

CHAPTER 151: STORM WATER MANAGEMENT

Section

- 151.01 Authorization
- 151.02 Findings
- 151.03 Purpose
- 151.04 Definitions
- 151.05 Scope and effect
- 151.06 Storm Water Pollution Prevention Plan approval procedures
- 151.07 Plan review procedure
- 151.08 Minimum construction site best management practices
- 151.09 Lawn fertilizer regulations
- 151.10 Completion of work
- 151.11 Enforcement procedures
- 151.12 Effective date
- 151.13 Conflicts

§ 151.01 AUTHORIZATION.

This chapter is adopted pursuant to M.S. § 462.351, as it may be amended from time to time.

(Ord. 464, passed 6-26-1995)

§ 151.02 FINDINGS.

The City Council finds that uncontrolled land disturbing or development activities at construction sites, areas subject to soil erosion and areas containing restrictive soils adversely affect the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage disposal, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.03 PURPOSE.

The purpose of this chapter is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive land; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and

protection of water quality and natural areas.

(Ord. 464, passed 6-26-1995)

§ 151.04 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person who wishes to obtain a building permit, zoning or subdivision approval.

BEST MANAGEMENT PRACTICE (BMP). Erosion and sediment control, water quality, and permanent storm water management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction- phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

CITY. The elected governing body of the City of Forest Lake, or its designated officials or agents. Agents may include districts, water management organization, joint powers boards, watershed districts, or other governmental entities responsible for resource management within the city. After adopting this chapter, the city may enter into an agreement with its agent allowing the agent to administer the functions and perform the duties of the city set out in this chapter.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

DISCHARGE. The release, conveyance, channeling, runoff, or drainage, of stormwater including snowmelt, from a construction site.

EXPOSED SOIL AREAS. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel,

concrete or bituminous. Once soil is exposed it is considered “exposed soil,” until it meets the definition of “final stabilization”.

FINAL STABILIZATION. All soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass is not considered final stabilization. All facilities designed to convey or store water shall be returned to their original design volume prior to meeting the final stabilization requirements of the site.

FLOOD FRINGE. The portion of the flood plain outside of the floodway.

FLOODPLAIN. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOODWAY. The channel of the watercourse, the bed of water basins, and those portions of the adjoining flood plains that are reasonably required to carry and discharge flood water and provide water storage during a regional flood.

HYDRIC SOILS. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

HYDROPHYTIC VEGETATION. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface, including removing vegetative cover, excavating, filling, grading and the construction of any structure.

MPCA. Minnesota Pollution Control Agency.

NPDES. The National Pollutant Discharge Elimination System; the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (§§ 301, 318, 402 and 405) and 33C.F.R. §§ 1317, 1328, 1342 and 1345 authorizing the discharge of pollutants to water of the United States.

PERSON. Any individual, firm, corporation, partnership, franchise, association or governmental entity.

PUBLIC WATERS. Waters of the state as defined in M.S. § 103G.005, Subd. 15, as it may be amended from time to time.

REGIONAL FLOOD. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100 year recurrence interval.

RETENTION FACILITY. A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

SEDIMENT. Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity, or ice and has been deposited at another location.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A joint storm water and erosion and sediment control plan containing the requirements of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution.

STORMWATER RUNOFF. Surface water arising from rain, snow or the action of any person.

STRUCTURE. Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots and paved storage areas.

WATERS OF THE STATE. As defined in M.S. § 115.01, subd. 22, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) Under normal circumstances support a prevalence of the vegetation.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.05 SCOPE AND EFFECT.

(A) *Applicability.* Except as provided in division (B) of this section, every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water pollution prevention plan to the city. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water pollution prevention plan or a waiver of the approval requirements has been obtained in strict conformance with the provisions of this chapter. The provisions of § 151.07 apply to all land, public or private, located within the city.

