



**TOWN OF LOWELL**  
**DECLARATION OF RESPONSIBILITY FOR EROSION AND SEDIMENT CONTROL**

THIS DECLARATION IS MADE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_,  
(PRINTED NAME OF BUILDER)

HEREINAFTER REFERRED TO AS "BUILDER" FOR PROPERTY LOCATED AT \_\_\_\_\_,  
LOWELL, INDIANA 46356, LOCATED IN:

\_\_\_\_\_

SUBDIVISION NAME

\_\_\_\_\_

LOT #

**WHEREAS**, THE BUILDER PROPOSES TO CONSTRUCT ON AN INDIVIDUAL BUILDING LOT CONTAINING LESS THAN ONE (1) ACRE, BUT WHICH IS PART OF A MULTI-LOT CONSTRUCTION PROJECT THAT WAS PERMITTED UNDER A SEPARATE EROSION AND SEDIMENT CONTROL PLAN ("ORIGINAL PERMIT") APPROVED BY THE LOWELL MS4 OPERATOR, AND

**WHEREAS**, THE TOWN OF LOWELL REQUIRES A DECLARATION OF RESPONSIBILITY FOR EROSION AND SEDIMENT CONTROL FOR SMALL RESIDENTIAL LOTS IN ACCORDANCE WITH (TOWN OF LOWELL) ORDINANCE CHAPTER 53.200, (STATE OF INDIANA) RULE 5 OF 327 IAC 15, STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITY, PARTICULARLY 327 IAC 15-5-7.5.

**NOW THEREFORE**, THE BUILDER HERBY DECLARES THAT ALL WORK PERFORMED ON SAID LOT SHALL BE IN ACCORDANCE WITH THE TERMS OF THE DEVELOPER'S ORIGINAL PERMIT AS WELL AS OTHER APPLICABLE STATE, COUNTY AND LOCAL EROSION CONTROL AUTHORITIES.

**FURTHERMORE**, THE BUILDER SHALL INDEMNIFY AND HOLD THE TOWN OF LOWELL, ITS AGENTS AND THE DEVELOPER HARMLESS FROM AND AGAINST ALL LIABILITY, DAMAGE, LOSS, CLAIM, DEMANDS AND ACTIONS OF ANY NATURE THAT MAY ARISE OUT OF OR ARE CONNECTED WITH OR ARE CLAIMED TO ARISE OUT OF OR BE CONNECTED WITH ANY WORK DONE BY THE BUILDER, THE BUILDER'S EMPLOYEES, AGENTS OR SUBCONTRACTORS WHICH IS NOT IN COMPLIANCE WITH THE EROSION CONTROL PLAN.

**FURTHERMORE**, 327 IAC 15-5-7.5 MAY BE MODIFIED FROM TIME TO TIME; HOWEVER, PROVISIONS FOR EROSION AND SEDIMENT CONTROL ON INDIVIDUAL BUILDING LOTS REGULATED UNDER THE ORIGINAL PERMIT OF A PROJECT BUILDER SHALL INCLUDE THE FOLLOWING REQUIREMENTS:

- (1) THE BUILDER, WHETHER OWNING THE PROPERTY OR ACTING AS THE AGENT OF THE PROPERTY OWNER, SHALL BE RESPONSIBLE FOR EROSION AND SEDIMENT CONTROL REQUIREMENTS ASSOCIATED WITH ACTIVITIES ON INDIVIDUAL LOTS.
- (2) INSTALLATION AND MAINTENANCE OF A STABLE CONSTRUCTION SITE ACCESS.
- (3) INSTALLATION AND MAINTENANCE OF APPROPRIATE PERIMETER EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO LAND DISTURBANCE.
- (4) SEDIMENT DISCHARGE AND TRACKING FROM EACH LOT SHALL BE MINIMIZED THROUGHOUT THE LAND DISTURBING ACTIVITIES ON THE LOT UNTIL PERMANENT STABILIZATION HAS BEEN ACHIEVED.
- (5) CLEAN-UP OF SEDIMENT THAT IS EITHER TRACKED OR WASHED ONTO ROADS. BULK CLEARING OF SEDIMENT SHALL NOT INCLUDE FLUSHING THE AREA WITH WATER. CLEARED SEDIMENT SHALL BE REDISTRIBUTED OR DISPOSED OF IN A MANNER THAT IS IN COMPLIANCE WITH ALL APPLICABLE STATUTES AND RULES.
- (6) ADJACENT LOTS DISTURBED BY AN INDIVIDUAL LOT OPERATOR SHALL BE REPAIRED AND STABILIZED WITH TEMPORARY OR PERMANENT SURFACE STABILIZATION.
- (7) FOR INDIVIDUAL RESIDENTIAL LOTS, FINAL STABILIZATION WILL BE ACHIEVED WHEN THE INDIVIDUAL OPERATOR:
  - (A) COMPLETES FINAL STABILIZATION; OR
  - (B) HAS INSTALLED APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES FOR AN INDIVIDUAL LOT PRIOR TO OCCUPATION OF THE HOME BY THE HOMEOWNER AND HAS INFORMED THE HOMEOWNER OF THE REQUIREMENT FOR AND BENEFITS OF FINAL STABILIZATION.

**FINAL STABILIZATION OF A PROJECT SITE WILL BE ACHIEVED WHEN:**

(A) ALL LAND DISTURBING ACTIVITIES HAVE BEEN COMPLETED AND A UNIFORM (FOR EXAMPLE, EVENLY DISTRIBUTED, WITHOUT LARGE BARE AREAS) PERENNIAL VEGETATIVE COVER WITH A DENSITY OF SEVENTY PERCENT (70%) HAS BEEN ESTABLISHED ON ALL UNPAVED AREAS AND AREAS NOT COVERED BY PERMANENT STRUCTURES, OR EQUIVALENT PERMANENT STABILIZATION MEASURES HAVE BEEN EMPLOYED; AND  
(B) CONSTRUCTION PROJECTS ON LAND USED FOR AGRICULTURAL PURPOSES ARE RETURNED TO THEIR PRECONSTRUCTION AGRICULTURAL USE OR DISTURBED AREAS, NOT PREVIOUSLY USED FOR AGRUCULTURAL PRODUCTION, SUCH AS FILTER STRIPS AND AREAS THAT ARE NOT BEING RETURNED TO THEIR PRECONSTRUCTION AGRICULTURAL USE.

IN WITNESS WHEREOF, THE BUILDER HAS CAUSED THIS INSTRUMENT TO BE SIGNED THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_, 20\_\_\_\_\_.

BY: \_\_\_\_\_

SIGNATURE OF BUILDER

STATE OF INDIANA |  
COUNTY OF LAKE | SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED WHO ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES SET FORTH HEREIN.

WITNESSETH MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

SEAL:  
(SEAL MUST NOT BE OMITTED)

MY COMMISSION EXPIRES ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.