge, and the discharge does not violate any recorded covenants, restrictions, and/or other applicable neighborhood requirements.

- f. In no case shall a sump pump serving a new building constructed on a previously undeveloped property or on a property that was not included in a previously approved stormwater management plan discharge into a sanitary or combined sewer system.
4. Sump Pump Discharges for Redevelopment, and Construction in Previously Developed Areas
- a. Sump pumps required by redevelopment or in-fill construction on land that has been previously developed or that was included in a previously approved stormwater management plan should be directly connected to a public stormwater management system when feasible and when such a system exists.
 - b. In order for sump pumps from redevelopment or in-fill projects to be connected directly to a public stormwater management system, the developer or builder must prove to the Development Services Department during plan review that the connection will not produce an increase in clear water being discharge from the property.
 - c. If the amount of clear water to be discharged from the property after the redevelopment or in-fill will increase, stormwater management facilities of appropriate size and capacity must be installed or existing facilities increased to appropriate size as outlined in the City Utilities Design Standards Manual. The Development Services Department shall be responsible for determining if an increase in sizing is necessary and the amount.
 - d. In areas where a public stormwater management system is unavailable or does not have capacity to accept additional discharge from sump pumps, or where storm sewer laterals are not available and cannot be made available for buildings being added as a result of redevelopment or in-fill development, sump pump discharge should be addressed as follows:
 - i. The sump pump shall discharge onto the ground of the property being served;
 - ii. The sump pump shall not discharge in a direction or manner that creates an adverse impact on an adjacent property;
 - iii. The sump pump shall not discharge to public right-of-way or in a manner that causes water to cross a public sidewalk;
 - iv. The sump pump shall not discharge in a way that creates a nuisance.
 - v. If no other options exist, the Development Services Department may authorize the sump pump to continue discharging to a sanitary sewer system or a combined sewer system. In such a case, the discharge will be metered for a period of one (1) year to develop an average monthly flow of discharge from the sump pump, which will then be used to calculate a sump pump discharge fee that will be added to the customer's bill each month.

The average monthly flow from the sump pump will be converted to an average equivalent ERUs (Equivalent Residential Units). An ERU is 7,667 gallons per month. The cost for the average monthly equivalent of ERUs will be added to the

customer's bill each month. The minimum ERU quantity for any sump pump is three (3) ERU. The formula for this calculation is set forth in the City Utilities Design Standards Manual.

5. Inspection, Compliance and Waiver

- a. Any property within City Utilities' sewer service area is subject to inspection to determine whether the property's discharge of clear water is in compliance with these General Rules and Regulations and the Code. The DSM will provide the property owner 30 days written notice that an inspection is being required. The property owner or occupant shall provide the DSM's staff or designated inspector access to the property and any structure thereon as may be required to complete the inspection. The inspection shall occur at a time and in a manner as reasonably determined by the inspector.
- b. In lieu of inspection by the DSM or its designee, the property owner may have the property inspected by a plumber licensed by the State of Indiana. An inspection by a private plumber requested by the property owner or occupant shall be at the sole expense of the owner or occupant. The plumber will inspect the property and file a Certificate of Compliance, on a form provided by the DSM, within 30 days of the DSM's notice of required inspection. The licensed private plumber conducting the inspection shall certify in the Certificate of Compliance that the property's discharge is clear water in compliance with provisions of this section.
- c. If the property owner or occupant fails to permit or have completed an inspection, the DSM may apply to the court of appropriate jurisdiction for an administrative search warrant authorizing the DSM or its designee to enter the property to conduct the inspection.
- d. If the property's sump pump discharge is found through inspection to be non-compliant, the DSM will notify the property owner in writing. Upon receipt of the written notice the owner or occupant shall immediately cease the sump pump discharge in a manner that violates this section and shall make the necessary repairs and corrections to discharge in accordance with this section. Correction shall be completed within 60 days of the date of the notice.
- e. The requirement to eliminate sump pump discharge from entering a sanitary or combined sewer may be appealed by filing a written appeal with the DSM through the Development Services Department within 30 days after the date of the order to disconnect. The appeal shall specify the basis for the waiver request. Failure to file a timely appeal and specify the basis for the waiver request removes all rights of the property owner to later challenge the requirement. The DSM shall determine whether the sump pump disconnection requirement is fair and reasonable or whether it should be waived. The DSM may conduct a formal or informal hearing and obtain sufficient facts upon which to make a determination. The decision to grant or deny a waiver shall be based on evidence presented.
- f. The property owner or occupant may request the DSM grant a temporary waiver from provisions of this section if strict enforcement would cause threat of damage or harm to property, the environment, or public safety because of circumstances unique to the

property or weather conditions. The length of the waiver shall be at the discretion of the DSM. If a waiver is granted, a sump pump discharge fee will be applied to the customer's monthly utility bill until the waiver expires.

