

ORDINANCE NO. 1628

AN ORDINANCE AMDENDING TITLE 8, PUBLIC WORKS, OF THE ROSEVILLE CITY CODE TO UPDATE AND AMEND STORMWATER AND WETLAND REGULATIONS

Section 1. Stormwater Amended. After City Council consideration the Roseville City Code, Chapter 803 is hereby amended to add and update language to Stormwater Management Overlay District.

SECTION:

- 803.01: Stormwater Drainage Utility
- 803.02: Connection to Storm Sewers
- 803.03 Stormwater Illicit Discharge and Connections
- 803.04 Erosion and Sedimentation Control
- 803.05 Stormwater Management Overlay District
- 803.06 Stormwater Best Management Practice (BMP) Maintenance

803.01 : STORMWATER DRAINAGE UTILITY:

- A. Establishment: The Municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statute, section 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota statutes. The stormwater drainage utility will be part of the Public Works Department and under the administration of the Public Works Director.
- B. Definition: "Residential equivalent factor, (REF)" - One REF is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one year rainfall event.
- C. Fees: Stormwater drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the stormwater drainage rate. The REF values for various land uses are as follows¹:
For the purpose of calculating stormwater drainage fees, all developed one- family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre. The stormwater drainage rate used to calculate the actual charge per property shall be established by City Council Resolution.
- D. Credits: The City Council may adopt policies recommended by the Public Works Director, by resolution, for adjustment of the stormwater drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of stormwater drainage fees shall not be made retroactively.
- E. Exemptions: The following land uses are exempt from stormwater drainage fees:
 - 1. Public rights of way.
 - 2. Vacant, unimproved land with ground cover.
- F. Payment of Fee: Statements for stormwater drainage fee shall be computed every three months and invoiced by the Finance Officer for each account on or

about the fifth day of the month following the quarter. Such statement shall be due on or before the last day of the month in which the statement is mailed. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent quarterly fees.

- G. Recalculation of Fee: If a property owner or person responsible for paying the stormwater drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the Public Works Director made within twelve months of mailing of the invoice in question by the City.
- H. Penalty for Late Payment: Each quarterly billing for stormwater drainage fees not paid when due shall incur a penalty charge of ten percent of the amount past due.
- I. Certification of Past Due Fees on Taxes: Any past due stormwater drainage fees, in excess of 90 days past due, may be certified to the County Auditor for collection with real estate taxes, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees. (Ord. 937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)

803.02 : CONNECTION TO STORM SEWERS:

- A. Permit Required: No person shall connect any drain to a storm sewer of the City without first obtaining a permit to do so.
- B. Granting of Permits: The Public Works Director shall grant permits only to applicants who are licensed by the City.
- C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
- D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall be complied with:
 - 1. No permit shall be issued to connect with any storm sewer system to the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
 - a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made, or
 - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course, or
 - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said storm sewer main which would be assessable against said lot or tract has been paid to the City, or
 - 2. If no such certificate can be issued by the Public Works Director no permit to connect to any storm sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said storm sewer main which would be assessable against said lot or tract to be served by such connection. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased, when it is determined by the Public

Works Director that the improvement was not subject to utilization until a later date. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar storm sewer improvements, determined on the basis of the total assessable cost of said main or line, allocated on a frontage basis, acreage basis, or both.

3. No building permit shall be issued for any building where the affected lot or parcel of land has been benefited by an assessed storm sewer improvement unless the provisions of this subsection have been complied with. (Ord. 745, 12-30-74; amd. 1995 Code)

803.03 : STORMWATER ILLICIT DISCHARGE AND CONNECTIONS:

- A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-stormwater discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City of Roseville through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
 1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any person.
 2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
 3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below.
 1. BEST MANAGEMENT PRACTICE (BMP): 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.
 - a. Non-structural BMP: Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage stormwater at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
 - b. Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.
 2. COMMERCIAL: Activity conducted in connection with a business.
 3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.
 4. EQUIPMENT: Implements used in an operation or activity. Examples

