


REQUEST FOR COUNCIL ACTION

Date: 9/26/11
Item No.: 9 . a

Department Approval



City Manager Approval



Item Description: Consider Ordinance Updates to the Storm Water Drainage Erosion and Sedimentation Control Ordinance

BACKGROUND

On August 8, 2011, the City Council reviewed the proposed changes to the Erosion and Sedimentation Control Ordinance.

The Public Works Environment and Transportation Commission recommends the City Council consider adopting the updates to the Erosion and Sedimentation Control Ordinance. This ordinance was originally adopted by the City Council on January 28, 2008. Attached is the draft ordinance for this discussion.

This ordinance will be moved out of the Zoning Code and into the Storm Water Code, specifically 803.04. This is the same chapter as the Illicit Discharge Ordinance (803.3) and the future location of the City's Storm Water Drainage Ordinance. The Planning Commission reviewed this proposal at their meeting on September 7, 2011 and recommends to the City Council that this change be made.

POLICY OBJECTIVE

The City's Comprehensive Plan and the Comprehensive Storm Water Management Plan discuss the importance of protecting the city's water resources. This ordinance is consistent with that objective.

FINANCIAL IMPACTS

The adoption of this ordinance should not have a negative impact on city budgets or operations. Erosion Control Permits Fees cover the staff time required to review and inspect these permits.

STAFF RECOMMENDATION

Staff recommends the Council consider adopting an Ordinance amending Title 8 by adding Section 803.04 Erosion and Sedimentation Control to Chapter 803 Storm Water Drainage.

Staff recommends the Council consider approving the ordinance summary.

REQUESTED COUNCIL ACTION

Consider adopting an Ordinance amending Title 8 by adding Section 803.04 Erosion and Sedimentation Control to Chapter 803 Storm Water Drainage.

Consider approving the ordinance summary.

Prepared by: Debra Bloom, City Engineer
Attachments: A: Ordinance
B: Ordinance Summary

**City of Roseville
ORDINANCE NO.**

AN ORDINANCE AMENDING/ADDING

TITLE 8, SECTION 803.04

**AN ORDINANCE AMENDING TITLE 8, ADDING SECTION 803.04 EROSION AND
SEDIMENTATION CONTROL; DELETING CHAPTER 1018; AND, AMENDING
TITLE 10, SECTION 1017.17 AND 1017.25**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Section 803.04 is hereby added to Title Eight of the Roseville City Code:

SECTION:

- 803.01: Storm Water Drainage Utility
- 803.02: Connection to Storm Sewers
- 803.03 Storm Water Illicit Discharge and Connections
- 803.04 Erosion and Sedimentation Control

803.01: STORM WATER 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 storm water 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: Storm water 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 storm water drainage rate. The REF values for various land uses are as follows¹:

¹ CLASSIFICATION	LAND USES	REF
1	Cemeteries golf courses	0.25
2	Parks with parking facilities	0.75
3	Single-family and duplex residential	1.00
4	Public & private school, community center	1.25
5	Multiple-family residential, churches & government buildings	2.50

- 37 For the purpose of calculating storm water drainage fees, all developed one-family and
 38 duplex parcels shall be considered to have an acreage of one-third (1/3) acre. The storm
 39 water drainage rate used to calculate the actual charge per property shall be established by
 40 City Council Resolution.
- 41 D. Credits: The City Council may adopt policies recommended by the Public Works Director,
 42 by resolution, for adjustment of the storm water drainage fee for parcels based upon
 43 hydrologic data to be supplied by property owners, which data demonstrates a hydrologic
 44 response substantially different from the standards. Such adjustments of storm water
 45 drainage fees shall not be made retroactively.
- 46 E. Exemptions: The following land uses are exempt from storm water drainage fees:
 47 1. Public rights of way.
 48 2. Vacant, unimproved land with ground cover.
- 49 F. Payment of Fee: Statements for storm water drainage fee shall be computed every three
 50 months and invoiced by the Finance Officer for each account on or about the fifth day of the
 51 month following the quarter. Such statement shall be due on or before the last day of the
 52 month in which the statement is mailed. Any prepayment or overpayment of charges shall be
 53 retained by the City and applied against subsequent quarterly fees.
- 54 G. Recalculation of Fee: If a property owner or person responsible for paying the storm water
 55 drainage fee questions the correctness of an invoice for such charge, such person may have
 56 the determination of the charge recomputed by written request to the Public Works Director
 57 made within twelve months of mailing of the invoice in question by the City.
- 58 H. Penalty for Late Payment: Each quarterly billing for storm water drainage fees not paid
 59 when due shall incur a penalty charge of ten percent of the amount past due.
- 60 I. Certification of Past Due Fees on Taxes: Any past due storm water drainage fees, in excess
 61 of 90 days past due, may be certified to the County Auditor for collection with real estate
 62 taxes, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City
 63 shall also have the right to bring a civil action or to take other legal remedies to collect
 64 unpaid fees. (Ord. 937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)