- g. In the event that an order to disconnect is issued, a second compliance inspection shall be completed 60 days after the notice of noncompliance to determine if the necessary corrections have been made. Reinspection will be conducted by the DSM or its designee.
 - i. Properties that have completed all requirements for disconnection and have passed final inspection will be given a Certificate of Compliance.
 - ii. If the property owner or occupant fails to permit compliance inspection, the DSM may apply to the court of appropriate jurisdiction for an administrative search warrant authorizing the DSM or its designee to enter the property to conduct the inspection.
 - iii. Failure to make necessary corrections to bring the property into compliance shall constitute a violation of these General Rules and Regulations and subject the property owner to enforcement actions. In addition, a sump pump discharge fee will be applied to the customer's monthly utility bill and shall remain in effect until the required correction is made.
 - iv. Properties that have received an order to disconnect from the DSM and have received a Certificate of Compliance shall be subject to re-inspection on an annual basis to ensure continued compliance.

E. Geothermal Heating and Cooling Systems

1. General

- a. All geothermal heating/cooling systems that require a permit from the Allen County Building Department are subject to review and compliance inspection by the Stormwater Utility.
- b. No portion of a geothermal system installed or to be installed on private property may cross a swale, ditch, stream, pond, lake, regulated drain, storm sewer, sanitary or combined sewer or potable water line that is part of a City Utilities' public system unless the project owner has received prior written approval from the Development Services Department.
- c. No portion of a geothermal system installed or to be installed on private property may cross public property, public right-of-way or a dedicated utility easement unless the project owner has received prior written approval from the Fort Wayne Board of Public Works or easement holder.
- d. A geothermal system may be installed in or under a private detention or retention basin if the geothermal system was included in the design of the basin and the design has been approved by the DSM. For basins that are not part of a stormwater management system (for example, compensatory storage) the installation must be approved by the owner of the basin (if not the same as the owner of the geothermal system) and the DSM.

- e. Discharges for open-loop geothermal heating and/or cooling systems must be designed to comply with the City Utilities Design Standards Manual and these General Rules and Regulations.
 - f. So long as the discharge from a permitted open-loop geothermal system consists only of uncontaminated pumped ground water, it is exempt from stormwater quality management requirements pursuant to the Code of Federal Regulations, 40 CFR 122.26, and may be discharged to the MS4. If the discharge is determined to contain any pollutants or contaminants, it will be considered to be an illicit discharge and must comply with the terms and conditions of these General Rules and Regulations.
 - g. Open-loop geothermal discharges are subject to applicable federal and/or state regulatory agency approvals, as required.
 - h. All piping and outfall structures of a geothermal system will be the responsibility of the system's owner. It will be their responsibility to professionally install, operate, maintain, repair and replace system components as necessary.
2. Residential
- a. After the effective date of these General Rules and Regulations only closed-loop and modified closed-loop geothermal systems, as defined in these General Rules and Regulations, may be installed to serve residential property. No new open loop-geothermal heating and/or cooling systems will be allowed to discharge to the public stormwater system.
 - b. Existing residential open-loop geothermal heating and/or cooling systems may not discharge groundwater into a public sanitary or combined sewer. The DSM may order owners of open-loop geothermal systems installed prior to the effective date of these General Rules and Regulations to disconnect discharges from the sanitary or combined sewer system.
 - c. When ordered to disconnect an open-loop geothermal system discharge from a sanitary or combined sewer:
 - i. The system may connect directly to a public storm water management system if one is available. An appropriate discharge point will be identified by the Development Services Department based on a capacity analysis. All piping and other appurtenances necessary to connect to the approved discharge point will be the responsibility of the geothermal system owner for operation, maintenance, repair, and replacement as necessary.
 - ii. The system may discharge directly to groundwater through an injection well or directly into the Maumee, St. Mary's or St. Joseph Rivers with proper permits or necessary approvals.
 - iii. The system may discharge to a privately owned and maintained detention or retention basin or underground detention system so long as the geothermal system was included in the design of detention/retention system, the design has been approved by the DSM, and the system does not violate any covenants, restrictions, or other applicable neighborhood requirements. Absent this, the installation must be approved by the owner of the basin and the DSM.

- d. In no case shall an open-loop geothermal system discharge into a swale, ditch, stream or lake unless such discharge has been reviewed and approved by the DSM and the owner of the swale, ditch, stream or lake.
 - e. The DSM may inspect the privately owned piping and appurtenances used to connect an open-loop geothermal system discharge to the outfall approved by the DSM through the Development Services Department and may order the owner of the system and connection to make repairs as necessary for proper functioning of the discharge. If the owner fails to make changes as ordered, the DSM may undertake the work, billing the system owner for the cost of the work.
 - f. When ordered to disconnect an open-loop geothermal system from a sanitary or combined sewer, the owner of the geothermal system installed prior to the effective date of these General Rules and Regulations may request the DSM grant a waiver from provisions of this section if strict enforcement would cause threat of damage or harm to private property, the environment, or public safety because of circumstances unique to the property or if an outfall with adequate capacity cannot be identified by the DSM. A monthly discharge fee will be applied to the customer's monthly utility bill.
 - g. If the discharge from an open-loop geothermal system is to a public storm sewer, the discharge shall be metered. The meter will be provided by the DSM and read monthly. The DSM will bill the owner of the geothermal system at the rate in effect at the time of the discharge. A monthly meter fee shall also be charged.
 - h. In lieu of metering, the owner of the open-loop geothermal system may elect to pay a flat monthly fee calculated by the DSM. The calculation will be based on the system manufacturer's estimate of average discharge per day (or per month). Alternatively, the DSM may install a meter for a period of one (1) year to establish the average monthly flow of discharge from the open-loop geothermal system and charge a flat monthly fee based on that average.
 - i. Open-loop geothermal systems requiring modification after the effective date of these General Rules and Regulations due to injection well failure, may connect to a public storm sewer or other discharge point as described above. An appropriate discharge point will be identified by the Development Services Department based on a capacity analysis. All piping and other appurtenances necessary to connect to the approved discharge point will be the responsibility of the geothermal system owner for installation, operation, maintenance, repair, replacement as necessary. If a connection is made to a public storm sewer, the discharge will be metered and the owner will be billed as described above or a flat rate may be applied.
 - j. Cleaning agents used for the maintenance of open-loop geothermal systems must be discharged to a sanitary or combined sewer, provided the cleaning agent does not violate the City's industrial pre-treatment program limits as set forth in Chapter 51 of the Code. The discharge of chemicals shall be metered and appropriate charges applied.
3. Non-Residential
- a. Open or closed loop geothermal heating and/or cooling systems are permitted in non-residential properties.
 - b. In non-residential applications, the discharge point for an open-loop geothermal system shall be determined based on a sewer capacity analysis. Open loop geothermal systems