- include, but are not limited to; lawn mowers, weed whips, shovels, wheelbarrows and construction equipment.
5. **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 man and nature.
 6. **GROUNDWATER:** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under coned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.
 7. **ILLEGAL/ ILLICIT DISCHARGE:** Any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in this chapter.
 8. **ILLICIT CONNECTION:** Either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-stormwater discharge) including wastewater, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
 - b. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
 9. **IMPERVIOUS SURFACE:** A hard surface area which either prevents or retards the entry of water into the ground. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly impede the natural infiltration of surface and stormwater runoff.
 10. **MAXIMUM EXTENT PRACTICABLE (MEP):** A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.
 11. **MECHANICAL CLEANING TECHNIQUES:** Arranging the collision between the substance being removed and some object. Mechanical cleaning techniques include: sweeping, shoveling, or blowing. This does NOT include using water to clean the surface.
 12. **MPCA:** The Minnesota Pollution Control Agency.
 13. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
 14. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328,

- 1342, and 1345.
15. **PERSON:** Any individual, firm, corporation, partnership, franchise, association or governmental entity.
 16. **PERVIOUS SURFACE:** Pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas have vegetation growing on them.
 17. **POLLUTANT:** Any substance which, when discharged has potential to or does any of the following:
 - a. Interferes with state designated water uses;
 - b. Obstructs or causes damage to waters of the state;
 - c. Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
 - d. Adds an unnatural surface film on the water;
 - e. Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
 - f. Degrades the quality of groundwater; or
 - g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
 18. **POLLUTE:** To discharge pollutants into waters of the state.
 19. **POLLUTION:** The direct or indirect distribution of pollutants into waters of the state.
 20. **PREMISES:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips
 21. **SANITARY SEWER:** a pipe, conduit, or sewer owned, operated, and maintained by the City and which is designated by the Public Works Director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
 22. **STATE DESIGNATED WATER USES:** Uses specified in state water quality standards.
 23. **STORM DRAINAGE SYSTEM:** Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
 24. **STORMWATER:** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
 25. **SURFACE WATERS** means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
 26. **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or

Receiving Waters to the Maximum Extent Practicable.

27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also includes watercraft, trailers and bicycles.
 28. WATERCOURSE: A natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A water course may be dry sometimes.
 29. WATERS OF THE STATE: 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.
 30. WASTEWATER: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility or the by-product of washing equipment or vehicles
- C. Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Council.
- D. Administration: The Public Works Director is the principal City official responsible for the administration, implementation, and enforcement of the provisions of this ordinance. The Director may delegate any or all of the duties hereunder
- E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
1. Consists of non-stormwater that is authorized by an NPDES point source permit obtained from the MPCA;
 2. Is associated with fire fighting activities or other activities necessary to protect public health and safety;
 3. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
 4. Consists of dye testing discharge, as long as the Public Works Director is provided a verbal notification prior to the time of the test.
- F. Illegal Disposal and Dumping
1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
 2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.
- G. Illicit Discharges and Connections
- No person shall use any illicit connection to intentionally convey non-
1. stormwater to the City's storm sewer system.

2. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 3. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.
- H. General Provisions: All owners or occupants of property shall comply with the following general requirements:
1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
 - a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
 - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
 - c. For pools, the pool's water should be tested before draining to ensure that PH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
 2. The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
 3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
 4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
 5. Storage of materials, machinery and equipment shall comply with the following requirements:
 - a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
 - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
 6. Debris and residue shall be removed as follows:
 - a. All vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.
 - b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.
- I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required

in a manner acceptable to the Public Works Director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

J. Access to Facilities

1. When the City has determined that there is a danger to the health, safety or welfare of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.
2. In lieu of an inspection by a City representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property has not discharged prohibited material into the municipal storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in section M of this section until the property is inspected and/or compliance is met, including any penalties and remedies as set forth in section N below.
3. Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance.
4. The City may seek issuance of a search warrant for the following reasons:
 - a. If city representatives are refused access to any part of the premises from which stormwater is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
 - b. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
 - c. to protect the overall public health, safety, and welfare of the community.

K. Watercourse Protection. Every person owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

L. Notification of Spills. Notwithstanding other requirements of law, as soon as any person has information of release of materials which result or may result in illegal discharges of pollutants into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.

