

TOWN OF GREENVILLE  
ORDINANCE NO. 2016-TR-006

**RESOLUTION CONCERNING THE MORATORIUM ON ISSUING OF  
BUILDING PERMITS FOR HERITAGE SPRINGS SUBDIVISION,  
GREENVILLE, INDIANA**

**WHEREAS**, the Town Council for the Town of Greenville, Indiana is responsible to insure all Town of Greenville Building Construction and Development comply with all Local, County and State Building Codes and;

**WHEREAS**, the Town Council of the Town of Greenville, Indiana passed Ordinance 2013-TO-061 {Attached} Dated December 19<sup>th</sup>, 2013 Concerning the Regulating of Land Excavation Within the Town of Greenville, Indiana and;

**WHEREAS**, Ordinance 2013-TO-061 under Requirements of Compliance with the Ordinance Item 1 requires a Permit for Excavation from the State of Indiana through the Floyd County Soil and Conservation Department and;

**WHEREAS**, the original permit was submitted to and approved by the Floyd County Planning and Zoning prior to the Annexation of Heritage Springs Sub-division and approval was Grandfather into the Town of Greenville Building Ordinances and Resolution and;

**WHEREAS**, the Indiana Department of Environmental Management performed an On-Site Inspection of the Heritage Springs Sub-Division and adjacent lands on February 4<sup>th</sup>, 2016 and;

**WHEREAS**, the On-Site Inspection {Attached} rates the compliance to Indiana Codes and Regulations as being Unsatisfactory and;

**WHEREAS**, because of the Unsatisfactory Compliance Report it is necessary to issue a MORATORIUM on the issuance of ALL Building Permits for the Heritage Springs Sub-division for the protection of Homeowners of Heritage Springs until all Unsatisfactory Remarks are brought into Satisfactory Compliance.

**WHEREAS**, a signed approved correction action plan by the State of Indiana or said authorized representative must be submitted to the Town Board President and Building Permit issuer (Randal Johnes) within five (5) business days of the passing of this Resolution.

**WHEREAS**, Heritage Springs Subdivision building permits must also be submitted to Greenville Town Council President for review within the five (5) following the passage of this Resolution

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:**

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1. The Greenville Town Council through the passage of this Resolution instructs Randal Johnes {permit issuer} to halt the issuance of Building Permits for The Heritage Springs Sub-Division and Adjacent Properties until the Indiana Department of Environmental Management performs an On-Site Re-inspection and ALL Unsatisfactory Remarks are brought into Satisfactory Compliance.
2. Developer of Heritage Springs shall bring ALL Unsatisfactory Remarks into Satisfactory Compliance and request Re-inspection by the Indiana Department of Environmental Management.
3. After Re-inspection by the Indiana Department of Environmental Management the Developer shall provide a written copy of the Inspection Report indicating that all Unsatisfactory Remarks have been brought into Satisfactory Compliance to Town of Greenville Council and Randal Johnes.
4. After receiving the written Satisfactory Compliance Report from the Indiana Department of Environmental Management Randal Johnes is instructed to resume the issuance of Building Permits for Heritage Springs Sub-Division and Adjacent Properties.
5. After passage of this Resolution the Greenville Town Clerk shall provide a signed copy of this Resolution to the Developer{s} of Heritage Springs Sub-Division and Randal Johnes.
6. A signed approved correction action plan by the State of Indiana or said authorized representative must be submitted to the Town Board President and Building Permit issuer (Randal Johnes) within five (5) business days of the passing of this Resolution.

**ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE  
14th DAY OF March, 2016.**

**PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA**

  
\_\_\_\_\_  
**DAVID MOORE**

  
\_\_\_\_\_  
**JACK TRAVILLIAN,  
CLERK/TREASURER**

TOWN OF GREENVILLE  
ORDINANCE NO. 2013-TO-061

**ORDINANCE CONCERNING THE REGULATING OF LAND  
EXCAVATION WITHIN THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of preventing land erosion and water run off, has deemed it necessary that the Town develop an Ordinance which forbids excavation on real property within the Corporate limits of the Town of Greenville without prior Greenville Town Council approval and;

WHEREAS, State of Indiana Rule 5, 327-IAC-15-5 requires a permit be obtained for any excavating of one acre or more of land. Permit shall be obtained through The Floyd County Soil and Conservation Department 2524 Corydon Pike, Suite 103 New Albany, Indiana 47150 {Phone: 812-945-9936}.