shall not discharge to a sanitary sewer. Storm and combined sewer systems shall be considered as discharge locations. Combined sewers and stormwater management facilities that do not have capacity during wet weather shall not be approved as discharge points.

- c. A discharge point for the open-loop geothermal system will be identified by the Development Services Department based on capacity analysis. All piping and other appurtenances necessary to connect to the approved discharge point will be the responsibility of the geothermal system owner for operation, maintenance, repair, replacement as necessary.
- d. Open-loop geothermal systems may discharge:
 - i. Directly to groundwater through an injection well or to the Maumee, St. Mary's or St. Joseph Rivers with proper permits or necessary approvals.
 - ii. To a privately owned and maintained detention or retention pond, so long as the geothermal system discharge was included in the design of the basin and the design has been approved by the DSM. Absent this, the installation must be approved by the owner of the basin and the DSM.
 - iii. To an underground detention system so long as the design and ultimate discharge point has been approved by the DSM. If the ultimate discharge is to a public storm or combined sewer, the discharge shall be metered as described above.
- e. In no case shall an open-loop geothermal heating and/or cooling systems discharge into a swale, ditch, stream or lake unless such discharge has been reviewed and approved by the DSM and the owner of the swale, ditch, stream or lake.
- f. The DSM may inspect the privately owned piping and appurtenances used to connect the geothermal system discharge to the identified outfall and may order owner to make repairs as necessary for proper functioning of the discharge system. If the owner fails to make changes as ordered, the DSM may undertake the work, billing the system owner for the cost of the work.
- g. The owner of the open-loop geothermal system shall be responsible for the design, construction, operation, maintenance and replacement as necessary of any appurtenances needed to convey discharge from said system to the approved discharge point. Plans must be reviewed and approved by Development Services Department before construction.
- h. If the approved discharge point for a non-residential open-loop geothermal is a public storm or combined sewer that is part of the City of Fort Wayne's sewer system, the discharge shall be metered using equipment that complies with DSM standards and specifications. Metering equipment shall be reviewed and approved by the Development Services Department prior to installation. The DSM will bill the owner of the geothermal system at the rate in effect at the time of the discharge. A monthly meter fee shall also be charged.
- i. Open-loop geothermal systems requiring modification due to injection well failure may connect to a public combined or storm sewer or other discharge point as described above. An appropriate discharge point will be identified by the Development Services Department based on a capacity analysis. All piping and other appurtenances necessary

to get to approved discharge point will be responsibility of geothermal system owner for operation, maintenance, repair, replacement as necessary. If a connection is made to a public combined or storm sewer, discharge will be metered and the owner will be billed as described below or a flat rate may be applied.

- j. The owner of the non-residential open loop geothermal system shall be billed for discharge based on the nature of the discharge point (combined or storm sewer) according to rates and charges in place at the time of the discharge. A monthly meter fee shall also be charged.
- k. In lieu of metering, the owner of the geothermal heating/cooling system may elect to pay flat monthly fee calculated by the DSM. The calculation will be based on the system manufacturer's estimate of average discharge per day. Alternatively, the DSM may install a meter for a period of one (1) year to establish the average monthly flow of discharge from the open-loop geothermal system and charge a flat monthly fee based on that average.
- l. Cleaning agents used for the maintenance of open-loop discharge systems must be discharged to a sanitary or combined sewer provided the cleaning agent does not violate the City's industrial pre-treatment program limits as set forth in Chapter 51 of the Code. The discharge shall be metered and appropriate charges applied.

