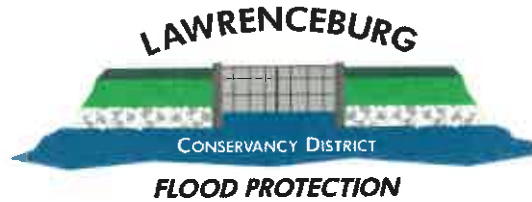


Lawrenceburg Conservancy District

Directors:

James Kittle, Chairman
Randy Tyler, Vice-Chairman
David Staab, Director
Andy Lyons, Director
Greg McAdams, Director
Tom Schneider, Director
Dennis Richter, OD, Director



Staff:

Paul Seymour, Jr., Superintendent
Heather Shaut, Office Secretary
Jared Ewbank, Attorney

ORDINANCE NO. 2024-12

AN ORDINANCE ESTABLISHING CONTROLS AND PROTOCOLS FOR CONSTRUCTION WITHIN THE LAWRENCEBURG LEVEE DISTRICT

WHEREAS, Ind. Code § 14-33-5-20 allows the board of directors of the Lawrenceburg Conservancy District ("LCD") to create certain regulations in governing their respective conservancy district.

WHEREAS, certain activities within the Lawrenceburg levee district impact the LCD's ability to monitor, repair, and construct facilities within the district and to gain certification of the district's facilities with other governmental agencies.

WHEREAS, the rules contained in this ordinance are applicable to all Freeholders in the Lawrenceburg Levee district.

WHEREAS, the City of Lawrenceburg was supplied a copy of this ordinance on June 13, 2024 for the purpose of comment and review and has stated by and through its legal counsel that it has no comments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LAWRENCEBURG CONSERVANCY DISTRICT THE FOLLOWING:

1. The rules set forth herein are intended to comply with Indiana and Federal law and are not intended to replace existing Indiana and Federal Law. If any terms contained in these Rules are to any extent illegal, otherwise invalid, or incapable of being enforced, such term shall be excluded to the extent of such invalidity or unenforceability; all other terms hereof shall

remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable term shall be deemed replaced by a term that is valid and enforceable and that comes closest to expressing the intention of such invalid or unenforceable term.

2. The rules stated herein shall continue in full force and effect, until amended by the LCD.
3. The Lawrenceburg Conservancy District hereby enacts, ratifies, and adopts the following ordinance and rules as written:

BEGIN ORDINANCE

Lawrenceburg Flood Control Ordinance

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ARTICLE I – GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known as the "Lawrenceburg Flood Control System Ordinance".

Section 102. Statement of Findings

The governing body of the LCD finds that:

- A. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. It is recognized that the further regulation of the development of residential, commercial and industrial properties within the Lawrenceburg Flood Control System area is essential in order to preserve public health and economic vitality within the Lawrenceburg and Greendale communities.

Section 103. Statement of Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Reduce the frequency and magnitude of flooding and stormwater impacts affecting people, property, infrastructure, and public services.
- B. Reduce the frequency and magnitude of upseepage during Ohio River high water events that impact people, property, infrastructure and public services.
- C. Sustain or improve the natural hydrologic characteristics and water quality of groundwater and surface waters.
- D. Protect natural resources, including riparian and aquatic living resources and habitats.

- E. Maintain the natural hydrologic regime of land development sites and their receiving water bodies.
- F. Minimize land disturbance and protect and incorporate natural hydrologic features, drainage patterns, infiltration, and flow conditions within land development site designs.
- G. Reduce and minimize the volume of stormwater generated and managed and release stormwater as close to the source of runoff as possible.
- H. Provide infiltration and maintain natural groundwater recharge to protect groundwater supplies and stream baseflows, prevent degradation of surface water and groundwater quality, and to otherwise protect water resources.
- I. Reduce scour, erosion, and sedimentation of stream channels.
- J. Reduce flooding impacts and preserve and restore the natural flood-carrying capacity of water bodies and their floodplains.
- K. Protect adjacent and downgradient lands from adverse impacts of direct stormwater discharges.
- L. Minimize impervious surfaces and connected impervious surfaces to promote infiltration and reduce the volume and impacts of stormwater runoff on flood control operations.
- M. Provide proper long-term operation and maintenance of all permanent stormwater management facilities and appurtenant drainage and conveyance facilities.
- N. Reduce the impacts of runoff from existing developed land undergoing redevelopment while encouraging new development and redevelopment in urban areas and areas designated for growth.
- O. Provide review procedures and performance standards for flood control and stormwater planning and management.