65 **803.02: CONNECTION TO STORM SEWERS:**

- 66 A. Permit Required: No person shall connect any drain to a storm sewer of the City without
 67 first obtaining a permit to do so.
- 68 B. Granting of Permits: The Public Works Director shall grant permits only to applicants who
 69 are licensed by the City.
- 70 C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by
 71 City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
- 72 D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall
 73 be complied with:
 74 1. No permit shall be issued to connect with any storm sewer system to the City directly or
 75 indirectly from any lot or tract of land unless the Public Works Director shall have
 76 certified:

6	Commercial, industrial, warehouse	5.00
7	Improved vacant	As Assigned

- 77 a. That such lot or tract of land has been assessed for the cost of construction or the
78 storm sewer main or line with which the connection is made, or
79 b. If no assessment has been levied for such construction cost, the proceedings for
80 levying such assessment have been or will be completed in due course, or
81 c. If no assessment has been levied and no assessment proceedings will be completed in
82 due course, that a sum equal to the portion of cost of constructing said storm sewer
83 main which would be assessable against said lot or tract has been paid to the City, or
84 2. If no such certificate can be issued by the Public Works Director no permit to connect to
85 any storm sewer main shall be issued unless the applicant shall pay an additional
86 connection fee which shall be equal to the portion of the cost of construction of the said
87 storm sewer main which would be assessable against said lot or tract to be served by such
88 connection. Said assessable cost is to be determined by the Public Works Director upon
89 the same basis as any assessment previously levied against other property for the said
90 main, including interest at a rate equal to the interest rate of the original assessment from
91 the date of the original assessment and continuing for a period of 20 years or the amount
92 of years the assessment was payable, whichever is less. Interest may be waived or
93 decreased, when it is determined by the Public Works Director that the improvement was
94 not subject to utilization until a later date. If no such assessment has been levied, the
95 assessable cost will be determined upon the basis of the uniform charge which may have
96 been or which shall be charged for similar storm sewer improvements, determined on the
97 basis of the total assessable cost of said main or line, allocated on a frontage basis,
98 acreage basis, or both.
99 3. No building permit shall be issued for any building where the affected lot or parcel of
100 land has been benefited by an assessed storm sewer improvement unless the provisions of
101 this subsection have been complied with. (Ord. 745, 12-30-74; amd. 1995 Code)

102 **803.03: STORM WATER ILLICIT DISCHARGE AND CONNECTIONS:**

- 103 A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural
104 resources within the City and protect them from adverse effects caused by non-storm water
105 discharge by regulating discharges that would have an adverse and potentially irreversible
106 impact on water quality and environmentally sensitive land. This ordinance will provide for
107 the health, safety, and general welfare of the citizens of the City of Roseville through the
108 regulation of non-storm water discharges to the storm drainage system to the maximum
109 extent practicable as required by federal and state law. This ordinance establishes methods
110 for controlling the introduction of pollutants into the municipal separate storm sewer system
111 (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination
112 System (NPDES) permit process. The objectives of this ordinance are:
113 1. To regulate the contribution of pollutants to the municipal separate storm sewer system
114 (MS4) by storm water discharges by any person.
115 2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer
116 system.
117 3. To establish legal authority to carry out all inspection, surveillance and monitoring
118 procedures necessary to ensure compliance with this ordinance.
119 B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and
120 their derivatives shall have the meaning stated below.
121 1. BEST MANAGEMENT PRACTICE (BMP): Erosion and sediment control and water
122 quality management practices that are the most effective and practicable means of
123 controlling, preventing, and minimizing the degradation of surface water, including
124 construction-phasing, minimizing the length of time soil areas are exposed, prohibitions,

