

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE

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▮ 50.01 DEFINITIONS.

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

GARBAGE. Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

RUBBISH. All inorganic refuse matter such as tin cans, glass, paper, ashes and the like.

▮ 50.02 SANITATION COLLECTION SERVICE REQUIRED.

Every person owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates shall subscribe to a sanitation collection service.
Penalty, see ' 10.99

▮ 50.03 CONTAINER REQUIRED; PLACEMENT.

(A) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to provide a container or containers for garbage and refuse, sufficient in size and number to accommodate and securely keep all garbage and refuse that may accumulate between collections. Garbage containers shall be watertight and constructed of a solid and durable grade of metal, plastic, or paper material.

(B) It shall be the duty of every person whose garbage and refuse is collected by the sanitation collection service to place their garbage containers directly behind the curblineline of the street abutting their property or, in the absence of a curb, directly behind the ditch line abutting their property. In no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the subscriber to place the containers no earlier than 6:00 p.m. of the afternoon preceding the collection day.

Penalty, see ' 10.99

▮ 50.04 MEDDLING WITH TRASH RECEPTACLES PROHIBITED.

(A) It shall be unlawful to meddle with garbage cans, trash or rubbish receptacles or in any way pilfer, search or scatter contents of garbage cans or rubbish receptacles in or upon any street or alley within the city limits.

(B) This section shall not apply to persons authorized by the city or persons authorized by state or federal law to search or otherwise meddle with trash receptacles.

Penalty, see ' 10.99

▮ 50.05 CONTAINERS TO BE KEPT SANITARY AND SECURE.

All containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract or breed flies, mosquitoes, or other insects. The area surrounding garbage containers shall be maintained in a clean and sanitary condition. The contents of all receptacles shall be protected so that the wind cannot scatter the contents over the streets, alleys or other property within the city. All containers shall be securely closed in a manner as to prevent the scattering of the contents and to make them inaccessible to insects, rodents and other animals.

Penalty, see ' 10.99

▮ 50.06 SANITATION SERVICE; CITY OPTIONS.

The City Council may provide for sanitation collection services within the city by use of city employees and vehicles, or it may grant licenses under the terms and conditions of ' 50.11, or it may contract with one or more contractors for the provision of these services under the terms and conditions negotiated with the contractors, except that the provisions for insurance under ' 50.11(E) shall always apply.

' 50.07 REMOVAL OF BUILDING MATERIALS.

Waste from building operations, rock waste, building materials or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property shall be removed by the building contractor, owner or occupant of the building at his or her own expense. It shall be unlawful for any person to place those materials in any dumpster or other trash receptacle for disposal by the city or any agent or contractor of the city.

Penalty, see ' 10.99

' 50.08 PROHIBITED ACTS.

(A) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, debris, stagnant water or dead animal into, upon or along any public property or private property of another, except as may be specifically provided by this chapter.

(B) It shall be unlawful for any person owning or otherwise in control of any premises within the city to permit any of the conditions described in division (A) of this section to exist upon property owned or controlled by him or her after having actual or constructive notice thereof.

(C) It shall be unlawful for any person to place in any container any material other than as specifically provided in this chapter.

(D) It shall be unlawful for any person to deposit or maintain garbage or trash except as provided for by this chapter.

(E) It shall be unlawful for any person to deposit any burning match, charcoal, ember, or other material in any container used for the disposal of garbage.

Penalty, see ' 10.99

' 50.09 NON-RESIDENTIAL CUSTOMERS; CONTAINER TYPES; COLLECTION SCHEDULES.

(A) It shall be the duty of the owner or person otherwise in charge of multi-family, institutional or industrial premises within the city to cause all garbage and trash accumulated on the premises to be placed in disposable containers, or commercial-type containers. Commercial-type containers may be used and may be placed at a location on the premises as arranged between the customer and the collector, but subject to review by the city at any time.

(B) Disposable containers shall be placed at a location on the premises which is readily accessible to the collector.

(C) The amount and character of garbage shall be considered in establishing the size of commercial containers and the frequency of pickup. The city shall have final authority to establish the size and frequency based on the history of the amount and type of garbage generated by the customer. The collection and removal of garbage and trash from the premises used for commercial, institutional, or industrial purposes shall be made as often as necessary in order to maintain the premises free of accumulations. Garbage, except dry trash in contractor-supplied containers, shall be collected not less than one time each week, except for roll-off containers which shall not be subject to this provision so long as they are used solely for brush and dry trash.

Penalty, see ' 10.99

▪ **50.10 MANNER OF COLLECTION AND TRANSPORTATION.**

(A) The collection, removal and disposal of all garbage, trash and brush shall be carried on in a systematic, efficient manner to keep the city in a clean and sanitary condition.

(B) All vehicles used for the collection and transportation of garbage and trash shall be equipped with suitable covers which shall be used to prevent blowing or scattering of refuse while garbage and trash are being transported for disposal.

Penalty, see ' 10.99

▪ **50.11 LICENSING FOR COLLECTION.**

(A) *Purpose.* In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of the city and in order to protect the area from the problems of uncoordinated, unsanitary and improper solid waste disposal, the City Council may determine that it is in the best interests of the residents of the city to require licenses of persons collecting or hauling garbage and rubbish for hire, reserving to the city the right and authority to contract with one or more operators to provide these services.

(B) *Licensing.* No person may collect or haul garbage or rubbish within the city without first obtaining a written license from the City Council. An application for a license shall be submitted in writing to the City Clerk-Treasurer, and shall contain the following information:

- (1) Name and address of the applicant;
- (2) Description of the equipment which will be used within the city by the applicant;

(3) A schedule of the rate that will be charged by the applicant for the various categories of customers within the city; and

(4) Evidence of compliance with the other applicable sections of this chapter.

(C) *Franchise.* The City Council may exercise its reserved right to contract with one or more operators for the collection of garbage and rubbish within the city.

(D) *Suspension of license or contract.* A contract or license issued under the provisions of this section may be revoked or suspended for a violation of this chapter or other applicable regulations of law upon a showing that the contractor or licensee has failed to comply with that regulation.

(E) *Financial responsibility.* The licensee or contractor shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by the licensee or contractor shall be covered against loss or injury in the following amounts: \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case; \$1,000,000 for any number of claims arising out of a single occurrence. The licensee or contractor shall hold the city harmless and agrees to defend and indemnify the city, and the city=s employees and agents, for any claims, damages, losses, and expenses related to the work under the license or contract. The city shall be named as an additional insured under that insurance for the services provided under the license or contract. The licensee=s or contractor=s insurance shall be the primary insurance for the city and the licensee or contractor shall provide a certificate of insurance on the city=s approved form which verifies the existence of the insurance required, including provisions to hold the city harmless and defend and indemnify the city. The licensee or contractor shall also provide evidence of workers compensation insurance for employees. These insurance policies shall be for the full term of the license or franchise and shall provide for the giving of ten days prior notice to the city of the termination or cancellation of these policies. In case any policies are terminated or cancelled, the license or contract shall be automatically revoked upon receipt by the City Clerk-Treasurer of the termination or cancellation.

(F) *Design of equipment.* All trucks or motor vehicles used by the licensee or contractor shall be water-tight so as not to allow the leakage of liquids or refuse while hauling the same and shall be covered with a covering to prevent the scattering of its contents upon the public streets or private properties in the city.

(G) *Inspections.* All vehicles used for garbage or rubbish shall be made available for inspection within the city at the times and places as the City Council may designate.