M. Suspension of Storm Sewer System Access

1. Suspension due to illicit discharges in emergency situation: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the storm sewer or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the

city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or the waters of the state, or to minimize danger to persons.

2. Suspension due to the detection of illicit discharge: All persons discharging to the MS4 in violation of this ordinance may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this ordinance to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the City.

N. Enforcement

1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been determined that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Public Works Director may order compliance by written notice of violation to the person(s) responsible for the violation. Such notice may require without limitation:
 - a. The performance of monitoring, analysis, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs;
 - f. The implementation of source control or treatment BMPs;
 - g. The development of a corrective action plan to prevent repeat discharges; and/ or
 - h. Any other requirement deemed necessary.

If abatement of a violation and/ or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

2. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
3. Enforcement Measures after Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Manager upholding the decision of the Public Works Director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
4. Cost of Abatement of the Violation: Within 15 days after abatement of the violation, the person(s) responsible for the violation will be notified of the cost of abatement, including administrative costs. The person(s) given such notice may file a written protest objecting to the amount of the costs within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.

5. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
6. Compensatory Action: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
7. Violations Deemed a Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
8. Criminal Prosecution: A violation of this ordinance is a misdemeanor.
9. Costs and Expenses: The City may recover all attorney's fees, court costs, staff expenses, clean-up costs, and any other expenses associated with enforcement of this ordinance including, but not limited to, sampling and monitoring expenses.
10. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(Ord. 1388, 2-22-2010)

803.04 : GRADING, EROSION AND SEDIMENTATION CONTROL:

- A. Purpose: The purpose of this article is to regulate grading and to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This Section establishes standards and specifications for grading practices which protects drainage, conservation practices and planning activities which minimize soil erosion and sedimentation. (Ord. 1550, 6-4-2018)
- B. Scope: Except as exempted by the definition of the term "land disturbance activity" in Section 803.04.C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the grading, erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article. (Ord. 1550, 6-4-2018)
- C. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 1. Best Management Practice (BMP): 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.
 2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed

- and the site has been fully restored.
3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
 - a. Minnesota Stormwater Manual
 - b. Minnesota DOT Erosion Control Manual
 - c. Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook (Ord. 1550, 6-4-2018)
 4. 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 man and nature.
 5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
 6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.
 - a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than 500 square feet.
 - b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops disturbing less than 500 square feet.
 - c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable. (Ord. 1550, 6-4-2018)
 8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
 9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
 10. Sedimentation: the process or action of depositing sediment that is determined to have been caused by erosion.
 11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City. (Ord. 1550, 6-4-2018)
- D. Grading, Erosion and Sediment Control Plan:
1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit a grading, erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the grading, erosion and sediment control plan by the City. Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the grading, erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if the grading plan is not being followed, if erosion control measures should fail, or if erosion control measures require maintenance with the expectation that the deficiencies will be corrected.

If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed grading, erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.

Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies. (Ord. 1550, 6-4-2018)

2. Criteria addressed: The grading, erosion and sediment control plan shall address the following criteria:
 - a. Account for existing drainage patterns
 - b. Control the stormwater leaving the site
 - c. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
 - d. Stabilize all exposed soils and soil stockpiles
 - e. Establish permanent vegetation
 - f. Prevent sediment damage to adjacent properties and other designated areas
 - g. Schedule of erosion and sediment control practices
 - h. Criteria for the use of temporary sedimentation basins
 - i. Stabilization of steep slopes
 - j. Stabilize all waterways and outlets
 - k. Protect storm sewers from the entrance of sediment, debris and trash
 - l. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, etc. that may adversely impact water quality
 - m. When working in or crossing water resources, take precautions to contain sediment.
 - n. Restabilize utility construction areas as soon as possible
 - o. Protect paved roads from sediment and mud brought in from access routes
 - p. Dispose of temporary erosion and sediment control measures
 - q. Maintain all temporary and permanent erosion and sediment control practices
 - r. Removal of sediment from streets at the end of each day
 - s. Dewatering methods and outletting of stormwater
 - t. Site inspection plan & record of rainfall amounts
 - u. Final stabilization (Ord. 1550, 6-4-2018)
3. Contents of Plan: The grading, erosion and sediment control plan shall include the following:
 - a. Contact information for the Permittee
 - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved, including the amount of material removed and imported to the site
 - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
 - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
 - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
 - f. Soils: soil names, mapping units, erodibility
 - g. Critical erosion and Environmentally Sensitive areas: areas on the

site that have potential for serious erosion problems and local water resources.

