

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2015-38

An Ordinance Amending the Grant Code of Ordinances
Amending Sections 30-1 Definitions, 30-103 Land Requirements; and Adding Sections 30-16
Incorporation by Reference, 30-172 Erosion and Sediment Control Plans, 30-173 Stormwater
Plans, and 30-174 Illicit Discharge

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 30, SUBDIVISIONS, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, Section 32-1, “Definitions” is hereby AMENDED to ADD the following identified as underlined, to be incorporated alphabetically:

Best Management Practices (BMPs) means the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.

Dewatering means the removal of water for construction activity. It can be a discharge of appropriated surface or ground water to dry and/or solidify a construction site. It may require Minnesota department of natural resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.

Erosion means any process that wears away the surface of the land by the action of water.

Erosion control means the methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Final stabilization means:

A. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed,

without large bare areas) perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed:

- B. For individual lots in residential construction by either: 1) the homebuilder completing final stabilization as specified above, or 2) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or
- C. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in subsection A or B of this definition.

Impervious surface means 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 prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Land disturbing or development activities means any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

National Pollutant Discharge Elimination System (NPDES) means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the clean water act (sections 301, 318, 402, and 405) and United States Code of Federal Regulations title 33, sections 1317, 1328, 1342, and 1345.

Perimeter control means a barrier that prevents sediment from leaving a site by filtering sediment laden runoff or diverting it to a sediment trap or basin

Sediment means the 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.

Sediment control means the measures and methods employed to prevent sediment from leaving the site. Sediment control practices 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.

Stormwater is defined under Minnesota rules 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

SECTION 2. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, *Section 30-3Enforcement* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 30-3. Enforcement.

(a) *Building permits.* No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this regulation have been fully met.

(b) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property the notice of violation shall contain:

- (1) The name and address of the owner of applicant;
- (2) The address when available or description of the land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days of receipt of the notice of violation.

(c) Stop Work Order. Persons receiving a Stop Work Order will be required to halt all construction activities immediately. This Stop Work Order will be in effect until the city confirms that the land disturbing activity is in compliance and the violation has been satisfactorily addressed. Failure to address a Stop Work Order in a timely manner may result in consequences as described the following section.

(d) ~~(e)~~*Violation and penalties.* Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
(Ord. No. 1996-01, § 10, 10-22-1996)

SECTION 3. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 30, Article I, *Section 30-16 Incorporation by Reference* is hereby ADDED and the following identified as underlined:

Sec. 30-16. Incorporation by reference.

- (a) The following are incorporated into this chapter by reference:
 - (1) The Grant comprehensive plan.
 - (2) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended.
 - (3) The Grant Engineering and Design Guidelines document.
 - (4) The Rules of the Valley Branch Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
 - (5) The Rules of the Rice Creek Watershed District, as amended, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.

SECTION 4. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article II, *Section 30-58(c) Subdivision design features* is hereby AMENDED with the following additions identified as underlined:

Sec. 30-58. Data Required

- (a) No Change
- (b) No Change
- (c) *Subdivision design features.*
 - (1) Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III.
 - (2) Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - (3) Lot and block numbers and preliminary dimensions of lots and blocks and the area of each lot.
 - (4) Proposed front, side, and rear building setback lines.
 - (5) Gradients of proposed streets. Plans and profiles showing locations and typical cross sections of street pavement including ditches, curbs, gutters, sidewalks, drainage easements, service rights-of-way, manholes and catchbasins.
 - (6) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas in acres.

- (7) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval must be obtained from the state department of natural resources and Army Corps of Engineers or watershed or water management organization, county soil and water conservation district, or other permitting authority that has jurisdiction.
- (8) Erosion and sediment control plan.
- (9) Stormwater management plan.

SECTION 5. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article III, *Section 30-103 Land Requirements* is hereby AMENDED with the following additions identified as underlined and deletions identified as ~~struck through~~:

Sec. 30-103. Land requirements.

