

**Ordinance No. 3952**

**AN ORDINANCE AMENDING CHAPTER 53.29 OF THE CITY CODE**

WHEREAS, the City of New Castle (“City”) has enacted Chapter 53.20 establishing regulations on discharges into its municipal separate storm sewer system; and,

WHEREAS, as a community that maintains a separate storm sewer system, the City is required to comply with certain regulations and requirements of the Environmental Protection Agency and the Indiana Department of Environmental Management; and

WHEREAS, in order to comply with the requirements of the City’s National Pollutant Discharge Elimination System Stormwater Discharge Permit, the City must adopt policies that comply with the requirements of the permit; and

WHEREAS, although the City currently reviews plans for construction and development in accordance with the requirements of the Permit, the City Code should be amended to explicitly state such requirement.

NOW THEREFORE BE IT ORDANIED by the Common Council of the City of New Castle, Indiana as follows:

Chapter 53.29 of the City Code shall be amended to read as follows, with the new language in italics:

**Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices**

The City will adopt requirements identifying best management practices for activities, operations, or facilities which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the United States. *Design and Construction activities must be in compliance with the most recent, applicable portions of the Municipal Separate Storm Sewer System General Permit as adopted by the Indiana Department of Environmental Management in accordance with Indiana Code § 13-15-3-6.* Absence of specific requirements or standards does not alleviate the responsibility of the discharger to comply with the requirements of this subchapter and other applicable state and federal laws. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs

shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**REPEALER**: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SEVERABILITY**: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

**EFFECTIVE DATE**: This Ordinance shall become effective immediately upon passage and publication as required by law and shall be enforced upon the posting of appropriate signage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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Greg York, Presiding Officer,  
Common Council, City  
of New Castle, Indiana

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ATTEST:

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Ashley Huffman , Clerk-Treasurer

APPROVED BY ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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Greg York, Mayor of the City  
of New Castle, Indiana