- h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
- i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
- j. Stormwater management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
- k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
- l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices (Ord. 1510 09-26-16) (Ord. 1550, 6-4-2018)

E. Plan Review:

- 1. General: The City appoints the City Engineer to review the grading, erosion and sediment control plan to ensure compliance with the City of Roseville Design Standards and Grading, Erosion and Sediment Control Standards.
- 2. Permit required: If the City determines that the grading, erosion and sediment control plan meets the requirements of this article, 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 grading, erosion and sediment control plan.
- 3. Denial: If the City determines that the grading, erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The grading, erosion and sediment control plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved grading, erosion and sediment control plan.
- 4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be

suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan. (Ord. 1550, 6-4-2018)

F. Plan Implementation and Maintenance:

1. All grading should follow the approved grading, erosion and sediment control plan. If temporary grading is needed, it should be reflected in the grading, erosion and sediment control plan. (Ord. 1550, 6-4-2018)
2. All stormwater pollution controls noted on the approved grading, erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion. (Ord. 1550, 6-4-2018)
3. The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place grading, erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity and the obligations of the grading, erosion and sediment control permit have been satisfied. (Ord. 1550, 6-4-2018)

G. Modification of Plan:

An approved grading, erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data and possible modification of escrow. (Ord. 1550, 6-4-2018)

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the grading is completed per the approved grading plan. The escrow shall also be sufficient to ensure the inspection, installation, maintenance, and completion of the grading, erosion and sediment control plan and practices. Escrow amounts shall be set as detailed in the adopted City fee schedule. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee. (Ord. 1550, 6-4-2018)

I. Enforcement:

1. If the City determines the grading, erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:
 - a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
 - b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.
2. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:

- a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
- b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of completing the corrective work.
- c. Impose a monetary fine in an amount equal to twice the required permit fee.
- d. Charge the Permittee for all staff time expended and costs incurred by the City to:
 - i. perform any corrective work required by the City,
 - ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or
 - iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and
 - iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permittee within 30 days of the delivery by the City of a written invoice which describes such charges.

- e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.
 - f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.
 - g. Pursue any other legal equitable remedy which is available to the City.
3. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
 4. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the

discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011)
 (Ord. 1550, 6-4-2018)

803.05 : Stormwater Management Overlay District

- A. Establishment. The Stormwater Management Overlay District shall include all land either within one hundred (100) feet of the normal water level of constructed stormwater ponds or wetlands managed for stormwater quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.
- B. Definition: “Stormwater pond” – A manmade pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.
- C. Lot Standards. All lots within the Stormwater Management Overlay District shall met the following setbacks:

STRUCTURE SETBACKS FROM STORM POND		
Type of Water Body	Structure Setback from Water Body	Roads, Driveway, Parking and Other Impervious Surface or Setback
Storm Pond	10 Ft. ¹	10 Ft. ²
1. Setback is measured from the pond boundary, as defined by the 1% probability storm, or as approved by the City Engineer.		
2. A 10 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.		

- D. General Standards:
 - 1. Existing Natural Drainageways: When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - 2. Minimum Disturbance: Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - 3. Constructed Facilities: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- E. Specific Standards:
 - 1. Impervious Surface Coverage: Impervious surface coverage of a site shall not exceed 25% of the site area in a shoreland or wetland overlay district unless stormwater is conveyed to an approved, on-site or

regional stormwater ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.