- 125 and other management practices published by state or designated area-wide planning
126 agencies.
- 127 a. Non-structural BMP: Practices that focus on preserving open space, protecting
128 natural systems, and incorporating existing landscape features such as wetlands and
129 stream corridors to manage storm water at its source. Other practices include
130 clustering and concentrating development, minimizing disturbed areas, and reducing
131 the size of impervious areas.
- 132 b. Structural BMP: a physical device that is typically designed and constructed to trap
133 or filter pollutants from runoff, or reduce runoff velocities.
- 134 2. COMMERCIAL: Activity conducted in connection with a business.
- 135 3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting, throwing, or
136 emitting any pollutant, or placing any pollutant in a location where it is likely to pollute
137 waters of the state.
- 138 4. EQUIPMENT: Implements used in an operation or activity. Examples include, but are
139 not limited to; lawn mowers, weed whips, shovels, wheelbarrows and construction
140 equipment.
- 141 5. EROSION: any process that wears away the surface of the land by the action of water,
142 wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
- 143 6. GROUNDWATER: Water contained below the surface of the earth in the saturated zone
144 including, without limitation, all waters whether under conned, unconfined, or perched
145 conditions, in near surface unconsolidated sediment or regolith, or in rock formations
146 deeper underground.
- 147 7. ILLEGAL/ ILLICIT DISCHARGE: Any direct or indirect non-storm water discharge to
148 the storm drainage system, except as exempted in this chapter.
- 149 8. ILLICIT CONNECTION: Either of the following:
- 150 a. Any drain or conveyance, whether on the surface or subsurface, which allows an
151 illegal discharge to enter the storm drain system (including any non-storm water
152 discharge) including wastewater, process wastewater, and wash water and any
153 connections to the storm drain system from indoor drains and sinks, regardless of
154 whether said drain or connection had been previously allowed, permitted, or approved
155 by the City; or,
- 156 b. Any drain or conveyance connected from a residential, commercial or industrial land
157 use to the storm drain system which has not been documented in plans, maps, or
158 equivalent records and approved by the City.
- 159 9. IMPERVIOUS SURFACE: A hard surface area which either prevents or retards the
160 entry of water into the ground. Common impervious surfaces include, but are not limited
161 to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or
162 asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly
163 impede the natural infiltration of surface and storm water runoff.
- 164 10. MAXIMUM EXTENT PRACTICABLE (MEP): A standard for water quality that
165 applies to all MS4 operators regulated under the NPDES program. Since no precise
166 definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators
167 as they develop and implement their programs to reduce the discharge of pollutants to
168 the maximum extent practicable, including management practices, control techniques
169 and system, design and engineering methods, and such other provisions as the
170 Administrator or the State determines appropriate for the control of pollutants.
- 171 11. MECHANICAL CLEANING TECHNIQUES: Arranging the collision between the
172 substance being removed and some object. Mechanical cleaning techniques include:
173 sweeping, shoveling, or blowing. This does NOT include using water to clean the

- 174 surface.
- 175 12. MPCA: The Minnesota Pollution Control Agency.
- 176 13. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of
- 177 conveyances (including sidewalks, roads with drainage systems, municipal streets, catch
- 178 basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City
- 179 and designed or used for collecting or conveying storm water, and which is not used for
- 180 collecting or conveying sewage.
- 181 14. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The
- 182 national program for issuing, modifying, revoking, and reissuing, terminating,
- 183 monitoring, and enforcing permits, and imposing and enforcing pretreatment
- 184 requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United
- 185 States Code, title 33, sections 1317, 1328, 1342, and 1345.
- 186 15. PERSON: Any individual, firm, corporation, partnership, franchise, association or
- 187 governmental entity.
- 188 16. PERVIOUS SURFACE: Pervious areas permit water to enter the ground by virtue of
- 189 their porous nature or by large voids in the material. Commonly pervious areas have
- 190 vegetation growing on them.
- 191 17. POLLUTANT: Any substance which, when discharged has potential to or does any of
- 192 the following:
- 193 a. Interferes with state designated water uses;
- 194 b. Obstructs or causes damage to waters of the state;
- 195 c. Changes water color, odor, or usability as a drinking water source through causes not
- 196 attributable to natural stream processes affecting surface water or subsurface
- 197 processes affecting groundwater;
- 198 d. Adds an unnatural surface film on the water;
- 199 e. Adversely changes other chemical, biological, thermal, or physical condition, in any
- 200 surface water or stream channel;
- 201 f. Degrades the quality of groundwater; or
- 202 g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes
- 203 but is not limited to dredged soil, solid waste, incinerator residue, garbage,
- 204 wastewater sludge, chemical waste, biological materials, radioactive materials, rock,
- 205 sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide,
- 206 trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-
- 207 demanding material.
- 208 18. POLLUTE: To discharge pollutants into waters of the state.
- 209 19. POLLUTION: The direct or indirect distribution of pollutants into waters of the state.
- 210 20. PREMISES: Any building, lot, parcel of land, or portion of land whether improved or
- 211 unimproved including adjacent sidewalks and parking strips
- 212 21. SANITARY SEWER: a pipe, conduit, or sewer owned, operated, and maintained by the
- 213 City and which is designated by the Public Works Director as one dedicated to the
- 214 exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
- 215 22. STATE DESIGNATED WATER USES: Uses specified in state water quality standards.
- 216 23. STORM DRAINAGE SYSTEM: Publicly-owned facilities by which storm water is
- 217 collected and/or conveyed, including but not limited to any roads with drainage systems,
- 218 municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention
- 219 and detention basins, natural and human-made or altered drainage channels, reservoirs,
- 220 and other drainage structures.
- 221 24. STORM WATER: Any surface flow, runoff, or drainage consisting entirely of water
- 222 from any form of natural precipitation and resulting from such precipitation.