(H) *Bond.* The contractor or licensee may be required to furnish a surety bond in an amount as the City Council deems necessary running to and approved by the City Council, guaranteeing the franchisee=s or licensee=s faithful and continuous performance of the terms of the franchise, license or contract and of this chapter.

Penalty, see 10.99

▪ **50.12 COLLECTION OF LEAVES, TREES OR TREE LIMBS.**

Nothing in this chapter shall be construed to prevent the collection for hire by other persons of leaves, trees or tree limbs.

50.13 STORAGE, DEPOSIT, AND DISPOSAL OF REFUSE.

A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **RECEPTACLE.** Any storage container, including bins and bags, used for the storage of any category of waste.

(B) Deposit of garbage or refuse. It is unlawful:

1. To deposit refuse or garbage in a public receptacle on city property, except for refuse or garbage normally generated from picnics and similar social activities carried on in the city park;

CHAPTER 51: WATER

Section

- 51.01 Application for Service
- 51.02 Water Rates
- 51.03 Provisions for Collection of Non-Payment
- 51.04 Water Use Regulations
- 51.05 Meters
- 51.06 Water Hook-Ups
- 51.07 Irrigation Systems
- 51.08 Frozen Water & Sewer Lines

' 51.01 APPLICATION FOR SERVICE.

(A) *Procedure.* Application for a water service installation and for water service shall be made to the City Clerk/Treasurer/Administrator on forms prescribed and furnished by the City. Every person applying for water service from the municipal water system, and each owner of property for which application is made, shall be deemed by the application to consent to all ordinances, rules and regulations of the City relating to the municipal water system.

(B) *Accounts in name of owners.* All accounts shall be carried in the name of the property owners who personally, or by his authorized agent, shall apply for the service. The property owner shall be liable for water supplied to his or her property, whether he or she is occupying the property or not and any charges unpaid shall be the responsibility of the property owners.
(Ord. 149, passed 4-15-02)

' 51.02 WATER RATES.

(A) The Starbuck City Council shall establish a fee schedule to set all water, sewer, storm sewer, irrigation, bulk water, late fees, and sewer & water connection rates, fees, and charges by resolution. Current fees have been established by Resolution 2015-23. Resolutions may be amended periodically.

(B) Utility bills will be processed and mailed on approximately the first day of the month. Bills will be for the month preceding. All utility bills are due and payable on or before the fifteenth of the month in which the bill was sent.

(C) If water service is voluntarily turned off (Example: leaving the house for an extended period of time; unoccupied) the water reconnection fee is \$35.00

(Section amended 12-28-16)

' 51.03 PROVISIONS FOR COLLECTION OF NON-PAYMENT.

The city has the authority to proceed with the collection of utility bill non-payment in the following manner:

(A) Water service can be shut off to a property for non-payment or violation of rules and regulations affecting utility service after notice and an opportunity for a hearing have been afforded to the property owner affected. The notice shall be served either personally or by certified mail and shall state that if payment is not made by a date stated in the notice (not less than 15 days after the date on which the notice was given) the water supply to the premises shall be shut off. A \$75.00 reconnection fee will be charged to the property to have water services turned back on. The notice shall clearly inform the customer of the available opportunities to present to the city his/her objections to the bill, and shall identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and state that the occupant may before such date request a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If as a result of the hearing, the City Council determines that the amount claimed to be owed is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the water supply. Accounts that are 60 days past due will be affected by this policy.

(Ord. 149, passed 4-15-02)(Amended 3-12-07, 9-10-09)

(B) Delinquent accounts shall be certified by the City Clerk/Treasurer/Administrator who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the City Council for adoption at the regular monthly October City Council meeting each year. Upon the adoption, the Clerk/Treasurer/Administrator shall certify the assessment roll to the County Auditor for collection along with the general property taxes. A 7% interest rate will be charged on these assessments.

(Ord. 149, passed 4-15-02)

' 51.04 WATER USE REGULATIONS.

(A) *Discontinuance of service.* The city may discontinue service to any water consumer without notice for necessary repairs, or upon notice for necessary repairs, or upon notice as provided in '51.03(A) of this chapter for non-payment of charges, or for violation of rules and regulations affecting utility service.

(B) *Supply from one service connection.* No more than one house or building shall be supplied from one service connection except by special permission of the City Council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

(C) *Turning on water; tapping mains.* No person except an authorized city employee shall turn on any water supply at the curb stop or tap any distributing main or pipe of the water supply system.

(D) *Repair of leaks.* The consumer or owner shall be responsible for maintaining the service pipe from the curb stop into the building served. If he or she fails to repair any leak in the service pipe within 24 hours after notice by the city, the city may turn the water off. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(E) *Use of fire hydrants.* No person, other than an authorized city employee, shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the City Clerk/Treasurer/Administrator.

(F) *Private water supply.* No water pipe of the city water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any connection is found, the City Clerk/Treasurer/Administrator shall notify the owners to sever the connection. If this is not done immediately, the city shall turn off the water supply. Before any new connection to the city system is permitted, the Water Department shall ascertain that no cross connection will exist when the new connection is made.

(G) *Restricted hours.* Whenever the City Council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged with a fee to be determined at time of issuance of resolution. The charge shall be added to his or her next water bill. If the emergency requires immediate compliance with terms of the resolution, the City Council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received the notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

(H) *Permitting use by others.* No person shall permit city water to be used for any purpose except upon his/her own premises, except in an emergency and then only if written permission is first obtained from the City Clerk/Treasurer/Administrator/Water Superintendant. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Clerk/Treasurer/Administrator for the services.

(Ord. 149, passed 4-15-02) Penalty, see ' 10.99

51.05 METERS.

(A) *Meters required.* Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn there from unless the water passes through a meter supplied or approved by the city. No person not authorized by the Water Department shall connect, disconnect, take apart, or in manner change or interfere with any meter or its use. The first meter installed at a property is split 50/50 between the city and the property owner. Additional meters are fully funded by the property owner.

(Amended 4-9-18)

(B) *Complaints; meter testing.* If a consumer expresses concerns that the bill for any past service period is excessive, the city shall have a Data Logger Report run for a service fee set in Resolution 2015-23. If the report shows an error in the city's favor exceeding five percent of the water consumed, the fee shall be refunded and an accurate meter shall be installed. The consumer's bill shall also be adjusted accordingly.

(Amended 12-28-16)

(C) *Meters are property of the city.* Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

(D) *Meter reading and inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

(E) *Water meter setting.* Every water meter shall be installed in accordance with the following provisions:

(1) The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop valve shall be 12 inches above the floor.

(2) The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the Water Department. A suitable bracket shall be provided to support the meter in a horizontal position and prevent noise from vibration.

(3) Each meter installation shall have a stop valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop valve.

(4) The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

(5) Meter setting devices for five-eighth inch and one inch meters shall be of copper/poly 150 PSI or tubing from the terminus of the service pipe up to and including the stop valve on the building side.

(F) *Location of stop boxes.* Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of eight feet below the established grade and shall be left in an accurate vertical position when back-filling is completed.

(Ord. 149, passed 4-15-02) Penalty, see ' 10.99

(G) *Meter Replacement.* If a meter is damaged the entire replacement cost of the meter will be incurred by the property owner.

(Passed 12/28/16)

' 51.06 WATER HOOK-UPS.

When water service commences to a property, the residential property will then be charged monthly for water, sewer, storm sewer and sanitary pickup charges. Commercial property will be charged monthly for water, sewer and storm sewer. At such time, written request is received by the city for water service to be discontinued to a property, water service will be discontinued and all charges for water, sewer, storm sewer and sanitary pick-up will be discontinued.