2. Review by City Engineer: All proposed stormwater facilities shall be reviewed by the City Engineer and certified for compliance with the city's comprehensive surface water management plan, National Urban Runoff Program (NURP) standards, the Minnesota Pollution Control Agency's (MPCA) Urban Best Management Practices, and any established standards of the water management organization having jurisdiction in the project area.
 3. ~~Commercial, Industrial, and Residential Development Affection: All commercial and industrial developments and redevelopments affecting more than five acres of land and all residential developments affecting more than five 5 acres of land shall:~~
 - i. ~~Be served by stormwater ponding facilities, on or off site, designed to remove a minimum of 90% of total suspended solids resulting from the runoff from a one inch rainfall event, and~~
 - ii. ~~Within the development, provide for settling chambers, sumps, dry ponds or other devices to provide for the filtering or settling of fine sands prior to discharge into the city's stormwater system.~~
- F. Private Stormwater Facilities: All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on a five year interval. One to five year waivers from this requirement may be granted by the City Engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.
- G. Inventory of Private Stormwater Facilities: Upon adoption of this chapter, the City Engineer shall inventory and maintain a database for all private stormwater facilities requiring maintenance to assure compliance with this section.

803.06: STORMWATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE:

- A. Maintenance of Stormwater BMPs. The City requires that stormwater BMPs be maintained.
1. Private Stormwater BMPs - All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with the performance standards for which they were originally designed.
 - a. Ponds, Stormwater Wetlands, Underground Storage, and other BMPs that settle pollutants
 - i. Removal of settled materials - All settled materials from ponds, and other BMPs, including settled solids, shall be removed and properly

disposed of on a five (5) year interval. One (1) to five (5) year waivers from this requirement may be granted by the City when the owner presents evidence that the BMP has additional capacity to remove settled solids in accordance with the original design capacity. (Ord 1590, 10-12-2020)

- b. Infiltration, Filtration, pretreatment devices and other BMPs that filter stormwater (Ord 1590, 10-12-2020)
 - i. Quarterly inspections, unless otherwise specified in a maintenance agreement, of the Private Stormwater BMPs and, if necessary, removal of all litter, debris, sediment, and replacement of mulch, vegetation, and eroded areas to ensure establishment of healthy functioning plant life therein; and
 - ii. A five (5) year certification, by a stormwater professional acceptable to the City, is required that demonstrates the Stormwater BMPs are functioning in accordance with the approved plans and have maintained the proper operation of the stormwater treatment as a Stormwater Management BMP according to the City Standards. The quarterly inspection(s) and certification(s) shall be made available to the City upon request without prior notice

- 2. Maintenance plan required - No private stormwater BMPs may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance, and the maintenance intervals.
- 3. Inspection - The City shall inspect or require the inspection of, all stormwater BMPs during construction, during the first year of operation, and at least once every five years thereafter, or as budget allows.
- 4. Maintenance of Publicly Owned Stormwater BMPs - The City shall annually perform the maintenance of the in place stormwater BMPs within the City as provided for in the local water management plan or watershed management plan. Further, the City shall notify the owners of other publicly owned stormwater BMPs if scheduled maintenance is needed according to periodic site inspections or maintenance plans on file.

B. Inventory of Stormwater BMPs. Upon adoption of this Chapter, the City shall inventory and maintain a database for all private and public stormwater BMPs within the City requiring maintenance to assure compliance with this ordinance. The City shall notify owners of public and private stormwater BMPs of the need for conducting maintenance at least every five years.

C. 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 shall remain in full force and effect.

D. Failure to maintain Private Stormwater BMPs: It is the responsibility of the property owner to maintain all private stormwater BMPs in accordance with the original standards. If during a City inspection the BMP does not meet City standards, the City will notify the owner in writing of the deficiencies. Failure

to properly maintain the BMP after notification could result in administrative penalties and abatement processes under Chapter 407 and/or 906 of the City Code. (Ord. 1550, 6-4-2018)

Section 2. Wetland Amended. After City Council consideration the Roseville City Code, Chapter 804 is hereby created to add and update Wetland Protection Overlay District rules.

CHAPTER 804
WETLANDS

SECTION:

804.01 Wetland Protection Overlay District

804.01: WETLAND PROTECTION OVERLAY DISTRICT

A. Purpose. These regulations are intended to protect the City’s wetlands, which are defined as land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes Section 103G.005, Subdivision 19.