Section 104. Statutory Authorization

The District is empowered or required to regulate land use activities that affect stormwater runoff and flood control operations by the authority of The Indiana Code, Title 14, Article 33, Section 520.

Section 105. Applicability

All regulated activities and all activities that may affect flood control operations, including building, structure, or premises alterations, construction, conversion, erection, enlargement, extension, modification or relocation, along with land development, earth disturbance activities, or other activities that may alter surface or groundwater flow patterns, or that may affect the stability, performance, or function of the Lawrenceburg Flood Control System are subject to regulation by this Ordinance.

The geographical area in which activities are regulated by this Ordinance is referred herein as the Lawrenceburg Flood Control System which is taken to be the area interior to the Lawrenceburg Levee System operated by the Lawrenceburg Conservancy District, generally bounded by the Lawrenceburg Levee System to the east, south and west, and by the Lawrenceburg Levee System Long Slope to the north and also establishes the boundaries of the District to consider all watersheds affected by the flooding water encompassing approximately 460 acres of land, and as defined by the Lawrenceburg Conservancy District subdistrict expansion petition, dated 9/21/1999.

Section 106. Repealer

Any other ordinance provision(s) or regulation of the District or the City of Lawrenceburg inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only and only for the Lawrenceburg Flood Protection Area.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 108. Compatibility with Other Requirements

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance, or required by other governmental agencies.

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

Agricultural Activity - Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Applicant - A landowner, developer, or other person who has filed an application for approval to engage in any regulated activity at a project site within the Flood Protection Area operated by the District.

Certificate of Completion - Document issued by the District upon completion of activities regulated by this ordinance, certifying that an individual, entity, or project has met all requirements as indicated in this ordinance and any and all conditions that the City of Lawrenceburg and the United States Army Corps of Engineers may demand.

Channel - A natural or artificial open drainage feature that conveys, continuously or periodically, flowing water and through which stormwater flows. Channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

City or Municipality - the City of Lawrenceburg.

Conservancy District (or District) - The Lawrenceburg Conservancy District.

Controlled Low Strength Material (CLSM) – Also referred to as “Flowable Fill” refers to a cementitious slurry that forms a low-shrinkage soil replacement material with flowable characteristics that allow it to spread easily at relatively low pressures within trenches.

Conveyance - A natural or manmade, existing, or proposed stormwater management facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, conveyance shall include pipes, drainage ditches, channels, and swales (vegetated and other), gutters, stream channels, and like facilities or features.

Detention (or To Detain) - Capture and temporary storage of runoff in a Stormwater Management Facility for release at a controlled rate.

Detention Basin - An impoundment that is designed to temporarily detain a certain amount of stormwater from a catchment area and which may be designed to release stormwater runoff from the catchment area at a controlled rate, including the potential use of infiltration into the ground; detention basins do not always contain water.

Developer - A person, company, or organization who seeks to undertake any Regulated Activities at a site within the Flood Protection Area operated by the District.

Development, Site - Any human-induced change to improved or unimproved real estate, whether public or private, including, but not limited to, land development, construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing.

Disturbed Area - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Erosion - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

Flood - A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters such as groundwater seepage.

Flood Control (or Flood Control Operations) - Any undertaking for the conveyance, control, and dispersal of floodwaters caused by precipitation or stream overflow or seepage, and the taking of appropriate steps and procedures to protect land areas from floods or to minimize damage therefrom.