- 223 25. SURFACE WATERS means all waters of the state other than ground waters, which
224 include ponds, lakes, rivers, streams, wetlands, ditches, , and public drainage systems
225 except those designed and used to collect, convey, or dispose of sanitary sewage.
- 226 26. STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document which
227 describes the Best Management Practices and activities to be implemented by a person
228 or business to identify sources of pollution or contamination at a site and the actions to
229 eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance
230 Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- 231 27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also includes
232 watercraft, trailers and bicycles.
- 233 28. WATERCOURSE: A natural channel for water; also, a canal for the conveyance of
234 water, a running stream of water having a bed and banks; the easement one may have in
235 the flowing of such a stream in its accustomed course. A water course may be dry
236 sometimes.
- 237 29. WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses,
238 waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and
239 all other bodies or accumulations of water, surface or underground, natural or artificial,
240 public or private, which are contained within, flow through, or border upon the state or
241 any portion thereof.
- 242 30. WASTEWATER: Any water or other liquid, other than uncontaminated storm water,
243 discharged from a facility or the by-product of washing equipment or vehicles
- 244 C. Applicability: This ordinance shall apply to all water entering the storm drain system
245 generated on any developed and undeveloped lands unless explicitly exempted by the City
246 Council.
- 247 D. Administration: The Public Works Director is the principal City official responsible for the
248 administration, implementation, and enforcement of the provisions of this ordinance. The
249 Director may delegate any or all of the duties hereunder
- 250 E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer system or
251 any surface water unless such discharge:
- 252 1. Consists of non-storm water that is authorized by an NPDES point source permit
253 obtained from the MPCA;
- 254 2. Is associated with fire fighting activities or other activities necessary to protect public
255 health and safety;
- 256 3. Is one of the following exempt discharges: water line flushing or other potable water
257 sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater,
258 groundwater infiltration to storm drains, uncontaminated pumped groundwater,
259 foundation or footing drains (not including active groundwater dewatering systems),
260 crawl space pumps, air conditioning condensation, springs, non-commercial washing of
261 vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and
262 any other water source not containing pollutants;
- 263 4. Consists of dye testing discharge, as long as the Public Works Director is provided a
264 verbal notification prior to the time of the test.
- 265 F. Illegal Disposal and Dumping
- 266 1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any
267 street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business
268 place, or upon any public or private land, so that the same might be or become a
269 pollutant, unless the substance is in containers, recycling bags, or any other lawfully
270 established waste disposal device.
- 271 2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a

272 water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch,
273 natural watercourse, flood control channel, canal, storm drain or any fabricated natural
274 conveyance.

275 G. Illicit Discharges and Connections

- 276 1. No person shall use any illicit connection to intentionally convey non-storm water to the
277 City's storm sewer system.
- 278 2. The construction, use, maintenance or continued existence of illicit connections to the
279 storm sewer system is prohibited. This prohibition expressly includes, without limitation,
280 illicit connections made in the past regardless of whether the connection was permissible
281 under law or practices applicable or prevailing at the time of connection.
- 282 3. A person is considered to be in violation of this ordinance if the person connects a line
283 conveying wastewater to the storm sewer system, or allows such a connection to
284 continue.

