



Minnesota Pollution Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate Storm Sewer System (MS4) Permit MNR040000 reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of St. Louis Park *County: Hennepin
(city, county, municipality, government agency or other entity)
*Mailing address: 5005 Minnetonka Blvd
*City: St. Louis Park *State: MN *Zip code: 55416
*Phone (including area code): 952-924-2500 *E-mail: info@stlouispark.org

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Elkin *First name: Phillip
(department head, MS4 coordinator, consultant, etc.)
*Title: Senior Project Manager
*Mailing address: 5005 Minnetonka Blvd
*City: St. Louis Park *State: MN *Zip code: 55416
*Phone (including area code): 952-924-2687 *E-mail: pelkin@stlouispark.org

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: _____ First name: _____
(department head, MS4 coordinator, consultant, etc.)
Title: _____
Mailing address: _____
City: _____ State: _____ Zip code: _____
Phone (including area code): _____ E-mail: _____

Verification

- I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). Yes
- I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. Yes

Certification (All fields are required)

- Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Debra Heiser
(This document has been electronically signed)

Title: Director of Engineering Date (mm/dd/yyyy): 12/20/2013

Mailing address: 5005 Minnetonka Blvd

City: St. Louis Park State: MN Zip code: 55416

Phone (including area code): 952-924-2656 E-mail: dheiser@stlouispark.org

Note: *The application will not be processed without certification.*

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Bassett Creek Watershed Management Commission	MCMs 1 & 5
Minnehaha Creek Watershed District	MCMs 1 & 5
Minneapolis Park and Recreation Board, City of Minneapolis, and Hennepin County	MCM 1
City of Edina	MCM 5
Minnesota Department of Transportation	MCM 3,6

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? Yes No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

<http://www.stlouispark.org/pdf/Ch12Environment>. see section 12-157

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? Yes No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code Chapter 12, Article V, Section 12-156

Surface Water Management Plan Section 2.6

Direct link:

- Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? Yes No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City will update its erosion control ordinance in 2014 to meet the requirements of this permit.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.3. We will update our regulatory mechanism to reflect permit requirements within 12 months of the date permit coverage is extended.

C.4. Update regulatory mechanism to include site inspection frequency and proper recording of rainfall events. This effort will be completed within 12 months of the date permit coverage is extended.

C.5. Update regulatory mechanism to include BMP maintenance as a requirement of the erosion control permit. We will update our regulatory mechanism to reflect permit requirements within 12 months of the date permit coverage is extended.

C.6. Update regulatory mechanism to require management of solid and hazardous wastes per the erosion control permit. We will update our regulatory mechanism to reflect permit requirements within 12 months of the date permit coverage is extended.

C.7. Update regulatory mechanism to reflect that final stabilization be achieved in order to terminate an erosion control permit. We will update our regulatory mechanism to reflect permit requirements within 12 months of the date permit

coverage is extended.

C.8. Update regulatory mechanism to include criteria for the use of temporary sediment basins, this update will be completed within 12 months of the date permit coverage is extended.

Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

Yes No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

City Code Chapter 12, Article V, Section 12-15B

Surface Water Management Plan Section 2.4

Direct link:

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. Yes No

2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: Yes No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of Total Suspended Solids (TSS).
- 3) Stormwater discharges of Total Phosphorus (TP).

b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: Yes No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of TSS.
- 3) Stormwater discharges of TP.

3. **Stormwater management limitations and exceptions:**

a. Limitations

- 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: Yes No
- a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the

infiltrating stormwater.

- 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:
- a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference:
 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity.
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.
 - b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party.
 - c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B.2.a-b: Update regulatory mechanism to reflect permit requirements, this will be completed 12 months of the date permit coverage is extended.

B.3.a.1-3: Update regulatory mechanism to reflect permit requirements, this will be completed 12 months of the date permit coverage is extended.

B.4.a-f: We will need to update regulatory language in regards to mitigation provisions, this will be completed 12 months of the date permit coverage is extended.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? Yes No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.

2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

We will develop ERP procedures and a document to meet current permit conditions within 12 months of the date of permit coverage. Once the ERP is developed and adopted, education of the procedures will occur.

B. Describe your ERPs:

Attached is our ordinance Sec.12-160 Enforcement. We will develop ERPs to comply with permit requirements.

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City's Public Works Division manages this asset on an on-going basis.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. Yes No

2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. Yes No

3. Structural stormwater BMPs that are part of the permittee's small MS4. Yes No

4. All receiving waters. Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. Yes No

2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. Yes No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. Yes No

2. A geographic coordinate. Yes No

3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. Yes No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA Yes No on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

- The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

St. Louis Park is a fully-developed city and is mostly residential with commercial, office, industrial and other high density land uses generally occurring along major transportation. Our public education is directed toward general storm water quality awareness and does not specifically address illicit discharges. It will be revised to specifically address IDDE. In working with two watershed districts, they assist us in public education by informing residential and business groups. The City focuses on educating youth by utilizing the Westwood Hills Nature Center. We also have storm water quality information on our website and distribute educational brochures.