Flood Prone Area - Any land area acknowledged by a community as being susceptible to inundation by water from any source.

Flood Protection Area - The area interior to the Lawrenceburg Levee System operated by the Lawrenceburg Conservancy District, generally bounded by the Lawrenceburg Levee System to the east, south and west, and the Lawrenceburg Levee System Long Slope to the north. It also establishes the boundaries of the District to consider all watersheds affected by the flooding water encompassing approximately 460 acres of land, and as defined by the Lawrenceburg Conservancy District subdistrict expansion petition, dated 9/21/1999.

Floodplain - Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a Special Flood Hazard Area.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Forest Management/Timber Operations - Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

Governing Body - the Board of Directors of the Lawrenceburg Conservancy District

Gravel (Crushed Stone) - Considered to be impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement; landscaping stone is not considered as impervious area.

Groundwater - Water that occurs in the subsurface and fills or saturates the porous openings, fractures and fissures of underground soils and rock units.

Groundwater Recharge - The replenishment of existing natural groundwater supplies from infiltration of rain or overland flow.

Impervious Surface (Impervious Area) - A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, parking lots, driveways, roofs, stone patios. See definition of "Gravel (Crushed Stone)" for when gravel classifies as impervious area.

Infiltration - Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

Land Development (Development) - Inclusive of any or all of the following meanings:

(i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of one or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with applicable Indiana or City Code.

Limiting Zone - A soil horizon or condition in the soil profile or underlying strata that includes one of the following:

- a. A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by other subsurface or soil conditions.
- b. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- c. A rock formation, other stratum, or soil condition that is so slowly permeable that it effectively limits downward passage of water.

Maintenance - The action taken to restore or preserve the as-built functional design of any Stormwater Management Facility or system.

Municipal Engineer - A professional engineer licensed as such in the State of Indiana, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Pervious Area - Any area not defined as impervious.

Post-construction (or Post-development) - Period after construction during which Disturbed Areas are stabilized, flood and stormwater controls are in place and functioning, and all proposed improvements approved by the District are completed.

Predevelopment - Ground cover conditions assumed to exist within the proposed Disturbed Area prior to commencement of the Regulated Activity for the purpose of calculating the Predevelopment stormwater volumes and peak flow rates as required in this Ordinance.

Project Site - The specific area of land where any regulated activities within the Flood Protection Area operated by the District are planned, conducted, or maintained.

Qualified professional - Any person licensed by the Indiana Department of State or otherwise qualified by law to perform the work required by this Ordinance.

Redevelopment - Any development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding and re-paving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment.

Regulated Activities - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect flood control operations, stormwater runoff, groundwater, and seepage flow patterns, or that may affect the stability, performance, or function of the Lawrenceburg Levee System.

Retention (or To Retain) - The prevention of direct discharge of stormwater runoff into surface waters or water bodies during or after a storm event by permanent containment in a pond or depression; examples include systems which discharge by percolation to groundwater, exfiltration, and/or evaporation processes and which generally have residence times of less than three (3) days.

Retention Basin - An impoundment that is designed to temporarily detain a certain amount of stormwater from a catchment area and which may be designed to permanently retain stormwater runoff from the catchment area; retention basins always contain water.

Return Period - The average recurrence interval, in years, within which a storm event of a given magnitude can be expected to occur in any given year. For example, there is a 1in25 (i.e., 4%) chance of a 25-year return period rainfall quantity falling in any given year; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

Runoff - Any part of precipitation that flows over the land.

Sediment - Soils or other materials transported by surface water as a product of erosion.

Seepage (or Groundwater Seepage) - The movement of water in soils or the ground.

Site - Total area of land where any proposed Regulated Activity, as defined in this Ordinance, is planned, conducted, or maintained or that is otherwise impacted by the Regulated Activity.