(Ord. 149, passed 4-15-02)(Amended 4-9-18)

' 51.07 IRRIGATION SYSTEMS.

(A) *Irrigation Meter.* If a consumer requests to install a meter for irrigation purposes, the customer is required to pay for the full cost of the meter and installation. Irrigation meters must be installed to only supply water to outdoor faucets and irrigation systems.

(B) *Consumption Rates.* In collaboration with the Minnesota Department of Natural Resources, the City of Starbuck has implemented a three tiered consumption rate for irrigation. The tiered rate system is designed to conserve water since this type of use impacts the City's aquifer and is a luxury and not a necessity. There is no base rate associated with the irrigation meter; however, the three tiered usage rate is set in Resolution 2015-23.

(C) *Meter Reading and Inspection.* Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with to the city water supply system in order to read meters and make inspections.

(Passed 12/28/16)

' 51.08 FROZEN WATER & SEWER LINES.

POLICY:

The purpose of this policy is to provide the City of Starbuck's procedures to help eliminate frozen water and sewer lines and what happens in the event of frozen water and sewer lines. Procedures identified in this policy are intended to maintain City wide formality and to identify responsibility of maintenance and repair. The City will provide maintenance only to the City's infrastructure in a safe and cost effective manner, keeping in mind safety, budget, personnel, and environmental concerns. The City will use City employees, equipment, and/or private contractors to conduct this maintenance and repair.

PROCEDURES:

When there are extreme frost conditions and the risk of freezing water lines occurs, a general notification on "How to protect water lines from freezing" will be placed in the Starbuck Times and on the city website.

- The City of Starbuck is responsible for frozen water mains.
- The City of Starbuck is responsible for frozen sewer mains.
- Residents are responsible for laterals from the house to the water main, including the curb stop.
- Residents are responsible for sewer lines from the house to the main.
- If only one home on a line is affected this will be considered a frozen lateral and no credit will be given for water or sewer. The resident will pay the average bill for that residence.
- Residents are encouraged to monitor the temperature of their water. If the water temperature reaches 37 degrees F or lower, it is suggested that they run a pencil-sized stream of water (1/4 gallon/minute) to prevent possible freezing of the line. Once the water temperature is above 37 degrees F, the property may stop the running water.
- Residents that find it necessary to run a pencil-sized stream of water (1/4 gallon/minute) will be responsible for the water bill in its entirety, unless the resident is requested by the City to run water to protect the City's water and sewer system. If this occurs the resident will be charged their average bill until the City asks them to stop running the water.
- Residents who are provided water from another source will continue to pay for the average water bill for their residence.
- If a water line becomes frozen at a residence, the owner will be responsible for any costs incurred in order to attempt to return water to the residence.
- Residents that provide water to another resident whose lines have frozen will have their utility bill adjusted to their average use if they contact City Hall upon hook up to another resident.
- The Starbuck City Council will call for a motion if any monetary credit is to be given beyond the outlined items in this policy.

(Section Approved - 4-9-18)

Passed by the Starbuck Council this 9th day of April, 2018.

Published on the 18th day of April, 2018.

Mayor

Date

City Clerk

Date

CHAPTER 52: SEWERS

Section

Use Regulations

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USE REGULATIONS

52.01 TITLE.

This subchapter shall be known, cited and referred to as the ASewer Use Subchapter,@ except as referred to herein, where it shall be known as Athis subchapter.@
(Ord. 122, passed 11-27-89)

▸ 52.02 INTENT AND PURPOSE.

This subchapter is adopted for the purpose of:

(A) Protecting the health, safety and welfare of the residents of the community, present and future, to accordance with the city=s NPDES permit.

(B) Regulating the discharge of wastes into public and private sewers which would have an adverse effect on the operation and maintenance of the wastewater treatment facilities.
(Ord. 122, passed 11-27-89)

▸ 52.03 RULES AND DEFINITIONS.

(A) (1) In the event of conflicting provisions in the text of this subchapter and/or ordinances, the more restrictive provisions shall apply. The Clerk-Treasurer shall determine which is more Restrictive@ and appeals from the determination shall be made in the manner provided herein.

(2) Words used in the present tense shall include the past and future tense; the singular includes the plural and the plural includes the singular. The word Ashall@ is mandatory, and the word Amay@ is permissive.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD or ***BIOCHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes or pumping chambers inside the walls of the building and conveys it to the building sewer which begins at least one foot outside the building line.

BUILDING SEWER. The part of the drainage system which extends from the building drain to the point of connection to either a public sewer, a septic tank, pumping chamber or an individual sewage treatment system, for the purpose of conveying wastewater.

CITY. The area within the corporate boundaries of Starbuck. The term ***CITY***, when used herein, may also be used to refer to the city=s authorized representative.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater.

GARBAGE. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit or vegetable and condemned food.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. A sewage treatment system connecting to a single dwelling or other establishment, consisting of soil treatment unit, septic tank and any associated pumping and piping systems.

INDUSTRIAL WASTES. The solid, liquid or gaseous waste resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow. **INFILTRATION** is water entering a sanitary sewer from the ground through such means as defective pipes, pipe joints, connections, building drains and manhole walls. **INFLOW** is surface water other than sewage entering a sanitary sewer from sources such as roof leaders, basement and foundation drains and sumps, yard and area drains, manhole covers, street inlets and catch basins and cross-connections from storm sewers.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, categorized in Divisions A, B, D, E and I.

MPCA. Minnesota Pollution Control Agency.

NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans by the Environmental Agency pursuant to the Federal Water Pollution Control Act of 1972, Sections 402 and 405.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NON-CONTACT COOLING WATER. Water discharged from uses such as air conditioning, cooling or refrigeration, where the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily produced by residential users with concentrations not greater than 250 mg/l BOD, 250 mg/l total suspended solids, and 12 mg/l total phosphorus.

OPERATION AND MAINTENANCE. Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. **OPERATION AND MAINTENANCE** includes replacement.

OTHER WASTES. Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemical, offal and all other substances except sewage or industrial waste.

PERSON. Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PUBLIC SEWER. Any sewer owned or operated by a unit or agency of government.

PUBLIC SEWAGE TREATMENT SYSTEM. Any sewage treatment and collection system owned or operated by a unit or agency of government.

REPLACEMENT. The obtaining and installing of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance for which the facilities were designed and constructed. The term operation and maintenance includes **REPLACEMENT**.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground water are not intentionally discharged.

SANITARY WASTE. The liquid and water-carried wastes discharged from sanitary plumbing facilities.

SEWAGE or WASTEWATER. The water carried waste products from residences, commercial buildings, public buildings, institutions, industrial establishments or other buildings including the excrement or other discharge from the bodies of human beings or animals, together with the ground, surface and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

SEWER AUTHORITY. The governmental entity and department thereof which has monitoring, inspecting, permitting and enforcement authority over sanitary improvements including public drain fields and associated collection systems.

SLUG. Any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flow during normal operation.

STORM SEWER. A sewer which carries storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SUSPENDED SOLIDS or TSS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

TOXIC POLLUTANT. The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307 (a) of the Clean Water Act of 1977 (33 USC 1317(a)).

UNPOLLUTED WATER. Clean water uncontaminated by industrial wastes, other wastes or any substance which renders the water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish or other aquatic life.

WASTEWATER FACILITY. The structures, equipment or processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
(Ord. 122, passed 11-27-89)

▪ **52.04 CONNECTION REQUIREMENTS.**

(A) It shall be unlawful for any person to connect a building sewer to any public sewer without first obtaining a permit from the city.