- List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Formal Education	Westwood Hills Nature Center provides numerous programs for all ages, covering a variety of natural resource subjects, including storm water and water quality components. We will monitor participation/attendance on an annual basis.
Website	We will update as needed and track hits to the web page
Annual Meeting	We will provide an opportunity for public comment on the annual report and storm water program at the Environmental Commission meeting.
Volunteer Efforts	Participate in forest restoration and other service projects (ex. shoreline restoration, tree planting, pond/lake/creek clean-ups)
Citizen Survey	Solicit public opinion and conduct survey; review results and make changes as needed.
Organizational Presentations	Share city-related issues including environmental concerns and storm water issues (i.e. Park and Recreation Commission, Environmental & Sustainability Commission).
Newspaper articles	Publish water quality articles in the Sun Sailor, City School Calendar, and other local publications.
Public Events	Share water quality ideas/opinions at events such as National Night Out, Fire Department Open House, Arbor Day, Earth Day, Park-tacular, etc.
Social Media	Provide water quality education information via Facebook, Twitter, etc.

BMP categories to be implemented	Measurable goals and timeframes
Program Evaluation	Determine effectiveness of the program

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Water Resources Manager and Communications Coordinator

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

We provide an opportunity for public comment of the city's storm water program at the Environment & Sustainability Commission meeting each year and notify residents appropriately. We also provide access to the SWPPP and supporting documentation for public review at City Hall and consider public comments when developing the program.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Meeting	Hold a meeting each April and monitor participation of the Environmental & Sustainability Commission
Public Notice	Notify residents of storm water projects and/or meetings in a timely manner
SWPPP Accessibility	Provide a copy of the SWPPP online and at the City Hall for viewing
Public Events	Participate in public events in order to allow a platform for discussion on the storm water program (ex. Ecofair, Earth/Arbor Day, etc)
Volunteer Opportunities	Allow residents to participate in storm water maintenance such as storm drain stenciling, native habitat restoration, clean-up efforts, etc.
Environment and Sustainability Commission	Participate in meetings in order to receive input/direction

BMP categories to be implemented	Measurable goals and timeframes

3. Do you have a process for receiving and documenting citizen input? Yes No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

We have an ordinance that prohibits illicit discharges and connections; all staff are trained to be aware of illicit discharges and report as necessary to proper staff.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). Yes No
- b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. Yes No
- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. Yes No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. Yes No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges. Yes No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. Yes No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. Yes No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.2.d We have an ordinance that prohibits illicit discharge and connections, and will revise the program to include identification of priority areas likely to have illicit discharges. We will revise our program within 12 months after permit coverage is extended.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Pipe and BMP inspections	Review results annually
Inspections	Annual inspection of outfalls and construction sites
Training	Train staff on procedures for reporting and handling illicit discharges- Annually in April
Storm Sewer Televising	The City is currently televising lines annually ahead of pavement Management projects.

BMP categories to be implemented	Measurable goals and timeframes
Adopt an Illicit Discharge Ordinance	2014
Establish ERPs	Create program for reporting and eliminating illicit discharges

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? Yes No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

Within the next 12 months, the City will create a spreadsheet that will contain the time, date and location of any detected illicit discharges. Each entry will also have a description of the discharge, procedures used to stop the discharge and any remediation or preventative actions taken.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Water Resources Manager

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

We have an ordinance that requires a permit for erosion control and review those plans accordingly. All site inspections are completed on a routine basis and tracked on a spreadsheet.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? Yes No
- b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? Yes No
- c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? Yes No
- d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? Yes No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? Yes No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? Yes No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? Yes No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? Yes No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? Yes No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

D.2.a,c We will develop a written procedure for site plan review as well as reports of noncompliance by the public, which will be completed 12 months of the date the permit coverage is extended.

D.2.d.1-3 We will develop written procedures for identifying priority sites, inspection frequency, and individuals performing inspections, which will be completed 12 months of the date permit coverage is extended.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Erosion Control Permit	Ongoing- Track permits and inspections
Construction Site Inspections	Follow PCA requirements, documentation and frequency
Builder/Contractor/Developer Education	Make educational materials available to residents and contractors on acceptable BMPs when working in the City
BMP categories to be implemented	Measurable goals and timeframes
Construction Permit/ordinance Update	Update to meet MPCA requirements in 2014

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Water Resource Manager

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

We have ordinance and policy that requires use of BMPs for redevelopment and new development and to ensure long term maintenance.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? Yes No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? Yes No
- b. All supporting documentation associated with mitigation projects that you authorize? Yes No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? Yes No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? Yes No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

E.2.3 a-d We will develop written procedures and a tracking system for post construction stormwater management, which will occur within 12 months of the date permit coverage is extended.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s*

(<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Stormwater Infrastructure Inspections including BMPs, ponds and outfalls	Inspections are performed and evaluated on an annual basis
Plan Review to assure that local standards are met	Perform on all development/re-development projects
Post construction ordinance	Review and update as necessary annually