WHEREAS, the first reading of this Ordinance was completed on 12-09-2013 and a unanimous consent was not achieved, but the vote was 3 in favor and 1 opposed this will be the second and third reading of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

**Definition of Excavating for the Purpose of this Ordinance**

**Excavating:** 1. To make a hollow by removing the inner part; make a hole or cavity in; form into a hollow, as by digging. 2. To make {a hole, tunnel, etc.} by removing material. 3. To dig or scoop out, {earth, sand, etc.}. 4. To expose or lay bare by digging; unearth, hollow out.

**Requirements of Compliance with this Ordinance:**

1. Persons or person wishing to excavate a property of one acre or more must contact The Floyd County Soil and Conservation Department to obtain a permit for excavation from the State of Indiana. Persons or person wishing to excavate a property one acre or more shall appear before the Greenville Town Council and present a copy of the State of Indiana Permit for the area to be excavated before excavation can begin.

2. Persons or person wishing to excavate a property for less than an acre must appear before the Greenville Town Council and present a clear and precise drawing plan for the area to be excavated before excavation can begin.

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3. Plan for less than an acre shall address such topics as earth {land} erosion and water run off.
4. Plan for less than an acre shall indicate the purpose required for the excavation.
5. If property is for new construction the person or persons shall present a copy of those plans to the Greenville Town Council along with a plot plan for the location of such structure, it's dimensional location to adjoining properties, and the proposed entry and exits from adjoining Greenville streets and alleyways.

**Exempted from this Ordinance**

1. Person or persons performing common yard maintenance such as planting trees, shrubs, seeding and re-seeding of grass, etc.
2. The Greenville Water Utility and streets, alleys and roadway maintenance performed by or on the behalf of the Town of Greenville.

**ENFORCEMENT:**

Enforcement of this Ordinance shall be pursuant to I.C. 36-1-6-2, I.C. 36-1-6-3 or I.C. 36-1-6-4, or a successor statue if said statue is repealed.

**Fines and Penalties:**

1. If failure to comply with this Ordinance will require Greenville Marshal's Department to obtain a court order to stop excavation. A fine of five hundred dollars per day will occur for each day the excavation continues after Marshal issuing the citation while obtaining a court order to stop the excavation. If levied fines are not paid within 30 days then a lien will be sought against person's property, who is the owner of the property being excavated, in accordance with I.C. 36-1-6-2 plus attorney fees and court cost.
2. Persons or person who is the owner or owners of such property shall be responsible for any repair construction work required. Repairs to be completed within 14 days upon notice to correct any damage to roadway {streets, alleyways}, earth {land} erosion and water run off caused by such excavation to the satisfaction of the Greenville Town Council. If the Town of Greenville Council deems it necessary to hire another party to perform such repairs, the owner or owners of such property shall be responsible for those costs. If levied costs are not paid within 30 days then a lien will be sought against person's property, who is the owner of the property being excavated in accordance with I.C. 36-1-6-2 plus attorney fees and court cost.

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3. The Town of Greenville may pursue any and all penalties described in I.C. 36-1-6-3 in addition to the penalties described in I.C. 36-1-6-4, or a successor statute if said statute is repealed plus attorney fees and court costs.

4. Furthermore, if the condition has not been corrected within thirty {30} days, the Town may cause to be certified to the County Auditor as a charge against the taxes due and payable to the County Treasurer in the following year together with attorney fees and court cost in accordance with IC 36-1-6-2 or successor statute, if said statute is repealed.

5. Any portion of any prior Ordinance in conflict with the provisions of this Ordinance is hereby repealed.

6. This Ordinance replaces Ordinance 2010-T-060 dated August 31st, 2010. Ordinance 2010-T-060 shall be moved to the voided Ordinance file after passage of this Ordinance.

