

STORM WATER MANAGEMENT
Chapter 66

66. Storm Water Management

66.010 Generally.

- (1) The purpose of this chapter is to set forth minimum requirements for storm water management to diminish threats to public health, safety, public and private property and natural resources of the City of Vadnais Heights (City) by establishing standards that will:
 - (a) Protect life and property from dangers associated with flooding;
 - (b) Protect public and private property from damage resulting from runoff or erosion;
 - (c) Ensure site design minimizes the generation of storm water and maximizes pervious areas for storm water treatment;
 - (d) Promote regional storm water management by watershed;
 - (e) Protect, maintain and/or restore water quality from nutrients, pathogens, toxics and debris;
 - (f) Promote infiltration and groundwater recharge;
 - (g) Storm water management must comply with requirements of the Minnesota Pollution Control Agency (MPCA) General Permit for Construction Activities and City or watershed guidelines for total maximum daily waste load allocations.
 - (h) Meet requirements set forth by the Vadnais Lakes Area Watershed Management Organization (VLAWMO) or Ramsey-Washington Metro Watershed District (RWMWD) depending on the appropriate boundaries.
- (2) No person shall develop any land for residential, commercial, industrial, or institutional uses without having provided the storm water management measures set forth herein to control or manage runoff from such development. All water entering the storm drain system generated on any developed or undeveloped lands, unless explicitly exempted by the city, shall be protected from illegal disposal/discharge and illegal connections.
- (3) Appropriation of water from public water basins within the City shall be below the Minnesota Department of Natural Resources threshold of 10,000 gallons per day and 1 million gallons per year.

66.020 Definitions. Unless specifically defined below, the words or phrases used in this chapter shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

- (1) Applicant. Any person that applies for a building permit, subdivision approval, or a permit to allow land-disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.
- (2) Best Management Practices (BMP's). Erosion and sediment control and water quality 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, watershed, or designated area-wide planning agencies.

- (3) Buffer. A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through filtering, pollutants and providing adjacent habitat. The width of a buffer strip is the width along each bank of a stream. Therefore, a 30-foot wide stream with 100-foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of buffers is strictly limited. Buffer areas should be designated with permanent markers.
- (4) Developer. A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- (5) Discharge. The release, conveyance, channeling, runoff, or drainage of storm water, including snowmelt, from a construction site.
- (6) Energy Dissipation. The methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads and gabions that are designed to prevent erosion.
- (7) Erosion. Any process that wears away the surface of the land by the action of water, wind, ice, or gravity.
- (8) Erosion Control. Refers to methods employed to prevent erosion. Examples include, but are not limited to, soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.
- (9) Erosion and Sediment Practice Specifications or Practice. The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the state, county, city or local watershed group, whichever is most stringent.
- (10) Exposed Soil Areas. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) 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."
- (11) Filter Strips. A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.
- (12) Final Stabilization. That all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75 percent 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 seed is not considered final stabilization.
- (13) Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper strata.
- (14) Hydrophytic Vegetation. Macrophytic (large enough to be observed by the naked eye) 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.
- (15) Illicit Discharges. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water.
- (16) Impervious Surface. A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops,

sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

- (17) Land Disturbance Activity. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City's boundaries or jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:
- (a) Individual home gardens, minor landscaping, repairs, and maintenance work.
 - (b) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under 5,000 square feet of exposed soil.
 - (c) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
 - (d) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plans, but for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements immediately after the emergency has been addressed.
- (18) National Pollutant Discharge Elimination System (NPDES). Permit program as authorized by the Clean Water Act.
- (19) Native Vegetation. The presettlement group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.
- (20) Ordinary High Water Mark. The boundary elevation where the vegetation changes from predominately aquatic to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. Minnesota Statute 103G.005, subdivision 14 provides that, "'Ordinary high water level" means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:
- (a) The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
 - (b) For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
 - (c) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool."

The term "ordinary high water mark" is further defined in Minnesota Rule 6120.2500, subpart 11. The Minnesota Department of Natural Resources' area hydrologist determines ordinary high water marks.