285 H. General Provisions: All owners or occupants of property shall comply with the following
286 general requirements:

- 287 1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical
288 or septic waste in an area where discharge to streets or storm sewer system may occur.
289 This section shall apply to both actual and potential discharges.
 - 290 a. Private sanitary sewer connections and appurtenances shall be maintained to prevent
291 failure, which has the potential to pollute surface water.
 - 292 b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility.
293 Waste shall not be discharged in an area where drainage to streets or storm sewer
294 systems may occur.
 - 295 c. For pools, the pool's water should be tested before draining to ensure that PH levels
296 are neutral and chlorine levels are not detectable. Pool water should be discharged
297 over a vegetated area before draining into the storm sewer system. Unsealed
298 receptacles containing chemicals or other hazardous materials shall not be stored in
299 areas susceptible to runoff.
- 300 2. The washing down of commercial equipment and vehicles shall be conducted in a
301 manner so as to not directly discharge wastewater where drainage to streets or storm
302 sewer system may occur.
- 303 3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious
304 surfaces shall be completed to the maximum extent practicable using mechanical
305 cleaning techniques.
- 306 4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose
307 of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage
308 to streets or storm sewer system may occur.
- 309 5. Storage of materials, machinery and equipment shall comply with the following
310 requirements:
 - 311 a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous
312 substances, and unsealed receptacles containing chemicals or other hazardous
313 materials shall not be stored in areas susceptible to runoff.
 - 314 b. Any machinery or equipment that is to be repaired or maintained in areas susceptible
315 to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
- 316 6. Debris and residue shall be removed as follows:
 - 317 a. All vehicle parking lots and private streets shall be swept at least once a year in the
318 spring to remove debris. Such debris shall be collected and disposed of according to
319 state and federal laws governing solid waste.
 - 320 b. Fuel and chemical residue or other types of potentially harmful material, such as

321 animal waste, garbage or batteries shall be contained immediately, removed as soon
322 as possible and disposed of according to state and federal laws governing solid waste.

323 I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity
324 NPDES storm water discharge permit shall comply with all provisions of such permit. Proof
325 of compliance with said permit may be required in a manner acceptable to the Public Works
326 Director prior to the allowing of discharges to the storm sewer system. Any person
327 responsible for a property or premise, who is, or may be, the source of an illicit discharge,
328 may be required to implement, at said person's expense, additional structural and non-
329 structural BMPs to prevent the further discharge of pollutants to the storm sewer system.
330 These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary
331 for compliance with requirements of the NPDES permit.

332 J. Access to Facilities

333 1. When the City has determined that there is a danger to the health, safety or welfare of the
334 public, city representatives shall be permitted to enter and inspect facilities subject to
335 regulation under this ordinance to determine compliance with this ordinance. If a
336 discharger has security measures in force which require proper identification and
337 clearance before entry into its premises, the discharger shall make the necessary
338 arrangements to allow access to city representatives.

339 2. In lieu of an inspection by a City representative, the property owner shall furnish a
340 certificate from a licensed plumber, in a form acceptable to the City, certifying that the
341 property has not discharged prohibited material into the municipal storm sewer system.
342 Failure to provide such certificate of compliance shall make the property owner
343 immediately subject to the suspension of storm sewer access as provided for in section M
344 of this section until the property is inspected and/or compliance is met, including any
345 penalties and remedies as set forth in section N below.

346 3. Unreasonable delays in allowing city representatives access to a permitted facility is a
347 violation of a storm water discharge permit and of this ordinance.

348 4. The City may seek issuance of a search warrant for the following reasons:
349 a. If city representatives are refused access to any part of the premises from which
350 storm water is discharged, and there is probable cause to believe that there may be a
351 violation of this ordinance; or
352 b. there is a need to inspect and/or sample as part of a routine inspection and sampling
353 program designed to verify compliance with this ordinance or any order issued
354 hereunder; or
355 c. to protect the overall public health, safety, and welfare of the community.

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

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

367 M. Suspension of Storm Sewer System Access

368 1. Suspension due to illicit discharges in emergency situation: The City may, without prior
369 notice, suspend MS4 discharge access to a person when such suspension is necessary to

370 stop an actual or threatened discharge that presents or may present imminent and
371 substantial danger to the environment, to the health or welfare of persons, to the storm
372 sewer or waters of the state. If the violator fails to comply with a suspension order issued
373 in an emergency, the city may take such steps as deemed necessary to prevent or
374 minimize damage to the storm sewer system or the waters of the state, or to minimize
375 danger to persons.

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

381 N. Enforcement

382 1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been
383 determined that a person has violated a prohibition or failed to meet a requirement of this
384 Ordinance, the Public Works Director may order compliance by written notice of
385 violation to the person(s) responsible for the violation. Such notice may require without
386 limitation:

- 387 a. The performance of monitoring, analysis, and reporting;
- 388 b. The elimination of illicit connections or discharges;
- 389 c. That violating discharges, practices, or operations shall cease and desist;
- 390 d. The abatement or remediation of storm water pollution or contamination hazards and
391 the restoration of any affected property;
- 392 e. Payment of a fine to cover administrative and remediation costs;
- 393 f. The implementation of source control or treatment BMPs;
- 394 g. The development of a corrective action plan to prevent repeat discharges; and/ or
395 h. Any other requirement deemed necessary.