F. Swimming Pools, Chlorinated Water and Other Chemically Treated Water

- 1. The responsible party for the draining the said facilities shall contact Development Services to determine an appropriate discharge location and method.
- 2. Any and all chlorinated water, chemically treated water, salt water and treated water from swimming pools or spas shall be discharged directly to a sanitary or combined sewer.
- 3. Chlorinated water and swimming pool or spa water that has been treated with chlorine may be allowed to discharge to the municipal separate storm sewer system under the following conditions:
 - a. Chlorinated water must sit idle for seven (7) days following the most recent chlorination prior to discharge to a storm sewer; or
 - b. The water must be analyzed to show that the discharge does not contain detectable concentrations of chlorine residual (concentration must be less than 0.05mg/l). Swimming pool water with a chlorine concentration in excess of 0.05 mg/L will be considered an illicit discharge if it is discharged to the separate storm sewer system
 - c. Approval for discharge of dechlorinated water or dechlorinated swimming pool or spa water into the storm sewer system must be given by the DSM through Development Services.
 - d. Water from swimming pools or spas or any other water that has been treated with any chemicals other than chlorine may not be discharged to the storm sewer system.
- 4. When discharging dechlorinated water or dechlorinated swimming pool or spa water to the stormwater management system, the water must be piped into a receiving structure (such as a storm sewer manhole or inlet) and must not flow directly or indirectly onto the ground of any private property other than the property of the person discharging the water, or onto or over any public property or right-of-way.

5. Dechlorinated water or dechlorinated swimming pool or spa water may be discharged onto the property where the pool or spa is located and allowed to soak into the ground so long as the discharge is completely absorbed and does not flow onto any adjacent property or public property, does not cause erosion and does not flow into a ditch, creek or other public stormwater management system.
6. Any water from swimming pools or spas that may be contaminated with material such as insects or insect larva, soil, organic matter, algae, mildew, mold or bacteria may not be discharged into a separate storm sewer and must be discharged directly to a sanitary or combined sewer.
7. Construction of new in-ground and some above ground swimming pools requires an Improvement Location Permit from the Department of Planning Services.

G. Interactive Water Fountains

1. The responsible party for the draining the said facilities shall contact Development Services to determine an appropriate discharge location and method.
2. Any and all chlorinated or chemically treated water shall be discharged directly to a sanitary or combined sewer.
3. Discharge to a public stormwater facility and/or a local receiving stream requires the interactive water fountain property owner to obtain an NPDES permit for the discharge of the facility from the Indiana Department of Environmental Management (IDEM). A licensed wastewater Certified Operator is required to monitor, sample, and test the fountain discharge prior to entering a stormwater facility or receiving stream. The Certified Operator is also responsible for submitting required permit reports to the IDEM.

H. Power/Pressure Washing and Surface Washing/Cleaning

1. Activities encompassed in the terms power/pressure washing and surface washing/cleaning include, but are not limited to the following: cleaning public or private parking lots, parking garages, sidewalks and drive-thru lanes with heated or unheated water and with or without detergent applied with pressure; automobile, truck fleet and heavy equipment washing and rinsing, with or without pressure and with or without detergents or cleaning agents; cleaning of building exteriors and windows; graffiti removal; roof cleaning; cleaning of restaurant equipment including grease hoods and hood filters; water from mop buckets or other containers that may or may not contain detergents but has been used for surface cleaning.
2. Wastewater generated by power/pressure washing and surface cleaning may be assumed to contain materials other than clean water and thus may not be discharged either directly or indirectly into the public stormwater conveyance system, which includes storm drains, roadside ditches, gutters, and other drainage channels.
3. Wastewater generated by power washing and surface washing/cleaning shall be appropriately collected and contained.
4. The DSM, through **Development Services**, in consultation with the entity performing the cleaning services, will determine the proper disposal method and location. Possible disposal methods may include screening followed by direct discharge to a public combination or sanitary sewer with appropriate treatment charges and effluent limits applied; discharge to

a private on-site waste treatment system; screening and landfilling solids and evaporation of liquid; land disposal at a permitted facility; disposal at a hazardous waste facility.

5. In no case shall the wastewater from power washing or surface washing be allowed to flow, either directly or indirectly, onto the ground of private property other than that of the owner of the facility where the cleaning is being done, nor shall it discharge onto any public property or right-of-way.

I. Basement Flooding/Draining

1. Water contained in a basement as a result of a flood event, sump pump failure, or other cause is assumed to contain materials other than clean water such as insects or insect larva, soil, organic matter, algae, mildew, mold, bacteria, and/or other pollutants. As a result, water that has collected in a basement must discharge to a sanitary sewer or a combination sewer.
2. If a property owner or occupant has experienced water in the basement, the property owner should contact Development Services to discuss appropriate discharge locations and methods.
3. If Development Services determines there are no sanitary sewers or combination sewers available and deems that it is not a health risk, Development Services may authorize the water to discharge onto the property where the basement is located, provided that such water does not flow onto any adjacent property or public property. Notwithstanding the foregoing, wastewater from a sewer backup shall not be permitted to discharge directly onto the property and must always be diverted to a sanitary sewer or a combination sewer.