(B) *Exemptions* The provisions of this chapter do not apply to:

(1) Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this chapter;

(2) Any land disturbing activity for which plans have been approved by the watershed management organization within 6 months prior to the effective date of this chapter;

(3) A lot for which a building permit has been approved on or before the effective date of this chapter;

(4) Excavation or grading resulting in the movement of less than 50 cubic yards of material;

(5) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;

(6) Emergency work to protect life, limb or property;

(7) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops; or

(8) Single-family residential site improvements such as the construction of houses, house additions, decks and garages that disturb an area less than one acre in size except that such land disturbances shall comply with § 151.08(A) and (H) of this

chapter.

(C) *Waiver.* The City Council may waive any requirements of this chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of the requirement will not adversely affect the standards and requirements set forth in this chapter.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008; Am. Ord. 587, passed 11-23-2009)

§ 151.06 STORM WATER POLLUTION PREVENTION PLAN APPROVAL PROCEDURES.

(A) *Application.*

(1) A storm water pollution prevention plan shall be filed with the city and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district and adequate evidence showing that the proposed use will conform to the standards set forth in this chapter. Prior to applying for approval of a storm water pollution prevention plan, an applicant may request that the storm water pollution prevention plan be reviewed by the appropriate departments of the city. A storm water pollution prevention plan shall be submitted in conjunction with any grading permit applications, land use applications or other applications as determined appropriate by the city.

(2) Five sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the city with required fees for processing and approval as set forth in § 151.07 and financial security when required by § 151.07 in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 inch equals 100 feet.

(B) *Storm water pollution prevention plan.* At a minimum, the storm water pollution prevention plan shall contain the following information.

(1) *Narrative.* A narrative describing the nature of the construction activity, including:

(a) Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and

building construction involved;

(b) Chain of command describing who is responsible for implementing the erosion and sediment control BMPs during construction;

(c) Schedule of anticipated starting and completion date of each land disturbing activity, including the installation of construction site erosion control measures needed to meet the requirements of this chapter;

(d) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;

(e) Receiving waters within 1 mile of the property;

(f) Pollution prevention measures;

(g) A plan for the maintenance and inspection of the construction site erosion and sediment control measures necessary to meet the requirements of this chapter;

(h) A description of the post construction stormwater management measures that are going to be used including drainage calculations modeling the existing and proposed conditions meeting the standards identified in §151.06; and

(i) The identity of the person responsible for overseeing the long term operation and maintenance of the permanent stormwater management system.

(2) *Existing site map.* A map of existing site conditions showing the site and immediately adjacent areas, including:

(a) The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets;

(b) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and number of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;

- (c) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet;
 - (d) Volume of material to be moved or removed;
 - (e) A woodland survey showing the removal, replacement, and preservation plan of all significant trees and woodlands, as regulated in §§ 153.295 *et seq.*;
 - (f) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency and/or the United States Army Corps of Engineers;
 - (g) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
 - (h) Vegetative cover and clearly delineating any vegetation proposed for removal; and
 - (i) 100 year flood plains, flood fringes and floodways.
- (2) *Site construction plan.* A site construction plan, including:
- (a) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
 - (b) Locations and dimensions of all temporary soil or dirt stockpiles;
 - (c) Locations and dimensions of all construction site erosion control measures and best management practices (BMPs) necessary to meet the minimum BMP requirements of this chapter;
 - (d) Designation of the site's areas that have the most potential for erosion; and
 - (e) Any other information pertinent to the particular project which in the opinion of the applicant or city is necessary for the review of the project.

(3) *Plan of final site conditions.* A plan of final site conditions on the same scale as the existing site map showing the site changes and how the site will be stabilized after construction is completed, including:

(a) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

(b) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;

(c) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;

(d) The proposed size, alignment and intended use of any structures to be erected on the site;

(e) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and

(f) Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.07 PLAN REVIEW PROCEDURE.

(A) *Process.* Storm water management plans meeting the requirements of § 151.06 and minimum BMP requirements of § 151.08 shall be submitted to the city for review.

(B) *Duration.* Approval of a plan submitted under the provisions of this chapter shall expire 1 year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the city for an extension of time to commence construction setting forth the reasons for the requested extension, the city may grant one extension of not greater than 1 single year.

(C) *Conditions.* A storm water pollution prevention plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this chapter are met. The conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alterations of the site design to insure buffering, and require the conveyance to the city or other public entity of certain lands or interests therein.