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

401 2. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal
402 the determination of the Public Works Director. The notice of appeal must be received
403 within 7 days from the date of the Notice of Violation. Hearing on the appeal before the
404 City Manager or his/her designee shall take place within 15 days from the date of receipt
405 of the notice of appeal. The decision of the City Manager or his/ her designee shall be
406 final.

407 3. Enforcement Measures after Appeal: If the violation has not been corrected pursuant to
408 the requirements set forth in the Notice of Violation, or, in the event of an appeal, within
409 7 days of the decision of the City Manager upholding the decision of the Public Works
410 Director, then city representatives shall have the right to enter upon the subject private
411 property and are authorized to take any and all measures necessary to abate the violation
412 and/or restore the property. It shall be unlawful for any person, owner, agent or person in
413 possession of any premises to refuse to allow city representatives to enter upon the
414 premises for the purposes set forth above.

415 4. Cost of Abatement of the Violation: Within 15 days after abatement of the violation, the
416 person(s) responsible for the violation will be notified of the cost of abatement, including
417 administrative costs. The person(s) given such notice may file a written protest objecting
418 to the amount of the costs within 7 days. If the amount due is not paid within a timely

419 manner as determined by the decision of the City Manager or by the expiration of the
420 time in which to file an appeal, the amount due shall constitute a lien upon, and the City
421 shall have the right to assess such cost against the property owned by such violator(s)
422 pursuant to Minnesota Statute § 429.101.

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

446 (Ord. 1388, 2-22-2010)

447 **803.04: EROSION AND SEDIMENTATION CONTROL:**

448 A. Purpose: The purpose of this article is to control or eliminate soil erosion and sedimentation
449 resulting from construction activity within the City. This article establishes standards and
450 specifications for conservation practices and planning activities that minimize soil erosion
451 and sedimentation.

452 B. Scope: Except as exempted by the definition of the term "land disturbance activity" in
453 Section 803.04 C7, any person, entity, state agency, or political subdivision thereof
454 proposing land disturbance activity within the City shall apply to the City for the approval
455 of the erosion and sediment control plan. No land shall be disturbed until the plan is
456 approved by the City and conforms to the standards set forth in this article.

457 C. Definitions: The following words, terms and phrases, when used in this article, shall have
458 the meanings ascribed to them in this section, except where the context clearly indicates a
459 different meaning:

- 460 1. Best Management Practice (BMP): Erosion and sediment control and water quality
461 management practices that are the most effective and practicable means of controlling,
462 preventing, and minimizing the degradation of surface water, including construction-
463 phasing, minimizing the length of time soil areas are exposed, prohibitions, and other
464 management practices published by state or designated area-wide planning agencies.

- 465 2. Certificate of Completion: the certificate issued after the final inspection of the site has
466 been completed, temporary erosion control has been removed and the site has been
467 fully restored.
- 468 3. City of Roseville Erosion Control Specifications: practices described in, but not limited
469 to, the following manuals:
- 470 • Minnesota Stormwater Manual
 - 471 • Minnesota Pollution Control Agency’s “Protecting Water Quality in Urban
472 Areas” handbook
 - 473 • Ramsey County Erosion and Sediment Control Handbook
- 474 4. Erosion: any process that wears away the surface of the land by the action of water,
475 wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
- 476 5. Erosion and sediment control plan: a document containing the requirements of Section
477 803.04 D. that, when implemented, will prevent or minimize soil erosion on a parcel of
478 land and off-site sediment damages.
- 479 6. Erosion and sediment control practice specifications and erosion and sediment control
480 practices: the management procedures, techniques, and methods to control soil erosion
481 and sedimentation as officially adopted by the City.
- 482 7. Land disturbance activity: land change greater than 10,000 square feet, or land change
483 on a parcel of land located directly adjacent to a water resource or located within the
484 shoreland overlay district, that may result in soil erosion from water or wind and the
485 movement of sediments into or upon waters or lands of the city, including clearing,
486 grading, excavating, transporting and filling of land. Land disturbance activity does not
487 mean the following:
- 488 a. Minor land disturbance activities such as home gardens and an individual’s home
489 landscaping, repairs, and maintenance work.
 - 490 b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops.
 - 491 c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or
492 poles.
 - 493 d. Emergency work to protect life, limb, or property and emergency repairs.
494 However, if the land disturbance activity would have required an approved
495 erosion and sediment control plan except for the emergency, the land area
496 disturbed shall be shaped and stabilized in accordance with the requirement of
497 the local plan-approving authority or the city when applicable.
- 498 8. Permittee: a person, entity, state agency, corporation, partnership, or political
499 subdivision thereof engaged in a land disturbance activity.
- 500 9. Sediment: solid mineral or organic material that, in suspension, is being transported or
501 has been moved from its original site by air, water, gravity, or ice, and has been
502 deposited at another location.
- 503 10. Sedimentation: the process or action of depositing sediment that is determined to have
504 been caused by erosion.
- 505 11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City.