- (21) Paved Surface. A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.
- (22) Permanent Cover. "Final stabilization." Examples include grass, gravel, asphalt, and concrete.
- (23) Person. An individual, corporation, association, organization, entity, or other responsible party.
- (24) Receiving Waters. The water where the discharge is released.
- (25) Sanitary Waste Facility. All property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facilities include, but is not limited to, transfer stations, processing facilities and disposal sites and facilities.
- (26) Sediment. The by-product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.
- (27) Sedimentation. The process or action of depositing sediment.
- (28) Sediment Control. The methods employed to prevent sediment from leaving a disturbed site. Sediment control practices may include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- (29) Soil. The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this Code, stockpile of gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.
- (30) Stabilized. The exposed ground surface after sod, erosion control blanket, riprap, or other material that prevents erosion has covered it.
- (31) Storm Water. Under Minnesota Rule 7077.0105, subpart 4(1)(b) storm water, "means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage." Storm water does not include construction site dewatering.
- (32) Storm Water Pollution Control Plan (SWPCP). A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 4 of the NPDES permit, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.
- (33) 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.
- (34) Subdivision. The division of a parcel of land into two or more lots or parcels, any of which resultant parcel is less than five acres in area, for the purpose of transfer of ownership or building development, including the location and dedication of necessary streets to serve such lots.
- (35) Temporary Protection. Short-term methods employed to prevent erosion. Examples of such protection include, but are not limited to, straw, mulch, erosion control blankets, wood chips, and erosion netting.
- (36) Vegetated or Grassy Swales. A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration.
- (37) Waters of the State. As defined in Minnesota Statutes § 115.01, subdivision 22 the term "waters of the state" means 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.”

- (38) Wet Detention/Retention Facility. A permanent manmade structure, containing a permanent pool of water, used for the temporary storage of runoff.
- (39) 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 water as determined by Minnesota Rules 8420. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
 - (a) A predominance of hydric soils;
 - (b) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 - (c) Under normal circumstances, support a prevalence of such vegetation.

66.030 Storm Water and Urban Runoff Control.

(1) Illegal Disposal/Dumping.

- (a) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land, so that the substance might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.
- (b) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(2) Illicit Discharges and Connections.

- (a) No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
 - (1) Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA; or
 - (2) Is associated with fire fighting activities or other activities necessary to protect public health and safety; or
 - (3) Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutant.
- (b) Dye testing is an allowable discharge, but requires a verbal notification to the city prior to the time of the test.

- (c) No person shall use any illicit connection to convey non-storm water to the city's storm sewer system.
 - (d) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation; illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (e) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.
- (3) Maintenance Requirements. Any owner or occupant of property within the city shall comply with the following maintenance requirements:
- (a) No person shall leave, deposit, discharge, dump, or otherwise expose any foreign object, chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
 - (1) Septic systems must be maintained to prevent failure.
 - (2) No part of any individual septic system requiring on-land or in ground disposal of waste shall be located closer than 150 feet from the ordinary high water level in the case of DNR protected waters, or 25 feet from the wetland boundary in the case of all other water bodies, unless it is proven by the applicant that no effluent will immediately or gradually reach the water bodies because of existing physical characteristics of the site or the system.
 - (3) Recreational vehicle sewage shall be disposed of at a proper sanitary waste facility. Waste should not be discharged in an area where drainage to streets or storm sewer systems may occur.
 - (4) For recreational pools, water shall be allowed to sit seven days without the addition of chlorine to allow for chlorine to evaporate before discharge.
 - (b) Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in city codes.
 - (c) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer systems may occur.
 - (d) Storage of materials, machinery, and equipment shall meet the following requirements:
 - (1) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
 - (2) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

- (e) Debris and residue shall be removed, as noted below:
 - (1) All motor vehicle parking lots and private streets shall be swept, at a minimum of once a year in the spring to remove debris. Such debris shall be collected and properly disposed.
 - (2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Hazardous waste must be disposed of at an appropriate disposal site and shall not be placed in a trash container.

- (4) Industrial or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the storm sewer system. All facilities that have storm water discharges associated with industrial activity, including construction activity, must adhere to the following guidelines:
 - (a) 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 storm sewer system or watercourses through the use of structural and non-structural BMPs.
 - (b) Any person responsible for a property or premise, which is, the source of an illicit discharge, shall be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a SWPPP as necessary for compliance with requirements of the NPDES permit.

- (5) Construction and Building Site Activity. Construction sites and landscaping projects are especially susceptible to erosion and pollution. For this reason, construction site operators must control waste such as discarded building materials, concrete truck washout, chemicals, petroleum products, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. The developer shall be held responsible for adherence to these required prevention and control measures:
 - (a) A designated area shall be provided on site for concrete truck washout. The area shall be constructed so as to contain washout material and be located at least 50 feet away from any storm drain inlet or receiving water during construction. Upon completion of construction activities, the concrete washout material will be removed and properly disposed of prior to the area being restored.
 - (b) The guidelines below must be followed concerning debris storage and disposal:
 - (1) Daily cleanup of construction site shall be performed to ensure that all litter is contained in an appropriate enclosure or container so as not to accumulate on the ground.
 - (2) Operators must keep solid waste materials in either a container or an enclosed waste collection area.
 - (3) Empty/unused chemical containers must be disposed of in accordance with label instructions and all State and Federal requirements.
 - (4) Potentially hazardous waste must be separated from non-hazardous waste.
 - (5) Recycling of waste materials is encouraged when possible.