(B) New connections will be allowed, with city permit, according to the following conditions:

(1) At the time a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with this chapter, and within 365 days any septic tanks, cesspools and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

(2) New connections to the public sewers will be permitted for new construction if capacity is available in all components of the public wastewater facility.

(3) The fee for new connections shall be established by the city from time to time.

(4) No unauthorized persons shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(C) (1) Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

(2) There shall be five classes of building sewer permits including:

- (a) Residential;
- (b) Commercial;
- (c) Industrial;
- (d) Institutional; and
- (e) Governmental.

(3) In either case, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the city. An industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.

(4) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

(5) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection aforementioned.

(6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Clerk-Treasurer or his or her representative, to meet all requirements of this subchapter.

(7) The size, slopes, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

(8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer. The property owner shall provide and maintain the lifting mechanism as required at no expense to the city.

(9) No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater facility.

(Ord. 122, passed 11-27-89)

▪ **52.05 PROHIBITED DISCHARGES.**

(A) It shall be unlawful to discharge to any natural outlet within the city or any area under the jurisdiction of the city any sewage or other pollutant waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter and the city's NPDES permit.

(B) No person shall discharge or cause to be discharged directly or indirectly any waste which, by volume, strength or nature may harm the wastewater treatment facility or cause obstruction to the free flow in sewers or endanger life or cause a nuisance.

(1) No person shall discharge or cause to be discharged directly or indirectly any storm water, ground water, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the city.

(2) Storm water and all other unpolluted water shall be discharged to a storm sewer if available or to the ground surface or other natural outlet approved by the city and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval and the issuance of a discharge permit by the MPCA.

(3) No person shall discharge or cause to be discharged directly or indirectly to a system:

(a) Any liquids, solids or gases which by reason or their nature or quantity are, or may be, sufficient either alone or by interacting with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(b) Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to grease, garbage with particles greater than 2-inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(c) Any wastewater having a pH of less than 5.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater disposal system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to federal regulations.

(e) Noxious or malodorous liquids, gases or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

(f) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed.

(4) (a) No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewers unless, in the opinion of the city, the discharge will not harm the wastewater factories, nor cause obstruction to free flow sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the city may give consideration to the factors as the materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, the city=s NPDES permit and other pertinent factors. The city may make the determination either on a general basis or as a discharge from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

(b) The substances prohibited are:

1. Any liquid or vapor having a temperature in excess of 150° F. or 65° C.;
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. and 0° and 65° C.;
3. Any garbage that has not been ground or comminuted to a degree that all particles will be carried freely in suspension under flays normally prevailing in the public sewers, with

no particles greater than 2-inch in any dimension;

4. Any water or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant;

6. Any radioactive wastes or isotopes of a half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it;

7. Unusual concentrations of suspended solids, (such as, but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride or sodium sulfate); and

8. Unusual volume of flow or concentration of waste constituting a slug.

(5) No person shall increase the use of process water or in any manner attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to avoid unlawful discharge as described in this division or to achieve compliance with limitations contained in the national categorical pretreatment standards or any state requirements.

(Ord. 122, passed 11-27-89) Penalty, see ' 10.99

▪ **52.06 PRETREATMENT; CONTROL AND REMOVAL.**

(A) If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this section, or which in the judgement of the city may have a deleterious effect upon the treatment facilities, processes, equipment and soil, vegetation and ground water or, which otherwise create a hazard to life, or constitute a public nuisance, the city may take all or any of the following steps:

(1) Refuse to accept the discharges;

(2) Require control over the quantities and rates of discharge;

(3) Require pretreatment to an acceptable condition for the discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addenda thereof; and

(4) Require payment to cover the added cost of handling or treating the wastes.

(B) The design and installation of the plant or equipment for pretreatment or equalization of flows shall be subject to the review and approval of the city, and subject to the requirements of 40 C.F.R. Part 403, entitled APretreatment Standards,@ and the Minnesota Pollution Control Agency.

(1) Grease, oil and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in ' 52.05 (B), or any flammable wastes, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Where preliminary treatment, flow equalization or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his or her expense and shall be available for inspection by the city at all reasonable times.

(3) When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The structure and equipment, when required, shall be constructed at the owner=s expense in accordance with plans approved by the city and shall be maintained by the owner so as to be safe and accessible at all times.

(4) All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this subchapter shall be determined in accordance with 40 C.F.R. Part 136, AGuidelines Establishing Test Procedures for the Analysis of Pollutants,@ the latest edition of *Standard Methods for the Examination of Water and Wastewater* and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the city.

(5) The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the city, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this subchapter and any special condition for discharge established by the city or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the city. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the city. At times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory.

(6) New connections to the sanitary sewer system shall be prohibited unless sufficient flow capacity is available to all downstream facilities.

(7) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern, providing that national categorical pretreatment standards and the city's NPDES permit and/or state disposal system permit limitations are not violated.

(Ord. 122, passed 11-27-89)

• 52.07 INDIVIDUAL SEWAGE SYSTEMS.

(A) Where a public sewage treatment system is not available under the provisions of ' 52.04 (B), the building sewer shall be connected to an individual sewage treatment system complying with the rules and regulations of Minn. Rules Chapter 7080, entitled AIndividual Sewage Treatment System Standards,@ as amended from time to time, or other regulatory agencies, whichever is more restrictive.

(B) No new private treatment systems or extensions shall be constructed within the city without first obtaining a permit for the system or expansion from the city.

(C) It shall be unlawful to discharge wastes as are prohibited by ' 52.05 (B) to an individual sewage treatment system.

(D) The owner of privately owned individual treatment systems shall be responsible for all operation and maintenance, and the costs associated, of the systems.

(Ord. 122, passed 11-27-89) Penalty, see ' 10.99

• 52.08 ADMINISTRATION AND ENFORCEMENT.

(A) (1) This subchapter shall apply and be in effect for the stated purposes within the city.

(2) The Clerk-Treasurer shall be responsible for administration and enforcement of this subchapter.

(3) (a) The City Council shall hear and decide appeals and review any order, decision or determination made by the City Clerk-Treasurer regarding the enforcement of this subchapter.

(b) The appropriate board or agency of the city shall hear and act upon all rare adjustment and variance requests where provisions of this subchapter are specifically variable.

(c) Any appeal of any administrative decision or determination may be filed by any person, department, bureau, town, city, county or state.

(4) Inspections as required to determine compliance with this subchapter shall be performed by the city's authorized agent under the following circumstances:

(a) Duly authorized employees of the city shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic, paper or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

(b) The owner or occupant of a property shall be responsible to provide access at reasonable times, to the authorized agent of the city, for the purpose of performing inspections required under this subchapter.

(c) While performing the necessary work on private property as referred to in subsection (1), the authorized agents of the city shall observe all safety rules applicable to the premises.

(B) (1) It is hereby declared unlawful for any person, firm or corporation to violate any term or provision of this subchapter.

(2) In the event of a violation or a threatened violation of this subchapter, the city, in addition to other remedies, may request appropriate actions or proceedings to prevent, restrain, correct or abate the violations or threatened violations and it shall be the duty of the City Attorney to initiate the action.

(3) Any person found to be violating any provisions of this subchapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time unit for the satisfactory correction thereof. The offender shall, within the time period stated in the notice, permanently cease all violation.

(4) No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal wastewater works.

(5) Any person violating any of the provisions of this subchapter shall become liable to the city for any expense, loss or damage occasioned by city by reason of the violation.

(6) Repeated discharge of prohibited waste into the sanitary sewer shall be sufficient cause to

disconnect any and all water and sanitary sewer services to the premises by the city. The action to disconnect shall occur only after notice as described in subsection (3).