7. The Town of Greenville Clerk Treasurer shall publish this Ordinance within 30 days in the New Albany Tribune after passage.

8. The Town of Greenville Clerk Treasurer shall attach a copy of the publication and related information to the original signed Ordinance and a PDF file shall be added to the electronic file copy of this Ordinance.

9. Any unlawful provision found in this ordinance shall not effect the remaining provision.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE

19<sup>th</sup> DAY OF DECEMBER, 2013.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES

# ON-SITE EVALUATION FOR EROSION AND SEDIMENT CONTROL

Date: 2-4-16

County: Floyd

Project Name: Heritage Springs Subdivision (INR103830)

Present at Site: Ronald Boehm and Samantha Wickizer (IDEM), Jade Bilyeu (Floyd County SWCD)

TYPE OF EVALUATION:  Initial  Routine  Follow-up  Complaint

*This evaluation is intended to assess the level of compliance with 327 IAC 15-5 (Rule 5). It is also intended to identify areas where additional measures may be required to control erosion and sedimentation. All practices recommended in this report should be evaluated as to their feasibility by a qualified individual, with structural practices designed by a qualified engineer. All erosion and sediment control measures shall meet the design criteria, standards, and specifications outlined in the "Indiana Storm Water Quality Manual" or similar guidance documents.*

Current Site Information: Massive earth disturbance and land grading is occurring in the northeast portion of the project site. Tree clearing, mass grading, and infrastructure installation was occurring in the northeast area of the project site. Additional earth disturbance is taking place for construction of residential dwellings throughout the site.

### The Following Items Have Been Evaluated and Assigned a Designation of:

S = Satisfactory      M = Marginal      U = Unsatisfactory      NA = Not Applicable

#### Construction Site Management for Erosion and Sediment Control

S M U N A

- (1) Disturbed areas have been adequately protected through seeding or other appropriate erosion and sediment control measures.
- (2) Appropriate perimeter sediment control measures have been implemented.
- (3) Conveyance channels have been stabilized or protected with appropriate sediment control measures.
- (4) Erosion & sediment control measures are installed properly.
- (5) Storm drain inlets have been adequately protected.
- (6) Outlets have been adequately stabilized.
- (7) Existing erosion & sediment control measures are being maintained.
- (8) Public & private roadways are being kept clear of accumulated sediment or tracked soil.
- (9) Erosion & sediment control measures have been installed and maintained on individual building sites.

#### Status of Sediment Retention On-Site

- Site conditions present a high potential for off-site sedimentation.  
Describe: Adequate sediment controls were not implemented throughout the project site and have the potential to result in off-site sediment discharges.
- There is evidence of off-site sedimentation.  
Describe: Sediment was discharged from the southeast corner of the project site onto an adjacent property. Sediment was discharged at multiple locations into the un-named tributary of Jersey Park Creek that flows through the project site. Sediment was being tracked onto Arthur Coffman Rd. Sediment discharges were also observed from individual building lots onto the streets utilized to access occupied dwellings within the subdivision.
- Please Refer to the Comments Section of this Report

Compiled By: Ronald Boehm, CPESC, CCA

#### Definitions

- Satisfactory:** The item is currently in compliance with the Rule
- Marginal:** A concern has been identified; corrective action is strongly recommended to remain in compliance
- Unsatisfactory:** A violation has been identified and the site is not in compliance; corrective action is required
- Not Applicable:** Does not apply at this stage of construction.

ON-SITE EVALUATION FOR EROSION AND SEDIMENT CONTROL  
COMMENTS

Project Name: Heritage Springs Subdivision (INR103830)

Date: 2-4-2016

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This report was provided to: Thieneman Development Co, Inc. Don Thieneman ([don@thienemangroup.com](mailto:don@thienemangroup.com)) Steve Thieneman ([stevethieneman@yahoo.com](mailto:stevethieneman@yahoo.com)), William McDonough and Jason Copperwaite, Paul Primavera and Associates ([wmcdonough@ppa-eng.com](mailto:wmcdonough@ppa-eng.com)) ([jcopperwaite@ppa-eng.com](mailto:jcopperwaite@ppa-eng.com)), Jade Bilyeu, Floyd County SWCD ([jbilyeu@floydcounty.in.gov](mailto:jbilyeu@floydcounty.in.gov)), Greg Redden, Town of Greenville ([gregsredden@gmail.com](mailto:gregsredden@gmail.com)), Aaron McMahan, IDEM Wetlands Project Manager.