B. Applicability. All upland within one hundred (100) feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland shall be considered within the Wetland Protection Overlay District and those identified within the city’s Comprehensive Surface Water Management Plan.

C. Lot Standards. The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any wetland area to meet the minimum lot area dimension.

STRUCTURE SETBACKS FROM WETLAND		
Type of Water Body	Structure Setback from Water Body	Roads, Driveway, Parking and Other Impervious Surface or Setback
Wetland	50 Ft. ^{1, 2}	30 Ft. ²
<p>1. Setback is measured from the approved delineated wetland boundary.</p> <p>2. A 30 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.</p>		

D. Stormwater treatment. All stormwater must be treated to the water quality standard outlined in the City’s Comprehensive Surface Water Management Plan and Stormwater Management Standards before discharged to a wetland.

E. Wetland Buffers. Wetland buffers shall be required for all developments adjacent to a wetland whether or not the wetland is located on the same parcel as the proposed development.

(1) Table X outlines the no-disturb buffer widths and minimums that must be met:

Wetland Buffer Widths	
Average Buffer Width	25 feet
Minimum Buffer Width	12.5 feet

- (2) New and existing ponds constructed for water quantity and quality adjacent to new development shall maintain a 10-foot vegetative buffer from the normal water level.
- (3) Stormwater management BMPs shall not be allowed to be constructed in the buffer area, unless approved by the City Engineer.
- (4) A permanent wetland buffer monument shall be installed at each lot line where it crosses a wetland buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of two hundred (200) feet of wetland edge.
- (5) Where acceptable vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval by the City District to replace such vegetation. A buffer strip has acceptable vegetation if it:
 - a. Has a continuous, dense layer of vegetation or overstory of trees and/or shrubs that have been uncultivated or unbroken for at least five consecutive years, or
 - b. Is not composed of undesirable plant species (including, but not limited to: reed canary grass, common buckthorn, purple loosestrife, leafy spurge, and noxious weeds), or
 - c. Does not have topography that tends to channelize the flow of surface runoff.
- (6) If the City determines the existing buffer to be unacceptable, the applicant shall maintain the minimum buffer in its undisturbed state but may disturb the remainder of the buffer area as long as the buffer area is re-planted with native species and maintained as a native habitat. The buffer planting must be identified on the permit application and the buffer landscaping shall comply with the following standards:
 - a. Buffer areas shall be planted with a native seed mix, native plants, shrubs, trees, or other vegetation approved by the City, ~~with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.~~
 - b. The revegetation project shall be performed by a qualified contractor. All methods shall be approved by the City prior to planting or seeding.
 - c. ~~The seed mix shall be broadcast according to the specifications of the selected mix including date of application. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The seed mix selected for permanent cover shall be appropriate for soil site conditions and yellow tag certified free of invasive species.~~
 - d. ~~Native shrubs may be allowed to be substituted for native forbs. All substitutions shall be approved by the City. Such shrubs may be bare root seedlings and shall be planted at eight foot spacing. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.~~
 - e. Any groundcover or shrub plantings installed within the buffer area are independent of any landscaping requirements required elsewhere by the City.
 - f. ~~Compacted soils in the buffer area shall be loosened to a depth of at least 5" prior to seeding.~~

- g. No fertilizer shall be used in establishing new buffer areas, except on highly disturbed sites when necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
- h. ~~All seeded areas shall be mulched or blanketed immediately in a method approved by the City.~~
- i. Buffer areas (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Section 803.04 Erosion and Sediment Control. The erosion and sediment control measures shall remain in place until the vegetation is established.
- j. Buffer vegetation shall be actively managed throughout the three-year establishment period. This includes but is not limited to: mowing, overseeding, spot weed control, prescribed burning, and watering.
- k. Buffer vegetation shall be established and maintained in accordance with the requirements above. During the first three full growing seasons, the applicant or developer must replant any buffer vegetation that does not survive. The applicant or developer shall specify a method acceptable to the City for monitoring compliance and verifying establishment of the buffer at the end of the third full growing season.

Section 3. Effective Date. This ordinance amendment to the City Code shall take effect upon passage and publication of this ordinance.

Passed this 6th day of March 2023