(Ord. 122, passed 11-27-89) Penalty, see ' 10.99

RATES AND CHARGES

▸ 52.20 SEWER RENTAL CHARGE ESTABLISHED.

For the purpose of providing funds to meet the cost of operating and maintaining the sewage system and sewage disposal plant and the facilities connected therewith and the payment of capital charges, represented by bonds or certificates of indebtedness or otherwise, and for the payment of reasonable requirements for the replacement and absolution thereof, there is hereby levied and assessed against each lot, parcel of land, building, or premises having any connection with the public sewer system of the city, or otherwise discharging sewage industrial wastes, water or other liquids directly or indirectly into the public sewer system of the city, a sewer rental charge payable as hereinafter provided and in an amount as determined in this subchapter.

(Ord. 148, passed 4-8-02)

▸ 52.21 AMOUNT OF CHARGE.

(A) The sewer rental to be charged against the property within the city is hereby fixed and determined as follows:

(1) *Single-family dwellings, business, commercial and all other establishments, excepting multiple-family dwellings.* The sewer rental charge shall be based upon the quantity of water used as measured by the city water meter in use, and the sewer rental charge shall be \$20 minimum per month plus \$1 per 1,000 gallons of water used in excess of 5,000 gallons per month.

(2) *Multiple-family dwellings.* The monthly rate of the single-family dwelling (\$20 monthly minimum) multiplied by the number of families that the structure is designed to accommodate.

(B) In the event any lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the sewer system of the city, either directly or indirectly, is not entirely supplied with water from the water works of the city, the city at its own expense shall install the necessary metering equipment to measure the quantity of water pumped or used. The sewer rental charges shall be \$17 per month (minimum charge) plus \$1 per 1,000 gallons of water used in excess of 5,000 gallons per month. If it is found to be impractical to install the metering equipment, then in each case the sewer rental charge shall be fixed and determined by the City Council in a manner and by a method as they may find just, equitable, and practicable in the light of the conditions and attending circumstances of the case.

(Ord. 148, passed 4-8-02)

▸ **52.22 RATE CHANGES.**

The City Council shall have the power to increase, decrease or change the amount and basis of the sewer rental charges established in this subchapter as might be reasonably required.
(Ord. 148, passed 4-8-02)

▸ **52.23 MONTHLY STATEMENT.**

The City Clerk-Treasurer shall compute the amount due the city for sewer rental charges and shall render a monthly statement, on the same bill with water and garbage charges, to the owner of any premises served by the sewage system.
(Ord. 148, passed 4-8-02)

▸ **52.24 LIEN AGAINST PROPERTY.**

(A) Each sewer rental charge levied by and pursuant to this subchapter is hereby made a lien upon the lot, land or premises served and all charges which are on September 30 of each year 90 days or more past due and which has been properly billed to the property owner served shall be certified by the City Clerk-Treasurer to the County Auditor between the first and tenth day of October of each year.

(B) The City Clerk-Treasurer, in so certifying the charges to the County Auditor, shall specify the amount, and the amount so certified shall be extended by the County Auditor on the tax rolls against the premises in the same manner as other taxes and collected by the County Treasurer and paid to the City Clerk-Treasurer in the same manner as other taxes. The amount that is certified to taxes will be assessed with 7% interest.
(Ord. 148, passed 4-8-02)

▸ **52.25 CIVIL ACTION.**

Any charge levied by and pursuant to this subchapter and which has been properly billed to the property owners of any premises served and not paid may be recovered from the property owner in a civil action by the city.
(Ord. 148, passed 4-8-02)

▸ **52.26 DEPOSITS TO SEWER FUND.**

The monies received from the rates and charges established in this subchapter shall be deposited in a separate fund to be known as the Sewer Fund. These funds shall be used to meet the sewage disposal plant and facilities, in payment of capital charges represented by bonds or certificates of indebtedness, and for the reasonable requirements for replacement.
(Ord. 148, passed 4-8-02)

CITY OF STARBUCK

ORDINANCE # 53 STORM WATER MANAGEMENT ORDINANCE

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CITY OF STARBUCK

STORM WATER MANAGEMENT ORDINANCE

The Starbuck City Council (“City”) ordains:

Section 1.0 Purpose. The purpose of this Section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage, retention areas and infrastructure within the City.

Section 2.0 Scope. Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for approval of the storm water pollution control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

2.010 Exemptions: Linear road construction, widening or maintenance projects not related to a specific development project (e.g. state, county or city-funded road projects) where the lack of right of way precludes the installation of any of the permanent storm water management practices outlined in this ordinance shall be exempt from its requirements provided that other treatment such as grassed swales, smaller ponds, or grit chambers, is provided prior to discharge to surface waters and further provided that such projects are undertaken in accordance with all applicable state and federal regulations regarding erosion control and stormwater management.

Section 3.0. Definitions. These definitions apply to this ordinance. Unless specifically defined below, the words or phrases used in this ordinance 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.

3.010 Applicant Any person or group 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 or group's direction. The term “applicant” also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

3.011 Best Management Practices (BMPs) 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 or designated area-wide planning agencies. (Examples of BMP's

can be found in the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas", "State of Minnesota Stormwater Manual", and, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands," the Metropolitan Council's "Minnesota Urban Small Sites BMP Manual" (available as a compact disk or on the Internet world wide web under the address: www.metrocouncil.org/environment/environment.htm), the United States Environmental Protection Agency's, "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," (as a reference for BMP's and the Minnesota Department of Transportation's, "Erosion Control Design Manual.")

3.012 Common Plan of Development or Sale A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

3.013 Developer Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

3.014 Development Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

3.015 Discharge The release, conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.

3.016 Energy Dissipation This refers to 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.

3.017 Erosion Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

3.018 Erosion Control Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

3.019 Erosion and Sediment Practice Specifications or Practice The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, City or local watershed group, whichever is more stringent.

3.020 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 temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered “exposed soil,” until it meets the definition of “final stabilization.”

3.021 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.

3.022 Final Stabilization Means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (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. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its preconstruction agricultural use.

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

3.024 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.

3.025 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. Areas normally considered pervious may be considered impervious if they have been compacted from vehicle traffic or other means.

3.026 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 this government’s jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- A. Minor land disturbance activities such as home gardens and an individual’s home landscaping, repairs, and maintenance work.
- B. Additions or modifications to existing single family structures which results in creating less than 5000 square feet of exposed soil or impervious surface and/or is part of a larger common development plan.
- C. 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 5000 square feet of exposed soil or impervious surface.

- D. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
- E. Emergency work to protect life, limb, or property and emergency repairs. If a plan would have been required, except for the emergency, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

3.027 Native Vegetation The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

3.028 Ordinary High Water Mark This is generally the boundary elevation where the vegetation changes from predominately aquatic (Where "aquatic" broadly means that the vegetation can survive moist conditions.) 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. The definition in Minnesota Statute 103G.005, subdivision 14 says that the ". . . "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. Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.

3.029 Outstanding Resource Value Waters (ORVW) Minnesota Rule 7050.0180, subpart defines ORVW's as, "...waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution."

3.030 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.

3.031 Permanent Cover Means “final stabilization.” Examples include grass, gravel, asphalt, and concrete. See also the definition of “final stabilization.”

3.032 Permit Within the context of this rule a “permit” is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities

3.033 Phased Project or Development Clearing a parcel of land in distinct phases, with at least fifty percent (50%) of the project’s preceding phase meeting the definition of “final stabilization” and the remainder proceeding toward completion, before beginning the next phase of clearing.