- (6) All construction site wastes must be disposed of at authorized disposal facilities.
- (c) Rock construction entrances shall be constructed at all city-approved entrances. Construction accesses not approved by the city should be adequately blocked to prevent unwanted traffic.
 - (1) Site access roads shall be graded or otherwise protected with silt fences, diversion channels, or dikes and pipes to prevent sediment from exiting the site via the access roads.
 - (2) Individual lots shall each be required to install and maintain a rock construction entrance throughout building construction until a dust free access has been installed. Silt fence shall be placed and maintained as appropriate. At the completion of turf establishment, all silt fence shall be removed.
- (d) Sanitary waste facilities shall be provided on site and be located as far from storm sewer inlets and receiving waters as practical on the construction site.
- (e) Chemicals, paint, petroleum, fertilizer, and pesticides must be stored in a covered enclosure and as far from receiving waters as practical on the construction site.
- (6) Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city no later than 24 hours on the next business day.
- (7) Access to Buildings for Inspection, Monitoring and/or Dye Testing.
 - (a) The city shall be permitted to enter and inspect all buildings under this chapter as often as may be necessary to determine compliance with this Code.
 - (b) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, dye testing, examination and copying of records that relate to the discharge of storm water.
 - (c) The city shall have the right to set up at any building such devices as are necessary to conduct monitoring, sampling and/or dye testing of the facility's storm water discharge.
 - (d) The city has the right to require the discharger to install monitoring equipment as necessary.
 - (e) Unreasonable delays in allowing the city access to a facility is a violation of this chapter.
 - (f) If the city has been refused access to any part of the premises from which storm water is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the

overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(8) Suspension of Storm Sewer System Access.

- (a) Suspension due to illicit discharges in emergency situations. The city may, without prior notice, suspend storm sewer system discharge access to a person or property when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the state, or to minimize danger to persons.
- (b) Suspension due to the detection of illicit discharge. Any person discharging to the storm sewer system in violation of this chapter may have their storm sewer system access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates storm sewer system access to premises terminated pursuant to this section, without the prior approval of the city.

66.040 Post Construction Storm Water Management. The purpose of this section is to comply with the state's goal of obtaining a pollutant loading water quality model that will provide, at minimum, changes in average annual flow volume, total suspended solids, and phosphorus. This modeling will be based on two time periods: from 1988 to the present (2010), and from the present to 2040 or ultimate development, whichever will occur first.

- (1) The applicant shall consider reducing the need for storm water management performance standards by incorporating the use of natural topography and land cover. It shall also:
 - (a) Minimize impact to significant natural features.
 - (b) Review the site for wetlands, wooded areas of significance, rare and endangered species habitat or areas designated by the County Biological Survey, city or watershed district that are deemed to be important and require special protection. These areas should not be developed without all appropriate approvals from the regulating agencies.
 - (c) Minimize impervious surface coverage to the maximum extent practicable.
 - (d) In designated shoreland areas, the development shall meet the impervious surface requirements of the shoreland ordinance regardless of conveyance systems.
 - (e) Have a proposed design, suggested location and phased implementation of effective, practicable storm water management measures for plans designed, engineered and implemented to achieve the following results:
 - (1) Meet or exceed NPDES permit regulations as outlined by the MPCA General Permit for Construction Activities.
 - (2) Oil and grease control. For all storm water plans for commercial or industrial developments and all other uses where the potential for pollution by oil or grease, or both, exists, the first one-half inch of runoff will be treated using the best oil and grease removal technology available. This requirement may be waived by the city when the

applicant can demonstrate that installation of such practices is not necessary.