VII. SERVICE CHARGES AND BILLING PRACTICES

A. Rate Structure and Calculation

1. The Common Council of the City of Fort Wayne establishes rates and charges for the use of and the services rendered by the DSM.
2. Every property within the corporate limits of the City of Fort Wayne, which comprises the extent of the Stormwater Management District, that directly or indirectly contributes stormwater runoff to the stormwater management system will be assessed a stormwater service charge based upon the amount of impervious surface on the property.
3. 3. Upon the effective date of annexation, all properties in the annexed area become subject to the rates and charges for the use of and services rendered by the DSM.
4. 4. Stormwater-only (accounts for vacant properties or properties that do not have potable water or sanitary sewer services provided by City Utilities for which bills are issued) accounts or accounts that do not have Fort Wayne City Utilities' water for residential and non-residential property shall remain in the name of the owner of the property. These accounts shall not be terminated unless the impervious area has been removed from the property or a new account is established that will be responsible for the stormwater charges.
5. 5. Properties within the City having impervious area will be assessed based on a number of ERUs with all properties having impervious area assigned at least one (1) ERU.
 - a. Residential properties with impervious surface will be charged a monthly flat rate fee based on one (1) ERU.

- b. Non-residential properties will be assigned a number of ERUs based upon the property's individually measured impervious area (in square feet) divided by 2,500 square feet (one ERU). The number of ERUs will be calculated to two decimal places. Standard rounding rules will be utilized.
6. The following rules will apply to the measurement of impervious surface on nonresidential properties for the purposes of ERU calculations:
 - a. Gravel and stone areas commonly used for parking, equipment storage or as a traveled ways shall be considered impervious and will be billed a stormwater service charge based on the square footage of the area.
 - b. Gravel and stone areas used for erosion control, weed control, or as landscaping shall be considered pervious. Rainfall normally will pass through these areas and into the ground. Such areas, when considered to be pervious, will not be included in the stormwater assessment calculation and will be treated the same as undeveloped property.
 - c. Privately owned and maintained sidewalks, pathways and cart paths within common areas in neighborhood associations will not be considered impervious area.
 - d. Publicly and privately owned and maintained golf cart paths within golf courses will not be considered impervious area.
 - e. Privately owned and maintained pathways within cemeteries used for gaining access to gravesites will not be considered impervious area.
 - f. For the purposes of these General Rules and Regulations, condominiums will be considered to be nonresidential properties. All impervious surfaces within the condominium property, including the individual units, private streets and sidewalks, and shared spaces such as offices, pool buildings and tennis courts will be measured and assigned a number of ERUs. All ERUs will be billed to the condominium association.
7. Residential properties and shopping centers, office buildings, and other nonresidential properties under single ownership but with multiple tenants will be handled in the same manner as condominiums with the owner receiving the bill for all impervious surfaces on the property. Because individual units may have separate water or sewer accounts, stormwater only accounts will be created for multiple tenant properties.
8. Each parcel will be considered independently for the purposes of assigning ERUs. Adjacent parcels under the same ownership will be considered separately if the use of each parcel is different. If multiple adjacent parcels are being used for a single purpose or have one address, they shall be considered as one parcel for the purposes of assigning ERUs. Each parcel will be assigned a number of ERUs based on its classification as residential or non-residential. Parcels will be billed according to service address.
9. In cases where a property is being used as a residential property and also for a non-residential purpose (for example, a fruit stand in the front yard) the ERU assignment shall be based on the property's tax classification. If the property is classified for a non-residential use, all impervious surface on the property will be included in the assignment of ERUs.

B. Billing and Adjustments

1. Charges for stormwater service shall be computed and billed as determined by DSM in accordance with the Act, the Code and these General Rules and Regulations. Bills shall be rendered monthly unless additional or prorated billing is required to reflect customer changes, initial billings or as otherwise required to adjust billing cycles.
2. Billings for stormwater service shall be rendered with and shall be due and payable on the same date as billings for water and sewerage service to the same premises, if any, and if none, then within such billing cycle as the DSM may determine.
3. Charges for stormwater service shall be billed to the stormwater customer as defined in these General Rules and Regulations.
4. The customer shall be responsible for payment of bills rendered by the DSM. Payment must be made in US legal tender.
5. Service, and thus billings, for a new property shall commence with the billing for sanitary sewer and/or potable water service at the same service address, the meter set date, the date when a certificate of compliance is issued or the date when a certificate of occupancy is issued, whichever shall first occur.
6. 6. Adjustments to stormwater charges for an established service address necessitated by a change in the amount of impervious area at the property shall commence on the date a new certificate of occupancy or certificate of compliance is issued or the date upon which the change in impervious surface is discovered and documented by the DSM.
 - a. Billing adjustments pursuant to Section 53.59 of the Code required to correct for impervious area measurements shall be applied retroactively to the date of the customer's initial inquiry to the DSM seeking adjustment.
 - b. Billing adjustments required in response to a Petition to Appeal shall be applied retroactively to the date of the customer's initial inquiry to the DSM seeking adjustment.
 - c. Billing adjustments required to implement credits or discounts under Section 53.60 of the Code, when no issues concerning ERU assignment exist, shall be applied retroactively to the date of the customer's application.
 - d. Where both ERU and credit/discount issues exist, the ERU determination must be resolved first, and all billing adjustments shall be retroactive to the applicable date under subsection (a) or (c) above.
 - e. Adjustments for overpayments shall be made by crediting the customer's utility account until any overpayment has been fully repaid. If the adjustment is greater than the total of that customer's previous two months' billings for all services, City Utilities will issue a refund check for the adjustment amount upon the customer's request to the Customer Relations Department.
7. All billing errors discovered by the DSM that do not result from a customer inquiry or appeal, including incorrect rate applications, will be adjusted to the known date of the error or for a period of six (6) years, whichever period is shorter.