3.034 Pre-Development The land cover in place prior to the proposed project.

3.035 Regulatory Flood Protection Elevation The regulatory flood protection elevation refers to an elevation 1 foot (minimum) above the 100-year flood.

3.036 Runoff Coefficient The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

3.037 Sediment 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.

3.038 Sedimentation The process or action of depositing sediment.

3.039 Sediment Control The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are 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.

3.040 Significant Redevelopment Alterations of a property that changes the “footprint” of a site or building in such a way that results in the disturbance of over one-half (1/2) acre of land. This term is not intended to include activities, which would not be expected to cause adverse storm water quality impacts and offer no new opportunity for storm water controls, such as exterior remodeling.

3.041 Soil The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered “soil” stockpiles.

3.042 Stabilized The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

3.043 Steep Slope Any slope steeper than fifteen (15) percent (Fifteen (15) feet of rise for every one hundred (100) feet horizontal run).

3.044 Storm Water Under Minnesota Rule 7077.0105, subpart 41b storm water, “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.” (According to the Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], “Storm water means storm water runoff, snow melt runoff and surface and drainage.”). Storm water does not include construction site dewatering.

3.045 Storm Water Management Plan A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 4, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

3.046 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.

3.047 Subdivision Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, “. . . land that is divided for the purpose of sale, rent, or lease, including planned unit development.”

3.048 Temporary Protection Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

3.049 Urban Of, relating to, characteristic of, constituting a City.

3.050 Vegetated or Grassy Swale A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration. (*Commentary: Storm water controls using infiltration need protection against silt plugging, such as settling basins and manhole silt sumps. Otherwise silt plugging can result in failure rates as high as 80-90% in only five years.*)

3.051 Very Steep Slope Any slope steeper than one foot of rise for each three feet of horizontal run (Thirty-three (33) percent slope).

3.052 Waters of the State As defined in Minnesota Statutes section 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.”

3.053 Wet Detention Facility A permanent man-made structure, containing a permanent pool of water, used for the temporary storage of runoff.

3.054 Wet Retention Facility The same as a wet detention facility.

3.055 Wetlands As defined in Minnesota Rules 7050.0130, subpart F, “. . . ‘wetlands’ are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. 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.”

Section 4.0 Storm Water Management Plan. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water management plan to the City. No building permit, subdivision approval (preliminary or final), or permit to allow land disturbing activities shall be issued until the City approves this plan. At a minimum these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency’s publication), “State of Minnesota Stormwater Manual” or “Protecting Water Quality in Urban Areas”.

4.1 General Policy on Storm Water Runoff Rates. Release rates from storm water treatment basins shall not increase over the predevelopment twenty-four (24) hour storm event for the two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

4.2 The Storm Water Management Plan and the Grading Plan. The storm water management plan’s measures and the limit of disturbed surface shall be marked on the approved grading plan.

4.3 Inspections of the Storm Water Management Plan’s Measures. At a minimum, the developer or the developer’s designated representative shall inspect the plan’s measures for compliance with this ordinance weekly, and within twenty-four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty-four (24) hours). At a minimum, these inspections shall be done during active

construction. The City, or its designated representative, may make such inspections as it deems necessary to ensure compliance with the Plan's Measures.

The developer, or the developer's designated representative, shall notify the City when all required permanent stormwater controls have been installed and are ready for inspection (all disturbed areas have been stabilized). The City shall inspect the completed permanent stormwater controls within ten (10) business days of receiving notification and issue written confirmation from the City Engineer, or their designated representative, that all permanent stormwater controls have been installed according to the plan and the requirements of this ordinance. If deficiencies exist, the City shall notify the developer of the deficiencies and shall not issue written approval of the controls until they have met all requirements.

4.4 Minimum Requirements of the Storm Water Management Plan. The plan shall **meet all requirements as required by the State of Minnesota and the current Minnesota Pollution Control Agency Construction Stormwater Permit.** In addition, the plan shall contain the following minimum requirements:

- A. The name and address of the applicant and the location of the activity.
- B. Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.
- C. Phasing of construction: time frames and schedules for the project's various aspects.
- D. A map of the existing site conditions: existing topography, property information, steep and very slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips and labeling the portions of the site that are within trout stream or state outstanding resource value water watersheds.
- E. A site construction plan that includes the location of the proposed land disturbing activities, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.
- F. Adjacent areas: neighboring streams, lakes, residential areas, roads, etc. which might be affected by the land disturbing activity.
- G. Designate the site's areas that have the potential for serious erosion problems.
- H. Erosion and sediment control measures: the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.
- I. Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
- J. Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.
- K. Identification of the party responsible for ongoing maintenance of any permanent facility. Maintenance may be by the City after official acceptance by the City, by a legally

organized homeowner's association upon submittal of sufficient legal documentation that is approved by the City Attorney, by a watershed district after official acceptance by the district, or by other means acceptable to the city.

- L. For disturbed areas less than 0.5 acres, Items A, B, D, E and H shall be submitted to the City.

4.5 General Storm Water Pollution Control Plan Criteria. The plan shall address the following:

- A. Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.
- B. Establishing permanent vegetation and the related time frame or schedule.
- C. Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation (Oak groves, rare and endangered species habitats, etc).
- D. Scheduling for erosion and sediment control practices.
- E. Where permanent and temporary sedimentation basins will be located.
- F. Engineering the construction and stabilization of steep and very steep slopes.
- G. Measures for controlling the quality and quantity of storm water leaving a site.
- H. Stabilizing all waterways and outlets.
- I. Protecting storm sewers from the entrance of sediment.
- J. What precautions will be taken to contain sediment, when working in or crossing water bodies.
- K. Restabilizing utility construction areas as soon as possible.
- L. Protecting paved roads from sediment and mud brought in from access routes.
- M. The eventual disposing of temporary erosion and sediment control measures.
- N. How the temporary and permanent erosion and sediment controls will be maintained.
- O. The disposal of collected sediment and floating debris.

4.6 Minimum Storm Water Management Measures and Related Inspections. These minimum control measures are required where bare soil is exposed:

- A. All grading plans must be reviewed by the City for the effectiveness of erosion control measures in the context of site topography and drainage.

- B. Sediment control measures must be properly installed by the builder before construction activity begins
- C. Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- D. Easements. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
- E. The scheduling of the site's activities to lessen their impact on erosion and sediment Creation, so as to minimize the amount of exposed soil.
- F. Generally, sufficient approved sediment control BMP's shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.
- G. For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means.
 - a. If for any reason a soil or non-soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
 - b. All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have silt fencing or other effective perimeter sediment control measures installed.
- H. All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.
- I. Temporary rock construction entrances, or equally effective means of preventing vehicles from tracking sediment from the site, may be required wherever vehicles enter and exit a site.
 - a. Vehicle tracking of sediment from the site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate.
- J. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available.

- K. Streets must be cleaned and swept whenever tracking of sediments occurs and before the site is left idle for weekends and holidays. A regular sweeping schedule should be established.
- L. Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls to ensure clear water discharge from the site. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
- M. All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication,),"State of Minnesota Stormwater Manual" or "Protecting Water Quality in Urban Areas".
- N. Excessive removal of topsoil from the project site is discouraged. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.
- O. Inspection and maintenance. All storm water management facilities must be designed to minimize the need of maintenance, to provide easy vehicle (typically ten (10) feet or wider) and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff and identifies the responsible party for performing any maintenance requirements. The City or its designated representative may inspect all storm water management facilities during construction, during the first year of operation and at least once **every five (5) years** thereafter. The City will retain on file, at a minimum, the last three inspections.
 - a. Inspection and maintenance easements. 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.
- P. Follow-up inspections may be performed by the City on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites.
 - a. In cases where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control measures meet specifications.