Questions or comments concerning this report should be directed to both:

Ronald J. Boehm, CPESC, CCA, Storm Water Specialist  
Surface Water, Operations and Enforcement Branch  
Wetlands and Storm Water Section, Office of Water Quality  
Indiana Department of Environmental Management  
Southwest Regional Office  
1120 North Vincennes Avenue, P.O. Box 128  
Petersburg, Indiana 47567  
888-672-8323  
[rboehm@idem.in.gov](mailto:rboehm@idem.in.gov)

Samantha Wickizer, Storm Water Specialist  
Wetlands and Storm Water Section  
Office of Water Quality  
Indiana Department of Environmental Management  
Office of Program Support, Southeast Regional Office  
820 Sweet Street  
Brownstown, Indiana 47270  
812-380-1300  
[swickize@idem.IN.gov](mailto:swickize@idem.IN.gov)

(Note: Email is the preferred method of contact due to limited phone availability while in the field)

The items checked below must be corrected within five **(5) days of receipt of this report**, unless otherwise noted.

- Install an appropriate sediment control practice between construction areas and lower lying areas:
- Replace/Repair silt fence and/or straw bale barriers:
- Entrench silt fence (6-8 in.) and/or straw bale barriers (4 -6 in.) and stake straw bales:
- Remove accumulated sediment from:  sediment traps/basins,  behind silt fence/straw bales,  around storm drain inlet protection devices,  streets and gutters (Do not flush with water):
- Temporary seed, fertilize, and/or mulch: All disturbed areas remaining idle for 15 days or longer
- Permanent seed, fertilize, and mulch areas that are at final grade:
- Protect storm drain inlets:  curb inlets,  drop inlets:
- Reshape and stabilize side slopes of:  sediment traps/basins,  detention/retention basins:
- Install/Maintain construction entrance(s): For each residential dwelling construction site
- Reshape and stabilize conveyance channels: Throughout the project site
- Place greater emphasis on erosion and sediment control on building sites; contractors, subcontractors, material vendors, and others should be made aware of erosion and sediment control requirements. Appropriate perimeter sediment controls (e.g. silt fence) and stable construction entrances shall be utilized on all sites. Sediment tracked into the street shall be removed (do not flush with water) at the end of each workday.
- Other Requirements:
  - This project is out of compliance with 327 IAC 15-5 (Rule 5)
  - The overfall associated with the 54 inch culvert on the western portion of the site must be addressed to prevent further deterioration of the stream upon discharging from the culvert.
  - The outlet structure located at the southeast corner of the site that discharges to the unnamed tributary of Jersey Park Creek also has an overfall that if not addressed may continue to pose a concern with channel degradation and the integrity of the infrastructure.
  - In addition to the Rule 5 violations identified there are other issues that may require authorization through Sections 401 and 404 of the Clean Water Act:
    - Any repair or stabilization work planned for the two overfalls identified above may require additional authorizations. Prior to initiating any work on these two overfalls, please verify if additional permits/authorizations are required.