C. Property Owner's Rights and Responsibilities

1. Stormwater service shall remain the ultimate responsibility of the property owner, who shall hold the DSM harmless from any loss occasioned by delinquency including all penalties, recording fees, attorney's fees, interest and court costs, if any.
2. The owner of real estate shall, upon request to the Customer Relations Department, have the right to examine the DSM's records of billing and collection of stormwater fees for the owner's property to ascertain whether such charges have been timely paid, and the amount thereof. If the owner of real estate requests information about payments made by a third party, a request should be made to the City of Fort Wayne Legal Department using the form appropriate for seeking information under the Freedom of Information Act.
3. Nothing herein contained shall permit a property owner, or any person other than the customer being billed, to inspect, examine or otherwise obtain confidential information.
4. Stormwater service charges attach to the property. If an owner sells or otherwise transfers premises billed for stormwater service, that owner will be held responsible for the payment of all bills rendered for stormwater service until legal notice of the transfer has been given to the Customer Support Department of the DSM.

VIII. DELINQUENCIES AND COLLECTION REMEDIES

1. Charges for stormwater service levied pursuant to Chapter 53 of the Code, shall be due and payable on or before the due date stated on the bill. Any charge for service not paid by the due date shall be considered delinquent, and may be collected, with an applied penalty, recording fees, collection or deferred payment charges, attorney's fees, interest and court costs, if any, in accordance with Section 53.58 of the Code.
2. Delinquent stormwater service bills shall be subject to a late charge of ten (10%) percent on the outstanding balance in accordance with Section 53.58 of the Code.
 - a. Where the property having a delinquent account for charges for stormwater service is served by the City's water utility, the water utility may, after reasonable notice to the person being billed, shut off water service to the property where stormwater and water services are being provided. Water service shall not be restored until the delinquent account, together with the costs of turning off and turning on the water, shall have been paid.
 - b. A customer's current water service may be discontinued for failure to pay any unpaid stormwater charges previously billed and outstanding, regardless of the premises with respect to which the charges were incurred, when the previous charges are transferred to the customer's new account, and the delinquency requires such action.
 - c. Failure of the customer to receive a bill shall not affect the right of the water utility to turn off and discontinue water service for non-payment of a stormwater bill or to seek any other remedies available to it by law or in equity.
 - d. An application for potable water service from Fort Wayne City Utilities may be denied until any unpaid stormwater charges previously billed and outstanding, regardless of the premises with respect to which the charges were incurred, are paid in full.

3. Disputing the accuracy of a stormwater bill shall not be a valid reason for non-payment of a bill by the customer, nor shall the filing of an application for a discount or credits stay the customer's obligation to pay stormwater charges when due. The customer may pay a bill under protest, by giving written notice that redress is being sought. Such written notices must be filed with the Supervisor of the Customer Support Department of the Stormwater Utility prior to the due date of the bill.
4. Moving from one location to another in no way absolves the customer from responsibility for any unpaid charges incurred at a previous location.
5. Two or more final and active accounts in the same name or guaranteed by the same party may be consolidated at the sole discretion of the utility when one or more of the accounts has been closed and the amount owing on said account is delinquent.
6. In addition to the foregoing remedies, the DSM may foreclose liens established under Section 53.62 of the Code.
7. Checks returned for non-sufficient funds will be subject to reimbursement of the fee the banking institution charges the DSM and the DSM may add an administrative charge for each account affected.

IX. CREDITS AND DISCOUNTS

- A.** Customers seeking the discount or credits must file an application on the appropriate forms provided by City Utilities. Credit applications must be accompanied by the appropriate application fee. The fee shall be \$25.00 for residential users and \$100.00 for all others.

- B. Discount for Certain Property Tax Exempt Properties**

Pursuant to Section 53.60 of the Code, land and buildings used for various purposes when exempt from property taxation under I.C. 6-1.1-10-1, 6-1.1-10-2, 6-1.1-10-4, 6-1.1-10-5 and 6-1.1-10-16, shall be entitled to a twenty-five percent (25%) discount off of the gross ERUs assigned for any such land or buildings under Section 53.60 of the Code, where the statutory exemption has been granted and can be confirmed through the records of the Allen County Auditor's Office.

- C. Credits**

1. Direct Discharge Credit
 - a. Properties, or portions thereof, directly discharging stormwater to the following waterways shall be entitled to a proportionate credit against assigned stormwater ERUs: St. Mary's River, St. Joseph River, Maumee River, all regulated drains within the corporate boundaries of the City under the control of the Allen County Drainage Board, and that section of Spy Run Creek downstream of State Boulevard.
 - b. It is the intent of the City to take over jurisdiction and control of all regulated drains within the corporate boundaries of the City, most of which are currently regulated by the Allen County Drainage Board. Credits granted under this section regarding each such drain shall expire upon the effective date of the relevant transfer from the County to the City.
 - c. Credits for properties located within drainage maintenance and repair districts.

- i. Properties located within drainage maintenance and repair districts created under IC 14-27-8-4 and further addressed at IC 36-9-27 et seq. shall be eligible for a direct discharge credit to the same extent as other properties directly discharging to other than the City's storm drainage system, as set out at in Chapter 53 of the Code and Section 1 above, but in no case shall a property pay less than thirty-five percent (35%) of the gross amount owed prior to the application of the direct discharge credit.
- ii. Application for credit under this subsection of Chapter 53 of the Code may be made by the neighborhood or subdivision involved, on behalf of the entire district, subject to the approval of the Fort Wayne Stormwater Management Board. Should no such formal entity exist, application may be made by petition filed by fifty-one percent (51%) of the residents within the specific district, for the entire district, also subject to approval by the Board. If neither of these options is available, individual properties may still apply for direct discharge credit under Section 1 above.
- iii. Credit calculation shall be performed on a two-tier basis: (1) Credits for residential property shall be calculated as if each user filed an individual application. (2) Credit for non-residential property, where applicable, shall be calculated following measurements according to 53.57 and billed to the legal entity representing the district.
- iv. The City shall provide no stormwater services, including but not limited to maintenance, repair, reconstruction or emergency work, to any property granted a stormwater credit hereunder, for so long as said credit is in effect.
- v. The legal entity for the district granted credit hereunder shall execute a contract with the Board, the terms of which shall obligate the owners of the property receiving the credit to abide by subsection (d) herein. If application be made by petition, said petition form shall bind the district in like manner.
- vi. The cost of application for direct discharge credit under these provisions shall be that assessed to non-residential applicants, if any non-residential property belonging to the district exists, plus \$2.00 per residential property to compensate City Utilities for its administrative, data control and engineering costs associated with processing the application for credit.
- vii. Properties not located within a district or not served by Allen County's subterranean drainage system are not eligible for credit hereunder. However, individual properties may be eligible for direct discharge under section B (1) above.

2. Quantity Reduction Credit

- a. Where the peak stormwater runoff rate from a property is restricted and controlled through onsite BMPs (such as detention facilities) which are privately designed, constructed and maintained according to Utility standards and requirements, a Quantity Reduction Credit (QRC) shall be granted to the owner(s) proportionate share of the amount of that property directly served.
- b. Full QRC shall be limited to a maximum of 65% of the total assigned ERUs. QRC will be calculated in accordance with the following:

| |
|---------------------|
| <u>RELEASE RATE</u> |
|---------------------|

| Minimum Storage Volume | Singular Peak Release ¹ | Graduated Peak Release ² |
|------------------------|------------------------------------|-------------------------------------|
| 50-yr. Storm | Quarter Credit | Half Credit |
| 100-yr. Storm | Half Credit | Full Credit |

¹Singular Peak Release: release rate not more than 0.18 cubic feet per second per acre (the typical 5-year peak discharge rate from an undeveloped site) during the maximum design storm event, without further significant discharge restriction for smaller, more frequent storm events.

²Graduated Peak Release: release rate not more than 0.05 cubic feet per second per acre (the typical 2-year peak discharge rate from an undeveloped site) during a 10-year storm, graduating to not more than 0.18 cubic feet per second per acre (the typical 5-year peak discharge rate from an undeveloped site) during the maximum design storm event.

The credit for detaining runoff is:

Detention QRC = $T\% \times (A_{det}/A_t)$, where

T = percent credit from table

A_{det} = onsite area draining through detention

A_t = total area of property

- c. QRC may be available for other types of BMPs on a case-by-case basis after review and recommendation by the DSM staff and approval of the Director.

3. Unique and Special Cases

For unique and special cases where a property owner or customer can unequivocally document and demonstrate through appropriate engineering studies that his property's stormwater runoff impact on the Utility's stormwater drainage system is significantly less than suggested by its assigned ERUs, the Director, upon recommendation of his staff, has the authority to make adjustments consistent with the intent of the ordinance establishing charges for stormwater services and with this policy.

4. Administrative/Quality Cap

- a. Stormwater service charges are made up of water quantity, water quality and administrative components. Credits are only available to reduce the water quantity component at this time.
- b. Users are entitled to a credit (or credit and discount) up to a maximum of sixty-five (65%) of the gross stormwater ERUs assigned for a certain property (water quantity component). The fee for the remaining thirty-five percent (35%) represents administrative costs, the costs of improving water quality and the expense of meeting water quality permit requirements imposed on the Utility, all of which benefit the entire community.
- c. This dollar figure and percentage are subject to change based on future requirements and costs placed on the City regarding water quality and standards.

D. Inspections and Adjustments

1. Periodic Inspection and Credit Adjustments: The Department of Stormwater Management reserves the right to inspect periodically all storm drainage control facilities to ascertain whether they are operating properly. If such a system, due to improper maintenance or any other reason, fails to detain stormwater runoff in an effective manner, the Director shall issue an order to complete the repairs of the facility within 60 days. If such repairs are not completed in a timely manner, the Director, at his sole discretion, may issue an order eliminating or reducing detention credits to an appropriate level. Any such facility shall not be eligible to reapply for stormwater Quantity Reduction Credit (QRC) adjustments for a period of twelve (12) months following any credit reduction or elimination ordered by the Director.
2. Land Use Change: The issuance of any building permit or other action which changes or intensifies the existing land development of a non-residential property shall be cause for an adjustment of the stormwater service charges and/or credits accordingly. The property owner or customer shall have the obligation of informing the DSM of any such changes.

X. ADMINISTRATIVE REVIEW AND APPEALS

A. Process

Any person aggrieved by any fee, charge or determination made by the DSM may request and shall be granted an Administrative Appeal.

If a customer disputes a fee, charge, or determination by the DSM, the customer shall first contact the CSD within twenty (20) days after notice of the fee, charge, or determination at issue to discuss the dispute with a CSD Representative. For purposes of this paragraph, the monthly bill shall constitute notice of any fee or charge. For all other determinations by the DSM, notice is considered provided once the written determination has been mailed to the customer.

If the matter is not resolved to the customer's satisfaction, the customer shall discuss the determination with the Supervisor of the CSD. If after discussion with the Supervisor of the CSD the matter is still not resolved, the customer shall discuss the determination with the Chief Officer of Customer Support.

If the matter is still not resolved to the customer's satisfaction, the customer may request an administrative hearing. This request shall be made after the matter has been discussed with the Chief Office of Customer Support, but in no event later than thirty (30) days after notice of the fee, charge, or determination at issue.

If a customer requests a hearing, the facts concerning the dispute along with a clear request for an Administrative Hearing shall be submitted in writing to the Chief Officer of Customer Support. Upon receipt of the customer's request, the Chief Officer of Customer Support will schedule a hearing at which the customer may appear and be heard.

B. Basis for Appeal

The following circumstances may form the basis of a customer's appeal, which will be investigated and heard by a Hearing Officer who will render a decision following an Administrative Hearing:

1. Fee determination methodology applies to a customer's individual property. The appeal process described herein will be used for appeals by customers of the fee they are being charged and the methodology used to calculate the charge, not to contest the rate structure of the existence of the fee itself. Any challenge to the fee or the rate structure should be undertaken pursuant to Indiana Code.
2. A difference or disagreement in interpretation of what is to be considered impervious ground cover. Definitions of what is impervious area were established by the DSM in advance of measurement of customer properties and are contained herein and in Chapter 53 of the Code. A customer may feel that these definitions have been incorrectly applied and resulted in an incorrect fee being charged.
3. An unresolved dispute over the land use category applied to a particular parcel or property. Businesses operated out of a residential property are potential sources of appeals of this type.
4. A dispute over the amount of water quantity reduction credit given to a customer for installing controls that reduce the cost to the DSM to operate the Stormwater Management Program, or for the property's location on certain waterways. Disputes may arise over the extent to which a particular stormwater control reduces costs incurred by the DSM.
5. Disallowance of the discount for certain property-tax-exempt entities may also be appealed.
6. Notice of Violation received and appealed in accordance with Section 53.70 of the Code.

XI. ENFORCEMENT

1. In accordance with Section 53.12 of the Code, the power to enforce Chapter 53 of the Code not specifically dealt with elsewhere shall be vested in the DSM acting by and through the Board.
2. The DSM reserves the right to consider the severity of the infraction and the responsible party's efforts to comply with the Stormwater Utility's requirements in enforcing the terms and conditions of the Code.
3. Prior to serving a Notice of Violation, the DSM may give a first-time verbal warning or a letter describing and encouraging corrective or remedial action.
4. Except as set forth herein, enforcement actions shall be initiated by serving a Notice of Violation, which shall state the violation and the time period to implement a corrective action and have it validated.
5. If the violator fails to implement the corrective action in the timer period specified in the Notice of Violation, the Stormwater Utility shall send the Notice of Violation and evidence to the City Law Department. The City Law Department may proceed with an enforcement action.

XII. REMEDIES NOT EXCLUSIVE

The remedies provided to the DSM by these General Rules and Regulations shall not be exclusive and shall be in addition to all other remedies which the DSM has in law or equity.

XIII. SEVERABILITY PROVISION

The invalidity of any section, sentence, clause, paragraph, part of provision of these General Rules and Regulations shall not affect the validity of any other section, sentence, clause, paragraph, part of provision of these General Rules and Regulations which can be given meaning without such invalid part or parts. These General Rules and Regulations are intended to be, and should be construed to be, to the maximum extent possible, consistent with and in compliance with the Act, the Code and all other applicable laws, regulations, codes and ordinances.

XIV. AMENDMENTS AND REVISIONS

The Board reserves the right, by appropriate action, to amend, modify, delete, change or otherwise revise these General Rules and Regulations as it may deem, from time to time, to be desirable and/or necessary.

XV. EFFECTIVE DATE

These General Rules and Regulations shall become effective upon passage of an appropriate resolution by the Board.

XVI. INCORPORATION OF ADDITIONAL POLICIES

The "Policy of the Fort Wayne Board of Stormwater Management Regarding Public and Private Stormwater System Infrastructure and Extension of Storm Sewer Mains" approved by the Board on May 1, 2018, ref. Resolution #105-5-1-18-3, is incorporated by reference into these General Rules and Regulations.