- (a) Permits required.
 - (1) Grading permit. Land disturbing activities that disturb more than 50 cubic yards to 5,000 cubic yards will require a grading permit from the city.
 - (2) Conditional use permit. Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit from the city.
- (b) *Suitability of terrain.* Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations. The design of all subdivisions shall coordinate and be respective of the zoning map and ordinances, the city comprehensive plan, official map, street plan, and any other planning guides adopted by the city.
- ~~(c) *Erosion and sedimentation control plans.* Erosion and sedimentation control plans in accordance with the technical standard and specifications of the soil conservation service, as provided by the county soil and water conservation district office, and required on slopes with grades of 18 percent or steeper. National Pollutant Discharge Elimination System (NPDES) erosion control measures shall be enforced on all graded areas with grades less than 18 percent slope.~~
- (c) *Presence of hazards.* Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
- (d) *Coordination of development.* Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

SECTION 6. ADDITIONS TO CHAPTER 30, SUBDIVISIONS, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 30, Article IV, *Engineer Standards* is hereby AMENDED to add Sections 30-172 Erosion and Sediment Control Plans and 30-173 Stormwater Management Plans identified as underlined below:

Sec. 30-172 Erosion and sediment control plans.

(a) *Applicability.* Construction activity that results in land disturbance of equal to or greater than one acre or a common plan of development or sale that disturbs one acre will be required to submit an erosion and sediment control plan to the city prior to construction. All construction sites regardless of size will be required to provide and maintain minimum erosion control measures during construction.

(b) *General criteria.* Projects requiring an erosion and sediment control plan shall include the following criteria:

- (1) Erosion Control
- (2) Sediment Control
- (3) Temporary Sediment Basins
- (4) Dewatering and Basin Draining
- (5) Inspection and Maintenance
- (6) Pollution Management Measures/Construction Site Waste Control
- (7) Final Stabilization
- (8) Training

(c) *Specifications.* All erosion and sediment control plans shall meet the specifications set forth in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit and applicable Watershed District Rules.

Sec. 30-173. Stormwater management plans.

(a) *Applicability.* All projects either creating or disturbing one acre or greater of new impervious will require the submittal of a stormwater management plan to the city prior to construction.

(b) *General criteria.* At a minimum, the stormwater management plan shall meet the criteria as described in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(c) *Specifications.* Unless determined by the City to be exempt or granted a waiver, all site designs shall establish storm water management facilities to control the peak flow rates and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the city's Engineering Design Guidelines, the NPDES Construction Stormwater Permit, and applicable Watershed District Rules.

(d) *Maintenance Agreement.* All permanent stormwater management facilities must provide a maintenance agreement with the City that documents all responsibilities for operation and maintenance of long-term stormwater management facilities. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. All maintenance agreements must be approved by the City and recorded at Washington County recorder's office prior to final plan approval. At a minimum, the maintenance agreement shall describe the inspection and maintenance obligations:

- (1) The responsible party who is permanently responsible for inspection and maintenance of the structural and nonstructural measures.
- (2) Pass responsibilities for such maintenance to successors in title
- (3) Allow the City and its representatives the right of entry for the purposes of inspecting all permanent stormwater management systems.
- (4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent stormwater management system.
- (5) Include a maintenance plan that contains, but is not limited to the following:
 - a. Identification of all structural permanent stormwater management systems
 - b. A schedule for regular inspections, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.
 - c. Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
 - d. Include a schedule and format for reporting compliance with the maintenance agreement to the City.
 - e. Right of Entry. The issuance of a permit constitutes a right-of-entry for the community or its contractor to enter upon the construction site. The applicant shall allow the community and their authorized representatives, upon presentation of credentials, to:
 - i. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
 - ii. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
 - iii. 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 permit.
 - iv. Inspect the stormwater pollution control measures.
 - v. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
 - vi. Correct deficiencies in stormwater and erosion and sediment control measures.

SECTION 7. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 8. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___day of _____, 2015.

Thomas Carr, Mayor

Attest: Kim Points, City Clerk