- (3) Runoff rate control for all storm water facilities shall be designed, installed and maintained to effectively accomplish that there is no increase to the peak storm water runoff rate from the site, under predevelopment conditions, for anything less than a 24 hour precipitation event with a return frequency of 1, 2, 10 and 100 years. The project must comply with the requirements of the MPCA's General Permit for Construction Activities.
 - (4) Volume control for storm water runoff retention shall be achieved onsite in the amount equivalent to the runoff generated from one-half inch of water over the impervious surfaces of the project or as specified by the appropriate watershed.
- (2) Outlets. Discharges from new construction sites must have a stable outlet capable of carrying designed flow at a non-erosive velocity. Outlet design must consider flow capacity and flow duration for a 2-year event. This requirement applies to both the site outlet and the ultimate outlet to the storm sewer system or waterbody. Measures to trap floatables for energy dissipation must also be constructed.
- (3) Minimize Impervious Surface Area and Maximize Infiltration. Where directed by the city and based on site feasibility, projects shall use existing natural drainage ways and vegetated soil surfaces to convey, store, filter, and retain storm water runoff before discharge into public waters or a storm sewer system. Permanent pool areas of wet ponds tend to lose infiltration capacity and will not be accepted as an infiltration practice. The applicant shall attempt to limit the impervious surface of the developed site or subdivision by incorporating the following design considerations, consistent with zoning, subdivision, and PUD requirements:
- (a) Natural vegetation preserved wherever practical.
 - (b) Minimizing street widths that meet City standards and project needs.
 - (c) Reducing parking lot space.
 - (d) Sidewalk locations.
 - (e) Reducing setbacks and driveways.
 - (f) Maximizing open space while incorporating smaller lot sizes to conserve natural areas and reduce the amount of storm water runoff generated at the site.
 - (g) Using landscaping and soils to treat and infiltrate storm water runoff.
 - (h) Reduce curb and gutter where practicable, and use vegetated swales or equivalent.
 - (i) Look for vegetated areas that can filter sheet flow, removing sediment and other pollutants, and increasing the time of concentration.
 - (j) Disconnect impervious areas by allowing runoff from small impervious areas to be directed to pervious areas where it can be infiltrated or filtered.
 - (k) Runoff from downspouts, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate that the practice is likely to result in groundwater contamination.
 - (l) Increase buffers around streams, steep slopes, and wetlands to protect from flood damage and provide additional water quality treatment.
 - (m) Use shared parking facilities consistent with zoning requirements.
 - (n) Install semi-permeable/permeable or porous paving in areas where appropriate.

- (4) Pond Requirements. For all projects creating more than one acre of impervious surface, ponding shall be required. At a minimum all pond design specifications shall conform to the city's engineering design standards and the current requirements found in the NPDES construction permit.
- (5) Regional Ponding. If the city determines the site is not suitable for on-site ponding, off-site storm water management and associated fees may be established, provided that provisions are made to manage storm water by an off-site facility, and provided that all of the following conditions for the off-site facility are met:
 - (a) The facility is in place or the city has knowledge of future regional ponding on site;
 - (b) The facility is designed and adequately sized to provide a level of storm water control that at least meets the ordinance standards;
 - (c) The city is satisfied that the facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - (d) The appropriate watershed approves the ponding area.
- (6) Accepted Alternative Storm Water Treatments. Alternative storm water treatments, including but not limited to rain gardens and infiltration basins, may be installed and shall be reviewed and approved by the city.
- (7) Maintenance of Private Storm Water Facilities. All private storm water facilities shall be maintained by the owner in proper condition consistent with the performance standards for which they were originally designed.
 - (a) All settled materials from sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on an annual basis. One- to five-year waivers from this requirement may be granted by the city when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.
 - (b) Ponds shall be inspected at least once every five years to determine if settled materials should be removed. Settled materials shall be removed and properly disposed of when the pond is no longer functioning at the original design capacity.
 - (c) When requested by the city, a maintenance plan must be provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals of a private storm water facility before the facility is approved.
 - (d) All storm water facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance.
 - (e) The city shall have the right to request and review inspection and maintenance records and shall have the right to perform an inspection of storm water facilities at any time if the city has probable cause to believe that the facilities are not being properly maintained or inspected.

66.050 Enforcement.

- (1) Notice of Violation.

- (a) Upon discovering that a person or property owner has violated a prohibition or failed to meet a requirement of this section, the city engineer, code enforcement officer or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of Ramsey County. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city engineer, code enforcement officer or designee and stated in the notice. Such time shall not be less than 14 days. Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs.
- (b) Such notice shall also advise the property owner of the right to request a hearing before the city council or designee to contest the contents of the notice.
- (c) If requested by the person upon whom the notice is served under subsection (1) of this section, a hearing before the city council or designee shall be held at which the person may contest the contents of the notice. The request for such a hearing must be made within five days after receipt of the notice provided for in subsection (1) of this section. After such hearing and as directed by the city council, the city administrator or designee may affirm the notice, modify the notice or quash the notice.
- (d) If the property owner does not abate the nuisance as required by the notice provided for in subsection (1) of this section and has not requested a hearing before the city council or designee under subsection (1)(b) of this section, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (e) If the property owner requests a hearing before the city council or designee under subsection (1)(b) of this section, no abatement actions shall be taken until the hearing is held. If after the hearing the city council or designee affirms or modifies the notice and the nuisance is not abated as provided in the notice as affirmed or modified, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (f) Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located. The city shall make every available effort to contact the property owner and afford them the opportunity to make emergency repairs immediately.

(Source: [Ord. 618](#), 5-18-10)