ON-SITE EVALUATION FOR EROSION AND SEDIMENT CONTROL  
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- In addition, there are several locations at the site where current construction activity is occurring that may impact ephemeral stream channels that may be jurisdictional. These areas must be evaluated to determine if these ephemeral streams will require permitting under Sec 404 and 401 of the Federal Clean Water Act before they are impacted.
  - Please contact Aaron McMahan to discuss any IDEM Sec 401 permits that may be required. Aaron can be reached at 317-509-1047 or at amcmahan@idem.IN.gov.
  - Please note that activities or corrective actions that involve work within a stream, lake, wetland, other body of water, floodway or floodplain may require additional authorizations from the U.S. Army Corps of Engineers, Indiana Department of Natural Resources, Indiana Department of Environmental Management, County Drainage Board or other regulatory entities. It is your responsibility to obtain all necessary permits/authorizations.
  - The NOI (Notice of Intent) and other information as required by 327 IAC 15-5-7 (b) (6) was not posted at the entrance to the construction site.
  - An 18" diameter storm sewer outlet is located in the southeast corner of the project. The culvert is not aligned with the concrete headwall outlet structure, resulting in erosion and undermining of the headwall structure.
  - Silt fence has been installed in multiple locations. Deficiencies related to the installation of silt fence include.
    - The silt fence was not entrenched
    - The silt fence was overtopped in multiple locations
    - The silt fence connections are inadequate resulting in openings in the silt fence
    - In some locations the drainage area exceeds the capabilities of the silt fence.
  - Rock check dams were installed in multiple locations. Deficiencies related to the rock check dams include.
    - The rock check dams were not installed toe to crest.
    - The ends were not extended upslope to prevent bypass flow.
    - Geotextile under liner was not utilized as a component of the rock check dams.
  - Gullies exist in numerous locations throughout the project.
  - Storm drain inlet protection measures were not implemented.
  - Storm drain inlets throughout the project site were nearly completely covered with sediment accumulations.
  - Adequate sediment controls were not implemented at the outfalls of the storm drain system.
  - Concrete washout was observed on the soil surface in the area of active residential construction activities. A pH field screen identified a pH of 13.0. Implement appropriate measures to fulfill the requirements of 327 15-5-7(b) (2). Also, identification of areas where concrete truck washout is permissible must be clearly posted.
  - There are numerous locations throughout the project that were disturbed at earlier stages of the project. These areas remain unstable.
  - 327 IAC 15-5-7(b)(16) states: Un-vegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Vegetated areas with a density of less than seventy percent (70%) shall be reestablished using appropriate methods to minimize the erosion potential.
  - Implement appropriate and adequate vegetation establishment to treat the unstable areas. Apply adequate soil nutrients/amendments as part of the stabilization program. A soil analysis may prove beneficial to aid the application of soil amendments and in achieving acceptable vegetation establishment.
  - Tree clearing, mass grading, and infrastructure installation was occurring in the northeast area of the project site. Sediment controls were not implemented for this activity.
  - Adequate storm water quality measures are not implemented throughout the project to effectively prevent sediment discharges from this project. 327 IAC 15-5-7(b) (11) states: Appropriate measures shall be planned and installed as part of an erosion and sediment control system.



ON-SITE EVALUATION FOR EROSION AND SEDIMENT CONTROL  
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- Additional storm water quality measures may be needed to prevent further discharges of sediment from the project site. 327 IAC 15 -5-7(b)(8) states: The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.
- Ensure that all measures implemented at the site are in accordance with standards and specifications, are correctly installed, and that they are appropriately sized for their specific location of implementation.
- Please refer to the Indiana Storm Water Quality Manual or other reference materials for the selection, design, sizing, and implementation of storm water quality measures that are to be implemented for this project. The Indiana manual is available on-line @ [www.in.gov/idem/stormwater/2363.htm](http://www.in.gov/idem/stormwater/2363.htm).
- The overall condition of the site related to the installation and maintenance of the storm water measures indicates that the required self-monitoring program for this site is not effective.
- 327 IAC 15-5-7 (b)(18) Requires a self-monitoring program that includes written evaluations by trained individuals at a minimum of once a week and by the end of the next business day following a >0.5 inch rain event. Written reports must address the maintenance of existing storm water quality measures to ensure they are functioning properly, identify additional measures necessary to remain in compliance with all applicable statutes and rules, include the name of the individual performing the evaluation, date of the evaluation, problems identified, details of corrective actions recommended and completed. These reports are to be made available to the inspecting authority within 48 hours of a request.
  - The reports requested are from the time period of 1/1/2016-2/4/2016.
  - You may submit electronic copies of the reports via email to [rboehm@idem.IN.gov](mailto:rboehm@idem.IN.gov)
- It is imperative that actions be implemented immediately to correct the deficiencies as well as performing maintenance of the measures implemented at the site. Evaluate all disturbed areas of the site. Implement appropriate stabilization and/or containment measures to effectively treat all of the disturbed areas.