(D) *Financial security.*

(1) Prior to approval of any storm water pollution prevention plan, the applicant shall submit an agreement to construct the required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. The agreement shall be accompanied by a financial security satisfactory to the city to cover the amount of the established cost of complying with the agreement. The agreement and financial security shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with division (B) of this section.

(2) The adequacy, conditions and acceptability of any agreement and financial security shall be determined by the city.

(E) *Fees.* All applications for storm water pollution prevention plan approval shall be accompanied by a processing and approval fee as established from time to time by duly adopted resolution or ordinance of the City Council.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.08 MINIMUM CONSTRUCTION SITE BEST MANAGEMENT PRACTICES.

(A) *Standards.* No storm water pollution prevention plan which fails to meet the standards contained in this section and in §§ 153.270*et seq.*, shall be approved by the City Council or its designated representative.

(B) *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydra-cyclones, swirl concentrators or other controls, as appropriate. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding of the site, receiving channels or a wetland. All dewatering must comply with the MPCA NPDES construction site general permit.

(C) *Waste and material disposal.* All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials, collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system and must comply with MPCA disposal requirements.

(D) *Hazardous materials.* Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spill, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Concrete wash must be limited to a defined area of the site and runoff must be contained within the defined area. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.

(E) *Liquid waste.* All non-stormwater discharges (concrete truck washout, vehicle washing, maintenance spills, and the like) conducted during the construction activity shall not be discharged to the municipal storm sewer, wetlands, natural drainageways, or waters of the state and must comply with the MPCA NPDES Construction Site General Permit.

(F) *Tracking.* Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(G) *Drain inlet protection.* All storm drain inlets shall be protected during construction and must comply with the MPCA NPDES construction site general permit.

(H) Site erosion and sediment

(1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 cubic feet per second across the disturbed area for the 1-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. All temporary or permanent drainage channels must be stabilized within 24 hours of being connected to a water of the state. Sediment control is required along channel edges to reduce sediment reaching the channel.

(2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and to the extent feasible conform to the natural limitations presented by the topography and soils as to create the best

potential for preventing soil erosion.

- (a) All disturbed ground left inactive must be stabilized using the methods and time frames listed in the MPCA NPDES construction site general permit.
- (b) Whenever possible, natural vegetation shall be retained and protected.
- (c) For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, 1 or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall be designed to meet storage requirements identified in the MPCA NPDES construction site general permit with accepted design specifications. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- (d) Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing silt fence barriers around the pile. In street utility repair or construction, soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, and the storm drain inlets must be protected with appropriate inlet protection.
- (e) Perimeter sediment control measures shall be placed along all down gradient perimeters, side slopes, and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, perimeter sediment control measures shall be placed along the channel edges to reduce sediment reaching the channel. All perimeter sediment control measures must include a maintenance and inspection schedule.
- (f) Pipe outlets must have energy dissipation installed in accordance with the MPCA NPDES construction site general permit.
- (g) Exposed slopes shall not be steeper in grade than 3 feet horizontal to 1 foot vertical (33%);
- (h) Slopes over 33% (3:1) shall be reviewed and approved by the City Engineer and/or Washington Conservation District;

(i) Development on slopes with a grade between 25% (4:1) and 33% (3:1) shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative and structural damage; and

(j) The bank of a natural waterway shall be protected with permanent turf vegetation.

(3) *Site restoration.*

(a) All disturbed areas shall be restored at the completion of the project;

(b) All restoration shall include the application of a minimum of 4 inches of a mineral topsoil or similar material that will support plant growth;

(c) Final grades shall be in conformity with the permit and topography of the surrounding land;

(d) If the land is to be restored to crop production, no slope shall exceed 5 feet horizontal to 1 foot vertical (20%);

(e) If the restoration is not for crop production, no grade shall exceed 4 feet horizontal to 1 foot vertical (25%);

(f) All restored areas shall be seeded with a mixture recommended by the Conservation District or returned to crop production; and

(g) The standards in divisions (B), (C), (D) and (E) above may be waived or modified to accommodate a specific restoration plan.