506 D. Erosion and Sediment Control Plan:

- 507 1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to
508 allow land disturbance activities must submit an erosion and sediment control plan to the
509 City Engineer. No building permit, subdivision approval, or permit to allow land
510 disturbance activities shall be issued and no earth disturbing activity shall commence
511 until approval of the erosion and sediment control plan by the City.

512 Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however,

513 the City must be notified of the project and be provided a copy of the erosion and
514 sediment control plan, as well as an estimated schedule for commencement and
515 completion. The City will notify the designated contact if erosion control measures
516 should fail or require maintenance with the expectation that the deficiencies will be
517 corrected.

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

522 Obtaining a permit does not exempt the permittee from obtaining permits required by
523 other government regulatory agencies.

524 2. Criteria addressed: The erosion and sediment control plan shall address the following
525 criteria:

- a. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- b. Stabilize all exposed soils and soil stockpiles
- c. Establish permanent vegetation
- d. Prevent sediment damage to adjacent properties and other designated areas
- e. Schedule of erosion and sediment control practices
- f. Use temporary sedimentation basins
- g. Stabilization of steep slopes
- h. Control the storm water leaving the site
- i. Stabilize all waterways and outlets
- j. Protect storm sewers from the entrance of sediment, debris and trash
- k. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste that may adversely impact water quality
- l. When working in or crossing water resources, take precautions to contain sediment
- m. Restabilize utility construction areas as soon as possible
- n. Protect paved roads from sediment and mud brought in from access routes
- o. Dispose of temporary erosion and sediment control measures
- p. Maintain all temporary and permanent erosion and sediment control practices
- q. Removal of sediment from streets at the end of each day

526 3. Contents of Plan: The 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
- 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 areas: areas on the site that have potential for serious erosion problems

- 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. Storm water 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

527 E. Plan Review:

- 528 1. General: The City appoints the City Engineer to review the erosion and sediment
529 control plan to ensure compliance with the City of Roseville Erosion and Sediment
530 Control Standards.
- 531 2. Permit required: If the City determines that the erosion and sediment control plan
532 meets the requirements of this article, the City shall issue a permit, valid for a specified
533 period of time that authorizes the land disturbance activity contingent on the
534 implementation and completion of the erosion and sediment control plan.
- 535 3. Denial: If the City determines that the erosion and sediment control plan does not meet
536 the requirements of this article, the City shall not issue a permit for the land disturbance
537 activity. The erosion and sediment control plan must be resubmitted for approval before
538 the land disturbance activity begins. No land use and building permits may be issued
539 until the Permittee has an approved erosion and sediment control plan.
- 540 4. Permit suspension: If the City determines that the approved plan is not being
541 implemented according to the schedule or the control measures are not being properly
542 maintained, all land use and building permits must be suspended and stop work order
543 issued until the Permittee has fully implemented and maintained the control measures
544 identified in the approved erosion and sediment control plan.

545 F. Plan Implementation And Maintenance:

546 All storm water pollution controls noted on the approved erosion and sediment control plan
547 shall be installed before commencing the land disturbance activity, and shall not be removed
548 without City approval or issuance of a Certificate of Completion.

549 The Permittee shall be responsible for proper operation and maintenance of all stormwater
550 pollution controls and soil stabilization measures in conformance with best management
551 practices. The Permittee shall also be responsible for maintenance, clean-up and all damages
552 caused by flooding of the site or surrounding area due to in-place erosion and sediment
553 control. The foregoing responsibilities shall continue until a Certificate of Completion is
554 issued to the Permittee by the City for the land disturbance activity.

555 G. Modification Of Plan:

556 An approved erosion and sediment control plan may be modified on submission of an
557 application for modification to the City and subsequent approval by the City Engineer. In
558 reviewing such application, the City Engineer may require additional reports and data.

559 H. Escrow Requirement:

560 The City shall require the Permittee to escrow a sum of money sufficient to ensure the
561 inspection, installation, maintenance, and completion of the erosion and sediment control

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plan and practices. Escrow amounts shall be set from time to time by the City Council. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee.

I. Enforcement:

If the City determines the 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.

1. 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.