- Q. All infiltration areas must be inspected to ensure that sediment from ongoing construction activities is not reaching infiltration areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.

4.7 Permanent Storm Water Management Controls. The purpose of this Section is to prevent or reduce, to the most practicable extent, the effect or impacts of storm water runoff and to provide for the protection of public waters and natural and artificial water storage and retention areas within the City. Further, this Section clarifies the performance standards as they pertain to standards and specifications for conservation practices and storm water planning activities.

- A. **Performance Standards:** Property storm water management practices shall be followed within the City as described in this Section.

1. General Standards:

- a). Soil laden runoff shall be treated before it is allowed to enter any water body. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes, manmade materials and facilities.
- b). Storm water rate control. When one-half (1/2) acre of new impervious surface is added a storm water management plan shall include the design of all storm water management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary, both individual discharge points and the site as a whole, do not exceed pre-development conditions and so that accelerated channel erosion on and off-site will not occur as a result of the proposed land disturbing or development activity. If a regional pond has been designated for this area the peak discharge rates may or may not apply.
- c). The minimum design capacity of all drainage systems shall accommodate the runoff from a five (5) year storm event. All drainage systems and facilities, shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and without significant risk to human health and safety.
- d). The applicant or their successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified in the storm water management plan. At the time of completion of the development, those structures, measures and systems constituting the storm water runoff facility may be permanently maintained by the City after official acceptance by the City Council, by a legally organized

homeowner's association, by a watershed district after official acceptance by the district or by other means acceptable to the City.

- e). After approval of the storm water management plan, but prior to disturbing any soil, the applicant shall furnish the city with an acceptable financial guarantee as stipulated in Section 7 of this ordinance.
- f). Prevention of downstream nuisance and damage. When conditions do not permit post-development runoff volumes to safely pass downstream properties, the applicant shall provide a storm water pond to control the post development rates and volumes so downstream properties or water resources are not adversely affected.
- g). Storm water management facilities must be designed, installed and maintained consistent with the most current Best Management Practices.
- h). Developments shall be planned and conducted in a manner that will minimize the extent of disturbed area, runoff velocities, erosion potential and both reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected and facilities or methods used to retain sediment on site.
- i). All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation, maintenance and clean-out that assures continued effective removal of sediment carried in storm water runoff. 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.
- j). Residential, non-residential and other structures shall ordinarily be elevated on fill so that the basement, or first floor if there is no basement, is one (1) foot above the Regulatory Flood Protection Elevation.
- k). If the City deems that previous documented flooding or related stormwater issues exist, the development shall be subject to appropriate permanent stormwater management practices.

2. Specific Standards for Storm Water Conveyance and Rate Control Facilities.

- a). All storm water management calculations submitted to the City for review as part of a storm water management plan shall include sufficient information for the City to evaluate the changes to the storm water drainage characteristics within the watershed areas affected by the proposed land disturbing activity. The applicant shall include calculations which clearly show the effects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the

development site. The City may require the applicant to provide any additional information, calculations or data needed to complete the review of a storm water management plan.

- b). The storm water calculations submitted for review shall be based upon standard hydrological and hydraulic analysis methods that are acceptable to the City. Calculations that are based upon unproven methodologies or apply proven methodologies incorrectly shall be determined by the City to be unacceptable and shall be returned to the applicant for correction and be resubmitted.
- c). Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the *Natural Resources Conservation Service SCS TR 55 and the SCS TR 20 methods* as defined in the current *Hydrology Guide for Minnesota*.
- d). Precipitation events for the Rational method shall be for the two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using the *National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States* rainfall intensity duration curves for a Type II rainfall distribution.
- e). Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be based upon the Rational method as defined in the current *Minnesota Department of Transportation Drainage Manual*.
- f). Where development site drainage discharges to an existing roadway, ditch, storm sewer or other public facility, the applicant shall provide, as part of the calculations, all survey, utility or other topographic data of the existing condition needed for the City to determine that the proposed development does not impact or degrade any critical roadway element or negatively impact the safety, maintenance or function of the public facility.
- g). Drainage areas. Storm water management plans shall show existing and proposed drainage areas used for storm water analysis, including off-site portions of sub watersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g. United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available. In all drainage areas, the direction of flow for each area and the travel path used for determining the time of Concentration shall be shown. No direct entries for determining the time of Concentration shall be allowed without prior approval by the City.

- h). Runoff curve numbers (RCN). Storm water management plans shall include a detailed breakdown of existing and proposed runoff curve numbers.
- i). Soil types. Storm water management plans shall identify the boundaries of the soil types present on-site and their hydrologic classification and acreage.
- j). Pre-development conditions. Appropriate runoff curve numbers from *Technical Release 55 – Urban Hydrology for Small Watersheds* shall be used to analyze pre-development conditions.
- k). For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.
- l). Impervious coverage. Storm water management calculations shall list the new impervious area created in each sub watershed and shall include the assumptions and calculations used for determining impervious areas, such as house pad, driveway and outbuildings.
- m). Runoff calculations. The applicant shall provide calculations for the two (2), ten (10) and one hundred (100) year peak discharge rates for each sub watershed comparing pre-development conditions and proposed post-development conditions.
- n). Where pre-development conditions indicate no runoff, the infiltration capacity required elsewhere in this Ordinance may be used to demonstrate compliance with a no runoff requirement for the storm frequency and duration being considered.
- o). Storm water management plans shall show preexisting drains and tile lines. Storm water facilities shall be designed assuming that tile lines will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that makes it a suitable component of the storm water management system.
- p). Storm water management plans shall include an evaluation of landlocked lakes and ponds in the design analysis and demonstrate that the greatest flood (500 year event) will not result in damage to man-made structures, and/or provide a positive outlet.
- q). Storm water management plans shall identify the location of conveyance systems and clearly identify all dimensions, cross sections and outlet elevations.
- r). Storm water management plans shall include the locations of all property lines, lot lines, section lines and adjacent plats.

- s). Storm water management plans shall contain information which clearly identifies all elevations and grades for streets, ditches, ponds, wetlands, lakes, pipe inverts and pipe outlets.
 - t). A written summary/drainage design report documenting the designer's intent, scope of work and system performance.
3. Specific Standards for Wet Detention Basins:
- a). All wet detention basins shall be designed and constructed in accordance with the Pitt method described in the MPCA Best Management practices.
 - b). All basins shall have a permanent pool length-to-width ratio of 3:1 or greater.
 - c). Side slopes should not exceed 4:1 (5:1 or flatter is preferred).
 - d). A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1.
 - e). Designs for wet detention basins shall include, but not be limited to, calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillways, basin profiles and basin cross sections.
 - f). Stormwater ponds will be located in a permanent easement. The easement will contain the 100-year post-development elevation, plus an additional 10 feet at a 10:1 slope or flatter. Access to the pond will also be in a permanent easement. Permanent easements for access to the pond will be looked at on an individual basis.
4. Specific Standards for Infiltration/Filtration
- a). Permanent infiltration practices are encouraged for stormwater quality treatment and volume control. However they must be used only as appropriate to the site and land uses as defined in the current Minnesota Pollution Control Agency Construction Stormwater Permit.
 - b). Infiltration/Filtration must have a pretreatment device to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable before runoff enters the infiltration/filtration system.
 - c). Filtration systems must be designed to remove at least 80 percent of the total suspended solids.
 - d). Infiltration systems must not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized unless rigorous erosion prevention and sediment controls are provided.
 - e). Infiltration/Filtration will be located in a permanent easement. The easement will contain the 100-year post-development elevation. Access to the infiltration/filtration will also be in a permanent easement. Permanent

easements for access to the infiltration/filtration will be looked at on an individual basis.