Site and Development Plan - The plan prepared by the developer or his representative indicating how flood control will be implemented and stormwater runoff will be managed at the development site in accordance with this Ordinance.

Stormwater - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include but are not limited to detention and retention basins; open channels; storm sewers; pipes; French drains; underground on-lot seepage pits; and infiltration facilities.

Swale - An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff, and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

Watercourse - A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Table - The upper most level of saturation of pore space or fractures by groundwater. Seasonal high-water table refers to a water table that rises and falls with the seasons due either to natural or man-made causes.

ARTICLE III – SITE AND DEVELOPMENT PLAN REQUIREMENTS

Section 301. LCD Approval Requirement

All development within the Lawrenceburg Flood Control System shall be subject to LCD approval. The LCD will make use of a Qualified Professional (QUALIFIED PROFESSIONAL) to review and provide an assessment of the development plans and their compliance with this Ordinance. The QUALIFIED PROFESSIONAL shall not approve any Site and Development Plan that is deficient in meeting the requirements of this Ordinance. At their sole discretion and in accordance with this Article, when a Site and Development Plan is found to be deficient, the QUALIFIED PROFESSIONAL may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, may accept submission of modifications.

Section 302. Site and Development Plans

For all regulated activities, unless preparation of a Site and Development Plan is specifically exempted in Section 303, preparation and submittal of an approved Site and Development Plan is required. The Site and Development Plan shall include:

- A. Uses, existing and proposed.
- B. Setbacks, existing and proposed.
- C. Site topographic survey, existing and proposed.
- D. Landscaping, screens, walls, fences.
- E. Structure interior plumbing and floor plans.
- F. Development foundation locations and depths.
- G. Vicinity map.
- H. Brief history of the site and of the planned construction/new building or additions (usage, existing structures, abandoned wells, utilities, etc.).
- I. Technical supporting documentation including hydrologic and geotechnical design reports and information containing design parameters and calculations.
- J. A site map, drawn to scale and including:
 - 1. All existing and proposed structures.
 - 2. Existing and proposed soil borings.
 - 3. Paved and unpaved areas.
 - 4. Existing and proposed utility lines (inside and outside structures) including sanitary storm sewers, storm drain inlets, storm retention ditches, basins, French drains, dry wells, etc.
- K. Site surface water bodies (streams, ponds).
- L. Best Management Practices (BMPs) for stormwater management.

No regulated activities shall commence until the QUALIFIED PROFESSIONAL issues written approval of a Site and Development Plan, which demonstrates compliance with the requirements of this Ordinance, and any and all conditions that the City of Lawrenceburg and the United States Army Corps of Engineers may demand.

Section 303. Exemptions

Earth disturbance on the Lawrenceburg Levee System, within a levee easement, or an activity that may affect District flood control operations shall not be exempt from LCD approval. Exemption activity may include, but is not limited to:

- A. Agricultural activity is exempt from the volume and water quality controls, rate control and Site and Development Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of State and local codes.
- B. Forest management and timber operations are exempt from the volume and water quality controls, rate control and Site and Development Plan preparation requirements of this Ordinance.
- C. Excavation and backfill for utility related infrastructure repair or replacement such as conduits, wires, pipes of utility companies which result in land disturbance of 500 square feet or less.
- D. Construction on a lot size of 14,000 square foot or less with the lowest finished floor elevation above 5 ft in-depth of existing surficial materials.
- E. The District may deny or revoke any exemption pursuant to this Ordinance at any time for any project that the District believes may pose a threat to public health, safety, property, or the environment.

Section 304. Plan Review

- A. The Site and Development Plan shall be reviewed by a QUALIFIED PROFESSIONAL on behalf of the District for consistency with the provisions of this Ordinance. The qualified professional, on behalf of the District, shall consider and either approve, disapprove, or approve subject to any commitments, the submitted Site and Development Plan.
- B. The QUALIFIED PROFESSIONAL may choose to waive one or more of the requirements in Article V - Development Standards. Any such waiver shall be presented to the District for approval prior to being granted. In determining whether to waive one or more of the requirements of Article V, the QUALIFIED PROFESSIONAL shall make written findings supporting the waiver to the District.
- C. Comments from the District and appropriate City departments shall be solicited by the QUALIFIED PROFESSIONAL prior to approval of a Site and Development Plan, and if such comments are provided timely by the District or appropriate City departments, the QUALIFIED PROFESSIONAL shall consider them and may give them such weight as he or she shall determine to be appropriate.
- D. The District may permit or require commitments. All commitments shall be recorded with the property deed in accordance with the District's Rules of Procedure. The District may require a revised Site or Development Plan demonstrating compliance with the agreed upon commitments to be submitted before final approval is granted.
- E. The QUALIFIED PROFESSIONAL shall notify the applicant in writing within 10 calendar days of receipt of the plans whether the Site and Development Plan is approved or

disapproved. If the QUALIFIED PROFESSIONAL disapproves the Site and Development Plan, the QUALIFIED PROFESSIONAL shall cite the reasons for disapproval in writing.

- F. All parties of interest or aggrieved persons shall have the right to appeal action by the QUALIFIED PROFESSIONAL to approve or disapprove a Site and Development Plan before the District. Such appeal shall be filed as an appeal petition within **10 calendar days** from the decision of the QUALIFIED PROFESSIONAL, to the District. Such an appeal shall otherwise be in accordance with the District's Rules of Procedure. The District may consider and act upon such appeal at a public meeting of the District and shall either approve, disapprove, or approve the Site and Development Plan subject to any commitments, by the petitioner in accordance with the District's Rules of Procedure.
- G. The decision of the QUALIFIED PROFESSIONAL to approve or disapprove a Site and Development Plan and the file on which the decision is based shall be public records and shall be available for examination by any person.

Section 305. Modification of Plans

A modification to submitted Site and Development Plans that involves a change in construction plans, stormwater management facilities, design or techniques, or that is necessary because soil or other conditions are not as stated on the original Site and Development Plan as determined by the QUALIFIED PROFESSIONAL and/or District shall require a resubmission of the modified Site and Development Plan in accordance with this Article.

Section 306. Resubmission of Disapproved Site and Development Plans

A disapproved Site and Development Plan may be resubmitted, with the revisions addressing the QUALIFIED PROFESSIONAL concerns, in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved Site and Development Plan.

Section 307. Authorization to Construct and Term of Validity

The approval of a Site and Development Plan authorizes the regulated activities contained in the Site Plan for a maximum term of validity of 2 years following the date of approval. The District may specify a term of validity shorter than 2 years in the approval for any specific Site Plan. Terms of validity shall commence on the date the District signs the approval for a Site and Development Plan. If an approved Site and Development Plan is not completed within the term of validity, then the District may consider the plan disapproved and may revoke any and all permits. Site and Development Plans that are considered disapproved by the District shall be resubmitted in accordance with Section 306 of this Ordinance.

Section 308. As-Built Plans, Certificate of Completion, and Final Inspection

- A. The developer shall be responsible for providing as-built plans and geographic information system (GIS) shapefiles of all construction, stormwater management and appurtenant drainage and conveyance facilities included in the approved Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the District within thirty (30) days after completion of the construction for

which an approval of a Site and Development Plan has been issued and prior to occupancy or use of the structure.

- B. The as-built submission shall include a Certificate of Completion signed by a QUALIFIED PROFESSIONAL verifying that construction and all permanent stormwater management facilities have been constructed according to the approved plans and specifications. If any licensed QUALIFIED PROFESSIONALS contributed to the construction plans, then a licensed QUALIFIED PROFESSIONAL must sign the Certificate of Completion.
- C. After receipt of the Certificate of Completion by the District, the District or official designee may conduct a final inspection.

ARTICLE IV – PROHIBITIONS

Section 401. General Prohibitions

No person shall conduct a regulated activity or any activity that may affect the stability, performance, or function of the Lawrenceburg Levee System, or an activity that may affect District flood control operations without prior notification to, and approval by, the District.

Section 402. Prohibited Uses and Activities

The following are prohibited uses in the Lawrenceburg Levee District:

- A. Geothermal well systems that penetrate the upper confining layer of Lawrenceburg near surface.
- B. Underground storage tanks and other subsurface structures in areas of Lawrenceburg that have a limited thickness of the upper confining clay layer (see Article V for further discussion of clay layer thickness evaluation).
- C. Permanent Dewatering. Dewatering of sites is prohibited, with the exception of dewatering for the following purposes:
 - 1. To prevent short-term water damage to structures;
 - 2. To protect groundwater quality; or
 - 3. To temporarily remove water from solid material or soil for the construction of sewers and other underground facilities, including foundation structures.

ARTICLE V – SITE DEVELOPMENT STANDARDS

Section 501. General Requirements

All land located in the Lawrenceburg Flood Control System shall comply with the following development standards.

Section 502. Soil Requirements

Replacement or upgrading of existing site soil materials with lower permeability materials suitable for limiting upward seepage in comparison to existing materials, shall comply with the following requirements:

- A. The natural soils shall be classified as fine-grained Sandy Clay (CL), Clayey Sand (SC), Silty Clay (CL) and Clay (CH) as defined by the Unified Soil Classification System (USCS, ASTM D2487-17E01), with the following characteristics:
 1. Organic content less than 5 percent by dry weight of soil.
 2. Low-plasticity clayey soils having the following characteristics:
 - a. Plasticity index greater than 10 and less than 25 (ASTM D4318).
 - b. Free of large rock fragments (no particles larger than 2 inches in diameter), debris, rubble, wood or any other deleterious material.
 - c. The amount retained on the $\frac{3}{4}$ inch sieve should be less than 20 percent.
 - d. The maximum dry density (ASTM D698) should be less than 105 lbs/cu.ft.
 - e. Minimum of 30 % fines (ASTM D422).
- B. On-site natural materials observed during the geotechnical investigation for the work expected to be suitable for reuse as native materials include:
 1. Clay (CH)
 2. Silty Clay (CL)
 3. Sandy Clay (CL)
 4. Clayey Silt (ML)
 5. Clayey Sand (SC)
- C. All off-site and on-site soils used as replacement compacted, engineered fill shall meet the following compaction specification standards to achieve low permeability:
 1. Minimum required density of 98 % of Standard Proctor maximum dry density (ASTM D698).
 2. The moisture content of fill materials should be within a range of 2 percent below the optimum moisture content to 1 percent above the optimum moisture content.
 3. Loose lift thickness prior to compaction between 6 to 8 inches.
 4. Non-vibratory compaction equipment (sheepsfoot or rubber-tired rollers).
 5. Field density tests should be performed on each lift as necessary to document moisture conditions and the actual compaction that is being achieved.
 6. Compaction control, documentation and oversight by a licensed geotechnical engineer.
- D. Geotechnical engineering investigations and construction observations shall be conducted under the supervision of a licensed professional geotechnical engineer.
- E. Soil boring logs and physical soil testing results shall be provided as part of the Site and Development Plan and shall include soil classification according to the Unified Soil Classification System, with stratigraphic changes denoted at depth below ground surface, the ground surface elevation, boring location (UTMs) and water level measurements made during drilling.
- F. All soil borings shall be backfilled with a bentonite/cement mixture throughout the soil column to the ground surface.

- G. In the event that conditions limit the effective use and/or installation of soil backfill materials, Controlled Low Strength Material (*i.e.*, “Flowable Fill”) may be used instead of soil backfill provided it achieves the similar intent of backfilling with low permeability materials suitable for limiting upward seepage in comparison to existing materials.

Section 503. Grading and Excavation Limitations

All grading and excavation areas temporarily or permanently disturbing greater than 3 ft in depth of existing surficial materials or removal of existing paved areas shall comply with the following requirements:

- A. Demonstrate that such activities shall not increase the net upward seepage or create an unstable condition for the levee and area during an Ohio River high water event over existing conditions. This analysis will be consistent with the United States Army Corps of Engineers (USACE) procedures that demonstrate:
 - 1. The change in the quantity of seepage during high water events from the planned development.
 - 2. The change in stability of surficial materials against uplift and critical gradient from the planned development.
 - 3. The change in stability of the nearby Levee system as a result of changed conditions from the planned development.
- B. The geotechnical engineering assessment shall use the results from a soils investigation program under the direction of a registered geotechnical engineer using established predicted potentiometric surface maps for the 100-year and 500-year Ohio River high water event, as provided by the *Lawrenceburg Levee Seepage Analysis* (MUNDELL, 2024) in the analysis of seepage quantities, factors of safety against uplift and critical gradient, and stability of the levee system.
- C. Analysis and construction techniques shall be consistent with the most recent edition of the USACE levee design publication Engineer Manual (EM) 1110-2-1913 and associated technical design documents.

Section 504. Permanent Foundation and Utility Installation

All permanent foundation and utility excavation and installation areas shall comply with the following requirements:

- a. The soil exposed below the base or bearing elevation of each spread footing excavation should be carefully observed and evaluated by a geotechnical engineer, or a qualified geotechnical technician working under the direction of the geotechnical engineer.
- b. Any stability analysis shall be performed in general accordance with guidelines provided in the latest edition of USACE Design Manual EM 1110-2-1913, “Design and Construction of Levees”. This includes comparing calculated slope stability factors of safety to the minimum required factors of safety presented in EM 111021913 to confirm that the calculated factors of safety relative to global stability meet the USACE criteria for flood control levees. This includes a factor of

safety for longterm steady seepage conditions and a factor of safety for rapid drawdown conditions.

- c. It is important that the soil at the base of each spread footing excavation be carefully observed and evaluated to determine whether the actual bearing materials are consistent with those upon which the design recommendations are based.
- d. If it is determined that unsuitable soils exist below the bearing elevation of a spread footing, the conditions will need to be evaluated by the project team (i.e., structural engineer, architect, and geotechnical engineer, etc.) to determine the appropriate course of action since undercutting and replacement of unsuitable soils may not be possible.
- e. Care must be exercised when excavating near existing facilities to protect the integrity of the existing foundations, pavement, utilities, etc. Bracing and underpinning may be required if it becomes necessary to excavate below the bottom elevation of the existing foundations, pavement, slabs, utilities, etc.

Section 505. Construction Monitoring

Construction monitoring of the development shall be overseen by a registered geotechnical engineer, with on-site monitoring and documentation that construction has been completed in accordance with the design specifications (signed and stamped by the engineer).

Section 506. Miscellaneous Design Standards

Miscellaneous design standards may be added depending on unique project specific characteristics.

ARTICLE VI – FEES

Section 601. General

The District may include all costs incurred in the review fee charged to an applicant pursuant to this Ordinance or other applicable municipal Ordinances. The review fee may include, but not be limited to, costs for the following:

- A. Administrative costs.
- B. Review of the Site Plan.
- C. Attendance at meetings.
- D. Site inspections of stormwater and flood control management facilities during construction.
- E. Final inspection upon completion of stormwater and flood control management facilities.
- F. Any additional work required to enforce any provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.
- G. The fees associated with reviews by the QUALIFIED PROFESSIONAL will be based on an approved scope and Fee Schedule approved by the District and provided to the applicant.

ARTICLE VII – ENFORCEMENT AND PENALTIES

Section 701. Right-of-Entry

Access to the facility must be granted for the QUALIFIED PROFESSIONAL, on behalf of the District, or District employees to verify through inspection the pre-construction, during construction and post-construction conditions of the facilities and stormwater structures in regard to any aspect regulated by this Ordinance. Access must be granted prior to the approval of the Site and Development Plan.