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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 or equitable remedy which is available to the City.](#)

[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.](#)

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578 **1017.17: GENERAL DESIGN CRITERIA FOR STRUCTURES:**

579 F. Steep Slopes, Visibility and Erosion: The Public Works and Community Development
580 Directors shall evaluate possible soil erosion impacts and development visibility from public
581 waters prior to issuance of a permit for construction of roads, driveways, structures, or other
582 improvements on steep slopes. An erosion and sedimentation control plan shall be prepared as
583 required by Chapter [1018803.04](#): Erosion and Sedimentation Control Ordinance. When
584 necessary, conditions shall be attached to the permit to preserve existing vegetation, screening of
585 structures, vehicles, and other facilities as viewed from the surface of public waters, assuming
586 summer, leaf-on vegetation. (Ord. 1342, 11-13-2006)

587 H. Placement and Design of Roads, Driveways, and Parking Areas:

588 1. Public and private roads and parking areas shall be designed to utilize natural vegetation and
589 topography to achieve maximum screening from view of public waters. The Public Works
590 Director shall review all roads and parking areas to ensure they are designed and constructed to
591 minimize and control erosion, consistent with Chapter [1018803.04](#): Erosion and Sedimentation
592 Control Ordinance. (Ord. 1342, 11-13-2006)

593 **1017.25: GRADING, FILLING AND LAND ALTERATION:**

594 B. Applications For Permits, Additional Information: All applications for permits for grading and
595 filling activities or land disturbances within the overlay district ~~resulting in more than 10,000~~
596 ~~square feet of exposed soil~~ shall be accompanied by plans, specifications, and completion
597 schedules in conformance with Chapter [1018803.04](#): Erosion and Sedimentation Control
598 Ordinance. (Ord. 1342, 11-13-2006)

599 C. Building Permits, Special Provisions: All building permits involving any excavation, fill or
600 grading shall contain special provisions that specify:

601 1. That the permittee is responsible for the cleanup and any damages resulting from soil eroded
602 from the building site onto public streets, into the storm sewer system and onto any adjoining
603 private property as required in Chapter [1018803.04](#): Erosion and Sedimentation Control
604 Ordinance; and
605 (Ord. 1342, 11-13-2006)

606 2. That the permittee shall install and maintain erosion control as required in Chapter
607 [1018803.04](#): Erosion and Sedimentation Control Ordinance. (Ord. 1342, 11-13-2006)

608 D. Shoreland Alterations: Alterations of vegetation and topography shall be regulated to prevent
609 erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values,
610 prevent bank slumping, and protect fish and wildlife habitat. Fill and grading activities within
611 shoreland shall comply with subsections 1017.24A2a through A2i and 1017.24B. Erosion control
612 measures shall comply with Chapter [1018803.04](#): Erosion and Sedimentation Control Ordinance.
613 (Ord. 1342, 11-13-2006) (Ord. 1405, 2-28-2011)

614 E. Vegetation Alterations in Shoreland Areas:

615 2. Vegetation Alteration Standards: Removal or alteration of vegetation is allowed subject to the
616 following standards:
617 a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is
618 not allowed. Intensive vegetation clearing outside of the impact zones is allowable as a
619 conditional use if an erosion control and sedimentation plan is developed per the requirements of
620 | Chapter [4018803.04](#): Erosion and Sedimentation Control Ordinance. (Ord.1342, 11-13-2006)
621 (Ord. 1359, 1-28-2008

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623 SECTION 2: Effective date. This ordinance shall take effect upon its passage and
624 publication.
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626 Passed by the City Council of the City of Roseville this 26 day of September 2011.
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Ordinance – Amending Chapter 803

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

William J. Malinen, City Manager

City of Roseville

ORDINANCE SUMMARY NO. ____

**SUMMARY OF ORDINANCE No. ____
A SUMMARY OF AN ORDINANCE AMENDING TITLE 8, ADDING
SECTION 803.04 EROSION AND SEDIMENTATION
CONTROL; DELETING CHAPTER 1018; AND, AMENDING
TITLE 10, SECTION 1017.17 AND 1017.25**

The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on September 26, 2011:

The Roseville City Code is amended by deleting Chapter 1018 Erosion and Sedimentation Control and moving it to Section 803.04. This ordinance is created to; control or eliminate soil erosion and sedimentation resulting from construction activity with the City, establish standards and specifications for conservation practices and planning activities that minimize soil erosion and sedimentation. This ordinance will cause the updating of the 2 other sections of the code, Section 1017.17 and 1017.25, to eliminate redundancy and contradiction. The ordinance takes effect upon publication.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager