

**CITY OF ST. AUGUSTA
STEARNS COUNTY MINNESOTA
ORDINANCE NO. 2017-05**

AN ORDINANCE ESTABLISHING REGULATIONS FOR STORMWATER MANAGEMENT

In the interest of the health, safety, and welfare of its citizens, the City Council of St. Augusta, Minnesota hereby ordains:

STORM WATER MANAGEMENT CODE

Section 1 Intent & Purpose: The purpose of this regulatory mechanism is to set forth minimum requirements for stormwater management that will prevent or reduce water pollution during and after land disturbance activities to safeguard persons, protect property, and prevent damage to the environment in the City of St. Augusta.

Section 2 Definitions: The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

Best Management Practices or BMP: shall mean the practices to prevent or reduce the pollution of the waters of the state, as defined by the MS4 Permit, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

City: shall mean The City of St Augusta.

Common plan of development or sale: is a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Construction Activity: includes construction activity as defined in 40 CFR 122.26(b)(14)(x) and small construction activity as defined in 40 CFR 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. This may include clearing, grading, filling, and excavating.

Land Disturbance: means any project or activity, including removal of vegetation, excavations, clearing, filling, stockpiling, grading, or other earth change that directly or indirectly affects slopes, water bodies, the moving of ground cover or which may result in the movement of sediment.

Municipal Separate Storm Sewer System or MS4: means the conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains owned and operated by the City of St. Augusta, which is designed or used for collecting or conveying stormwater.

New Development: means all construction activity that is not defined as redevelopment and areas where new impervious is being created.

Owner and/or Operator: includes the plural as well as the singular, and where appropriate shall include a

natural person, partnership, firm, association, public, or quasi-public corporation, Private Corporation, or a combination of any of them, with legal or equitable interest in the parcel of record or as identified on the land disturbance permit.

Redevelopment: means any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of existing impervious surface(s).

Stormwater: means rainwater runoff, snow melt runoff, and surface runoff and drainage. (Minn .R. 7090.0080, subp.12.)

Stormwater Pollution Prevention Plan or SWPPP: means a comprehensive plan developed to manage and reduce the discharge of pollutants in stormwater.

Structural Stormwater BMPs: mean stationary and permanent BMPs designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

Section 3 Applicability: No land shall be disturbed, excavated, or developed and no use shall be permitted that results in water runoff causing pollution, flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly managed in accordance with this ordinance and the City of St. Augusta Stormwater Management Design Standards.

Section 4 Stormwater Management Permit: All land disturbance and/or construction activity that disturbs land of equal to or greater than five thousand (5,000) square feet or a common plan of development or sale that disturbs land of equal to or greater than five thousand (5,000) square feet or as deemed necessary by the City of St. Augusta to safeguard persons, protect property, and prevent degradation to the environment in the City of St. Augusta shall require a Stormwater Management Permit from the City of St. Augusta.

- A. The permit authorizes, subject to the terms and conditions of this ordinance, land disturbance and the discharge of stormwater.
- B. No land disturbance or discharge of stormwater shall occur without first obtaining a permit from the City of St. Augusta. Such runoff shall be properly managed in accordance with the City of St. Augusta Stormwater Management Design Standards.
- C. No permit will be required for the following activities:
 - 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - 2. Nursery, home gardening, and agricultural operations conducted as a permitted main or accessory use.
 - 3. Maintenance work conducted by City of St. Augusta employees.

Section 5 Application and Required Information: Any person desiring a permit hereunder shall file an application on such form as shall be provided by the City of St. Augusta. Such application shall be accompanied by a fee as established by City resolution and information/documents proving compliance with this ordinance and the City of St. Augusta Stormwater Management Design Standards. The request shall be considered as being officially submitted and complete when the applicant has submitted and complied with all the following required information, as applicable and specified by the Administrator.

- A. Each application shall include at a minimum:

1. Application form and fee.
2. Project name.
3. Name, address, and contact information of the applicant.
4. Name, address, and contact information of the owner of the land.
5. The address and legal description of the land involved.
6. Purpose for land disturbing activity.
7. Total area (acres) to be disturbed.
8. Name and contact information of consulting firm(s) retained by owner and/or operator. (if applicable)
9. Stormwater Pollution Prevention Plan (SWPPP) meeting the requirements set forth in the City of St. Augusta Stormwater Management Design Standards.
10. Details, plans, specifications, calculations, and any other documentation needed to verifying compliance with this ordinance and the City of St. Augusta Stormwater Management Design Standards.
11. Inspection and maintenance agreement and maintenance plan (if applicable).
12. Other information as may be specified by the Administrator.

Section 6 Technical Reports: The City of St. Augusta, upon receipt of a completed application, as determined by preliminary staff review, will forward a copy thereof to the City Engineer, City Building Official, and/or other technical advisors as necessary for review. Where protected watersheds, floodplains, and/or protected wetlands are in question, the Minnesota Department of Natural Resources and Army Corps of Engineers shall also be contacted. These technical advisors shall be requested to prepare reports, as applicable, for the City Council. It is the responsibility of the owner and/or operator to meet the provisions of this ordinance and the City of St. Augusta Stormwater Management Design Standards.

Section 7 Issuance of Permit: Upon receiving information and reports from the City staff, technical advisor and other applicable agencies, the City Council or the Zoning Administrator shall make its determination as to whether, and when, and under what conditions such permit for stormwater management is to be issued to the applicant. The City of St. Augusta shall in writing either:

- A. Approve the permit application;
- B. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- C. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

Section 8 Conditions of Permit:

- A. No land shall be disturbed, excavated, or developed and no use shall be permitted that results in water runoff causing pollution, flooding, erosion, or deposit of minerals on adjacent properties.
- B. Maintenance of Structural BMPs: Any structural BMPs which are designed and installed to meet the Post-construction Stormwater Management Requirements set forth in the City of St. Augusta Stormwater Management Design Standards and shall meet the following requirements:
 1. Private Facilities (owned and operated by a private entity):
 - a. A permanent public easement shall be provided to the City for the permanent stormwater management facilities including a twenty (20) foot access for inspection and/or

maintenance purposes. Costs incurred by the City for any maintenance of private systems will be billed and/or assessed to the owner/operator.

- b. The owner shall enter into a Maintenance Agreement with the City of St. Augusta. The agreement shall include as an attachment a maintenance plan, provided by the owner, which identifies and defines inspection and maintenance responsibilities. Agreements are transferrable to any party that becomes the owner/operator of the site.
- c. If site configurations or structural stormwater BMPs change, causing decreased BMP effectiveness, new or improved structural stormwater BMPs must be designed and implemented to meet the requirements as set forth in the City of St. Augusta Stormwater Management Design Standards. New and/or improved BMP design information and plans must be submitted to the City of St. Augusta for review and approval.

2. Public Facilities (to be owned and operated by the City of St. Augusta):

- a. A permanent public easement or out lot shall be provided to the City for stormwater treatment facilities prior to final acceptance of the project. As a minimum easements shall:
 - i. Extend a minimum of twenty (20) feet from the larger of the 100-year high water level or emergency overflow.
 - ii. Include a minimum twenty (20) wide access to the facility for inspection and/or maintenance purposes.

Section 9 Review, Inspection, and Fees:

- A. The City of St. Augusta or City representative shall review all documents and material submitted showing compliance with this ordinance and the City of St. Augusta Stormwater Management Design Standards. The costs associated with the review process, including but not limited to, staff hours, engineering fees, administrative tasks, reproductions and other expenses associated with the review, shall be charged back to the owner and/or operator, including any follow-up reviews for incomplete or non-compliant submittals.
- B. The City of St. Augusta or City representative may make inspections of the temporary and/or permanent stormwater management measures prior to construction, during the construction and/or after construction is complete. Upon inspection the City of St. Augusta shall notify the owner and/or operator wherein the work fails to comply with this ordinance, the City of St. Augusta Stormwater Management Design Standards or the site specific Storm Water Pollution Prevention Plan as approved.
- C. The owner and/or operator or his/her agent of stormwater management facilities shall make regular inspections of the property, construction activity, land disturbance activity, and permanent stormwater facilities after construction is complete in accordance with this ordinance, the City of St. Augusta Stormwater Management Design Standards, and the site specific Storm Water Pollution Prevention Plan as approved. All inspections shall be documented in written form and made available upon request to the City of St. Augusta or City representative. Records shall be retained and made accessible for a period of at least ten (10) years.

D. The City of St. Augusta or City representative shall be allowed access to enter the property of the owner and/or operator as deemed necessary to make inspections to ensure the validity and compliance with this ordinance, the City of St. Augusta Stormwater Management Design Standards, and the site specific Storm Water Pollution Prevention Plan as approved.

E. See Fee Schedule for associated fees.

Section 10 Security: The City shall require either the applicant or the owner or user of the property on which the land disturbance is occurring to post a security in such form and sum as determined by the City of St. Augusta. The amount of the security shall be sufficient to cover the extraordinary costs of the City or City representative for the expense of repairing, maintaining, constructing, or completing stormwater facilities or stormwater management activities. The amount of the security shall also be sufficient to insure compliance with all requirements of this section, the City of St. Augusta Stormwater Management Design Standards and the particular permit, and to pay the expense the City or City representative may incur as a result of the permit.

Section 11 Failure to Comply: The City may, for failure of any person to comply with any requirement made of them in writing under the provisions of this ordinance, as promptly as can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be certified as an assessment against the property whereon the land disturbance is located, or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and their superiors if a bond exists. In the event that land disturbance and/or discharge of stormwater requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed. In such cases, application fees shall be double the normal charge.

Section 12 Costs. In addition to the other penalties provided herein, the City may recover engineering fees, court costs, court reporter's fees, attorney fees, and other expenses of litigation or enforcement by an appropriate action against the person or entity found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Section 13 Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted this 7th day of March, 2017.

CITY OF ST. AUGUSTA

By: _____
B.J. Kroll, Mayor

Attest:

By _____
William R. McCabe, City Administrator