(4) The contractor or owner shall be responsible for inspections and maintenance on site and must comply with the MPCA NPDES construction site general permit. Inspections are required to track the following information:

(a) Date and time of the inspections;

(b) Name of person(s) conducting inspections;

(c) Findings of inspections including recommendations for corrective actions;

(d) Corrective actions taken (including dates, times, and party completing maintenance activities);

(e) Date and amount of rainfall events great than 1/2 inch in 24 hours;

(f) Documentation of changes made to the SWPPP;

(5) Maintenance is required as follows:

(a) When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours of discovery.

(b) If the perimeter control device is not functional it must be repaired or replaced within 24 hours of discovery.

(c) Temporary sediment basins shall be maintained when sediment reaches 1/2 the outlet height or 1/2 the basin storage volume. The basin must be drained or sediment removed within 72 hours of discovery.

(d) Construction site vehicle entrance and exit locations sediment must be removed from paved surfaces within 24 hours of discovery.

(I) *Storm water management criteria for permanent facilities.*

(1) An applicant shall install or construct, on or for the proposed land disturbing, development or redevelopment activity, all storm water management facilities necessary to manage increased runoff to meet the water quantity and water quality guidelines identified in the city's Surface Water Management Plan (SWMP) and is also encouraged to meet the infiltration guidelines identified in the city's SWMP.

(2) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

(3) The drainage system shall be constructed and operational as quickly as possible during construction.

(4) The following storm water management practices shall be investigated in developing a storm water pollution prevention plan in the following descending order of preference:

- (a) Infiltration of runoff on-site, if suitable soil conditions are available for use;
- (b) Flow attenuation by use of open vegetated swales and natural depressions;
- (c) Storm water retention facilities; and
- (d) Storm water detention facilities.

(5) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in division (1) above. Justification shall be provided by the applicant for the method selected.

(6) The banks of a natural waterway shall not exceed 5 feet horizontal to 1 foot vertical.

(7) The gradient of the natural waterway bank shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

(8) The bed of the natural waterway shall be protected with turf or sod. If turf or sod will not function properly, the bed shall be designed with a turf reinforcement mat, riprap or other suitable measures as approved by the City Engineer as to prevent erosion of the bed of the waterway. Riprap shall consist of quarried limestone or field stone (if random riprap is used). The riprap shall be no smaller than 2 inches square or larger than 2 feet square.

(9) The flow velocity in the natural waterway shall be controlled to a velocity that will not cause erosion of the natural waterway. If the flow velocity in the natural waterway is such that erosion of the turfside wall will occur, and the velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls such as, turf reinforcement mat or riprap.

(J) *Design standards.* Storm water management facilities constructed in the city shall be designed in accordance with the city's SWMP and according to the most current technology as reflected in the MPCA publication *Minnesota Stormwater Manual*.

(K) *Wetland.*

(1) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.

(2) A protective buffer strip of natural vegetation shall be provided around all wetlands in accordance with § 153.343.

(3) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value in accordance with § 153.343. Replacement must be guided by the following principles in descending order of priority:

(a) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetlands;

(b) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(e) Compensating for the impact by replacing or providing substitute wetland resources or environments.

(L) *Catch basins.* All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. The basins shall be cleaned when they are half filled with material.

(M) *Drain leaders.* All newly constructed or reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

(N) *Inspection and maintenance.* All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The Director of Public Works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every 5 years thereafter. The inspection records will be kept on file at the Public Works Department for a period of 6 years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

(O) *Models/methodologies/computations.* Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the City Engineer and as per the design guidance in the city's SWMP. Plans, specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

(P) *Watershed management plans/groundwater management plans.* Storm water pollution prevention plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S. §§ 103B.231 and 103B.255 respectively, as they may be amended from time to time, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

(Q) *Easements.* If a storm water pollution prevention plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(R) *Fences, hedges and retaining walls.* No fence, hedge or retaining wall may be constructed or located within the drainage and utility easement of a stormwater drainage pond unless such improvement is approved, in writing, by the city. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water. No such approval shall be granted for an improvement defined herein within the drainage and utility easement of a stormwater drainage pond to the extent it is constructed within 5 feet of either side yard property line or within 20 feet of the ordinary high water mark of the storm drainage pond. The property owner seeking to construct the improvement regulated herein must provide a certificate of compliance from the city.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.09 LAWN FERTILIZER REGULATIONS.