4.8 Minimum Protection for Natural Wetlands.

- A. Runoff must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity runoff control, depending on the individual wetland's vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency's publication, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands" for guidance. Other guidelines may be used, subject to approval by the City.

4.9) Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the City engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a professional engineer, licensed to practice in Minnesota. All computations must appear in the plans submitted for review, unless otherwise approved by the City engineer.

Section 5.0. Review. The City engineer shall review the storm water management plan. This review must be completed within thirty (30) days of receiving the plan from the applicant.

5.1 Final Plan and Financial Security. Upon approval of the storm water management plan by the City, the applicant shall submit final plans incorporating any changes or conditions of approval required by the City and a financial security as stipulated in Section 7 prior to commencing soil-disturbing activities on the site. The City may impose other conditions, as deemed necessary, as part of the approval of the plan.

5.2 Pre-Construction Meeting. Upon approval of the storm water management plan, but prior to commencing soil-disturbing activities on the site, the applicant's engineer and person(s) responsible for implementation of the storm water management plan shall meet with the City Engineer to identify and discuss any site-specific construction or design issues that shall be addressed and implemented during construction. The City, after consulting with the City Engineer, may waive this requirement if the meeting is determined to be unnecessary.

5.3 Permit Required. If the City determines that the storm water management plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the final storm water management plan.

5.4 Permit Denial. If the City determines that the final storm water management plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity.

5.5 Permit Suspension and Revocation If the final storm water management plan is not being implemented the City can suspend or revoke the permit authorizing the land disturbance activity.

Section 6.0. Modification of Plan. Modifications involving grade changes and/or permanent stormwater management facility locations may be made upon submission of the revised storm water management plan to the City, and after written approval by the City engineer. In reviewing the proposed revisions, the City engineer may require additional reports and data.

6.1 Records Retention. The City shall retain the written records of such modifications for at **least three (3) years**.

Section 7.0 Financial Securities. The applicant shall provide a financial security for the performance of the work described and delineated on the approved grading plan involving the storm water management plan and any storm water and pollution control plan related remedial work. The financial security shall account for estimated construction, site grading and erosion/sediment control costs necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the storm water management plan and shall not be less than three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will be simultaneously exposed to erosion during the project's construction. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) This security must be available prior to commencing the project. The form of the security must be:

7.011 By letter of credit, cash deposit or bond in favor of the City **for 125 percent (125%)** of the estimated construction costs or of the total financial security in Section 7.0, whichever is more.

7.012 The City may request a greater financial security, if the City considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

7.013 If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.

7.1 Maintaining the Financial Security. If at anytime during the course of the work the financial security expires or is withdrawn, it shall be restored by the applicant **within ten (10) business days of receipt of the City's notice of deficiency**. Otherwise the City may:

A. Withhold the scheduling of inspections

- B. Revoke any permit issued by the City to the applicant for the site in question and any other of the applicant's sites within the City's jurisdiction.

7.2 Action Against the Financial Security. The City may act against the financial security, if any of the conditions listed below exist. 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 cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

- A. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the City approved grading plan.
- B. The applicant fails to conform to any City approved grading plan and/or the storm water management plan as approved by the City, or related supplementary instructions.
- C. The techniques utilized under the storm water management plan fail within one (1) year of installation.
- D. The applicant fails to reimburse the City for corrective action taken under Section 8.
- E. Emergency action under either part 7.4 or any part of Section 8.

7.3 Emergency Action. If circumstances exist such that noncompliance with this ordinance 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 may be recovered from the applicant's financial security.

7.3 Returning the Financial Security. Any unspent amount of the financial security deposited with the City for faithful performance of the storm water management plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures and the establishment of final stabilization.

Section 8.0 Notification of Failure of the Storm Water Management Plan The City shall notify the applicant, when the City is going to act on the financial securities part of this ordinance.

8.1 Notification by the City. The initial contact will be to the party or parties listed on the application and/or the storm water management plan as contacts. Except during an emergency action under Section 7.4, forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with the corrective work.

- A. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible.

8.2 Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage caused by the erosion, the City may do the remedial work required and charge the cost to the applicant.

8.3 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 the cleanup operations.

8.4 Failure to Do Corrective Work. When an applicant fails to conform to any provision of this Sections 7 or 8 within the time stipulated, the City may take the following actions:

- A. Withhold the scheduling of inspections
- B. Suspend or 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.
- C. Direct the correction of the deficiency by City forces or by a separate contract. The issuance of a permit for land disturbance activity constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.
- D. All costs incurred by the City in correcting storm water management deficiencies must be reimbursed by the applicant. City shall promptly notify the applicant of any deficiencies and if payment is not made by the applicant within thirty (30) days after costs are incurred by the City and after applicant receives the City's notice, payment will be made from the applicant's financial securities as described in Section 7.
- E. If there is an insufficient financial amount in the applicant's financial securities as described in Section 7 to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall agree that the property benefits in at least the amount of the assessment and shall waive any and all right to appeal the assessment under statute, the Constitution, and case law including right of appeal under Minn. Stat. 429.081 up to the amount waived.

Section 9.0 Variance. In any case where, upon application of the responsible person or persons, the City finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the City in its discretion may grant a variance therefrom upon such conditions as it may prescribe for

prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance. The public shall be given the opportunity for comment.

9.1) Variance Request. The variance request must be in writing in a form acceptable to the City. The applicant must clearly state their claimed hardship.

9.2) Variance Public Notice. The variance request shall be public noticed in the normal manner used by the City Council meeting items to allow the public an opportunity for comments.

9.3) Variance Determination. After the public has been given the right to comment, the variance shall either be approved or disapproved by a vote of the Alexandria City Board of Adjustment and Appeals.

9.4) Variance Response. The variance response must be in writing, and include the justification for either granting or denying the requested variance. A favorable response shall also include any special conditions imposed by the City.

9.5) Time Limit. The variance shall become void not more than one (1) year after being granted, unless used.

9.6) Revocation. If any of the variance's conditions are violated, the City may revoke the variance.

Section 10.0. Enforcement. The City shall be responsible for enforcing this ordinance.

10.1 Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. A stop work order may be issued by the City. All permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

10.2 Termination of Permit. Persons wishing to terminate coverage under the permit required by this ordinance must submit a valid copy of the MPCA's *Notice of Termination (NOT)* after all MPCA requirements for permit termination have been met, subject to inspection by the City. Unless otherwise notified within ten (10) business days of submitting the NOT, the permit shall be considered to have been terminated for the applicant.

Section 11.0 Right of Entry and Inspection.

11.1) Powers. The applicant shall promptly allow the City and their authorized representatives, upon presentation of credentials to:

- A. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
- B. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
- C. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- D. Inspect the storm water management measures.
- E. Sample and monitor any items or activities pertaining to storm water management measures.
- F. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.

Section 12.0 Abrogation and Greater Restrictions. The provisions of this ordinance are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Section 13.0 Severability. The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Section 14.0. Effective Date. This ordinance will take effect and be in force after its passage and official publication.

Passed by the Starbuck Council this 11th day of April, 2016.
Published on the 20th day of April, 2016.

Gary Swenson, Mayor

Attest: Andrew Langholz, Clerk