Section 702. Inspection

The Site may be inspected by the QUALIFIED PROFESSIONAL on behalf of the District, by District employees, or other governmental agencies.

The frequency of said inspections shall be determined by the District, or governmental agency, as deemed appropriate on a case-by-case basis. Such inspections are at the discretion of the District or governmental agency where the facility is located.

The cost of this inspection shall be set by the District or governmental agency which may include bonding requirements. Such costs or bonding requirements shall be provided to the landowner and/or developer at its request or at any time during the project, however, if bonding is required then all work shall cease until these requirements are met.

This inspection does not alter the landowner's, developer's, design engineer's, and/or contractor's duty to inspect, monitor, and/or maintain the property conditions of the facilities and stormwater structures in regard to any aspect regulated by this Ordinance.

Section 703. Enforcement

It shall be unlawful for a person to undertake any regulated activity except as provided in an approved Site Plan, unless specifically exempted in Section 303 of this Ordinance.

Section 704. Penalties

Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon a finding of a body of competent jurisdiction, shall be subject to a fine of not more than (\$500.00) for each violation, recoverable with costs, including but not limited to, Court costs and attorney fees. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

In addition, the District may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any Court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Section 705. Appeals

Any person aggrieved by any decision of the District, its representative or designee, relevant to the provisions of this Ordinance, may appeal to the Dearborn County Circuit Court within thirty (30) days of the District decision.

ARTICLE VIII - EFFECTIVE DATE




This Ordinance shall become effective on December 1st, 2024 and only after notice of this Ordinance has been published in a newspaper of general circulation within the Lawrenceburg Conservancy District's jurisdiction.

ARTICLE IX - REFERENCES

1. Mundell & Associates. 2024. *Lawrenceburg Levee Seepage Analysis*.
2. U.S. Army Corps of Engineers. 2000. *Design and Construction of Levees*. EM-1110-2-1913
3. U.S. Army Corps of Engineers. 2023. *DRAFT Evaluation, Design, and Construction of Levees*. EM-1110-2-1913
4. American Society for Testing and Materials (ASTM). 2020. *Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)*. ASTM D2487-17E01.
5. American Society for Testing and Materials (ASTM). 2018. *Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils*. ASTM D4318-17E01.
6. American Society for Testing and Materials (ASTM). 2014. *Standard Test Method for Particle-Size Analysis of Soils*. ASTM D422-63(2007).
7. American Society for Testing and Materials (ASTM). 2021. *Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft³ (600 kN-m/m³))*. ASTM D698-12(2021).

END OF ORDINANCE

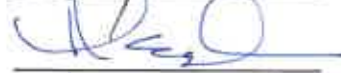
ALL OF WHICH IS ORDAINED and adopted by the Lawrenceburg Conservancy District, this the 17th day of October, 2024, in accordance with applicable statutes, upon the vote as follows:

<p>VOTE:</p> <p>James Kittle</p> <p>Dennis Richter, OD</p> <p>David Staab</p> <p>Andy Lyons</p>	<p>For</p>   	<p>Against:</p> <hr/> <hr/> <hr/> <hr/>
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Greg McAdams



Tom Schneider



Randy Tyler



So approved this 17 day of October 2024.

This Resolution:

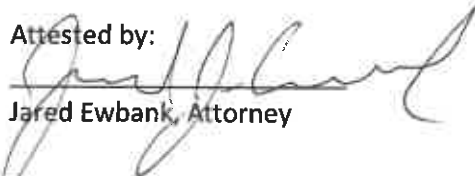

PASSED

FAILED



James Kittle, Chairman

Attested by:



Jared Ewbank, Attorney

This Instrument Prepared By:

JARED J. EWBank (34004-15)

114 West High Street

Lawrenceburg, IN 47025-1908

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