Fertilizer shall be applied in accordance with Chapter 100, Lawn Fertilizer and Pesticide Application Control.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.10 COMPLETION OF WORK.

Work will be considered complete when all exposed soil areas have undergone final stabilization, as defined in § 151.04; is constructed to finish grade, and is in conformance with all permit conditions to the satisfaction of the city. The applicant or its representative shall notify the city when the land disturbing operations are ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed and final stabilization has occurred in accordance with this chapter.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.11 ENFORCEMENT PROCEDURES.

(A) *Right of entry.* The applicant shall promptly allow the city and its authorized representatives, upon presentation of credentials to:

- (1) Enter upon the permitted site for the purposes of obtaining information, examining records and conducting investigations, inspections or surveys;
- (2) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;
- (3) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted site;
- (4) Inspect the storm water pollution control measures;
- (5) Sample and monitor any items or activities pertaining to storm water pollution control measures; and
- (6) Move or remove any temporary or permanent obstruction to the safe and easy access to the site for the purposes herein described. The cost of providing such access shall be borne by the Applicant.

(B) *Notification of failure of the stormwater pollution prevention plan.*

(1) *Notification by the city.* The initial contact will be to a party listed on the application and/or the stormwater pollution prevention plan. Forty-eight hours after notification by the city or 72 hours after the failure of the erosion control measures, whichever is less, the city, at its discretion, may issue a stop work order, revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction and withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy.

(2) *Erosion off-site.* If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than 7 calendar days go by without corrective action being taken.

(3) *Erosion into streets, wetlands or water bodies.* If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during cleanup operations.

(C) *Failure to do corrective work.* When an applicant fails to conform to any provision of this chapter within the time stipulated, the city may take the following actions:

(1) Issue a stop work order, withhold the scheduling of inspections, and/or withhold the issuance of a certificate of occupancy;

(2) Revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction;

(3) Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control;

(4) All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the

applicant. If payment is not made within 30 days after costs are incurred by the city then the city may bring an action in court to collect its costs, assess the cost against the property to be collected with real estate taxes and/or draw on the financial security. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S. § 429.081 to challenge the amount or validity of the assessment.

(D) *Action against the financial security.* If appropriate remedial action by the applicant has not been completed within 7 days after notification by the city, the city may draw against the financial security. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct costs incurred in the process of remedial work including, but not limited to, staff time, consultant's time, and attorney's fees if any of the following conditions exist:

- (1) The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the city approved grading plan;
- (2) The applicant fails to conform to any city approved grading plan and/or storm water pollution prevention plan as approved by the city, or related supplementary instructions;
- (3) The techniques utilized under the storm water pollution prevention plan fail within 1 year of installation;
- (4) The applicant fails to reimburse the city for corrective action taken under division (C) hereof; or
- (5) Emergency action is required to be undertaken by the city under division (D) hereof.

(E) *Emergency action.* If circumstances exist such that noncompliance with this chapter poses an immediate danger to the public health, safety and welfare, as determined by the city engineer, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city shall be the responsibility of the applicant and may be recovered from the applicant's financial security.

(Ord. 580, passed 11-24-2008)

§ 151.12 EFFECTIVE DATE.

The ordinance set forth in this chapter shall be effective July 1, 1995.

(Ord. 464, passed 6-26-1995)

§ 151.13 CONFLICTS.

In the event of any conflict between the provisions of this chapter and the provisions of the erosion control or shoreland protection chapter adopted by the City Council, the more restrictive standard prevails.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)

§ 151.98 VIOLATIONS.

Any person, firm, or corporation violating any provision of this chapter shall be punished as set forth in § 10.99, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 464, passed 6-26-1995; Am. Ord. 580, passed 11-24-2008)