BMP categories to be implemented	Measurable goals and timeframes
Develop written procedures	Develop and adopt procedures in 2014

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Water Resources Manager

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The program integrates activities undertaken by the City that can affect storm water quality. These activities range from grounds, vehicle, and street maintenance to implementing construction projects, facilities management and routine inspection tasks.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? Yes No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
- We will update our pollution prevention/good housekeeping program to include a facilities inventory and develop BMPs for each site. This effort will be completed within 12 months of the date permit coverage is extended*
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Street Sweeping	Perform twice a year on all City streets- record volume of waste
Internal Training Program	Annual training attendance

BMP categories to be implemented	Measurable goals and timeframes
Inspection of stockpile and storage areas.	Regular inspections – monthly to control site and manage spills

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? Yes No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? Yes No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? Yes No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? Yes No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? Yes No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? Yes No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? Yes No

b. Covers the requirements of the permit relevant to the duties of the employee? Yes No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? Yes No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? Yes No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

F.6.7. We will assess our pollution prevention/good housekeeping program and amend as needed to include written procedures for determining treatment effectiveness and inspection procedures, which will be completed 12 months of the date permit coverage is extended..

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Water Resource Manager and Public Works Operations Superintendent

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? Yes No

1. If **no**, continue to section VII.

2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? Yes No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.
This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

Permittee name	Preferred ID	TMDL project name*	Waterbody ID	Type of WLA*	Numeric WLA*	Unit*	Percent reduction	Flow condition*	Waterbody name	Pollutant of concern*	Date approved
St. Louis Park City	MS400053	Sweeney Lake Total Phosphorus TMDL	27-0035-01	Categorical	4	lbs/day	15%	N/A	Sweeney Lake	Phosphorus	8/10/2011

Compliance Schedule PART II.D.6.f.-g.

Is your MS4 currently meeting its WLA for any approved TMDLs?

- NO** (Complete Table 1, Strategies for continued BMP implementation beyond the term of this permit, and Table 2 below)
- YES** (Provide the following information below)

Go to:
[Table 1](#)

Go to:
[Strategies...](#)

If YES, indicate the WLAs (may be grouped by TMDL Project) you believe are reasonably being met. For each WLA, list the implemented BMPs and provide a narrative strategy for the long-term continuation of meeting each WLA. PART II.D.6.g.(1)-(2)

Table 1

Fill in the following table with your Interim Milestones, BMP IDs, and Implementation Dates. Replace "TMDL Project Name & Pollutant" Columns with each TMDL Project Name and the corresponding pollutant. Then put an "X" in the boxes for the TMDL that corresponds with each BMP. PART II.D.6.f.(1)-(2)

NOTE:
It is recommended to assign each Interim Milestone (BMP) a BMP ID. You will be required to report on the status of each Interim Milestone and include a BMP ID for all structural BMPs as part of the MS4 Annual Report (see Part III.E.), so including those ID numbers at the time of application may be useful in tracking implementation efforts. If a pond that will be included in the pond inventory (Part III.C.2.) is to be applied toward a WLA, use the same ID for both the pond inventory and TMDL tracking. Non-structural BMPs are not required to have an ID, but it may be useful to assign it an ID for internal MS4 recordkeeping.

MPCA recommends the Implementation Dates align with the submittal of MS4 Annual Reports. Dates selected may not reflect the actual date a BMP is implemented, but

Interim Milestone (Best Management Practice)	BMP ID	Implementation Date	Sweeney Lake and Total Phosphorus
Post Construction BMP requirements on new development	5a-1	12/30/2014	X
Illicit Discharge Detection and Elimination Program	3c-1	12/30/2014	X
Storm sewer inspection	5c-1	Annually	X
Street sweeping	6a-2	Bi-annually	X

Strategies for continued BMP implementation beyond the term of this permit. PART II.D.6.f.(3)

The City will work with the Bassett Creek Watershed Management Commission to implement BMPs that reduce phosphorus and assist in CIP Project implementation. As redevelopment occurs, water quality treatment BMPs will be utilized. We will also continue to street sweep on a routine basis and maintain the storm system as needed.

Table 2

Target dates the applicable WLA(s) will be achieved. PART II.D.6.f.(4)

TMDL Project	Target Date to Achieve WLA
Sweeney Lake Phosphorus TMDL	2031

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the U.S. means any water in the United States per definition as specified 33 CFR 328.a.

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

Sec. 12-153. Responsibility for Administration.

The City shall administer, implement, and enforce the provisions of this ordinance.

Sec. 12-154. Applicability.

This ordinance shall apply to all water entering the stormwater system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency or in this ordinance.

Sec. 12-155. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 12-156. Construction Site Stormwater Runoff and Erosion Control.

(a) Purpose. The purpose of this section is to regulate land disturbing activities, to preserve and enhance the natural environment by reducing sedimentation in streams, lakes, stormwater systems and other waterways, protect the quality of surface water resources, preserve and protect wildlife habitat, restore sites to reduce the negative environmental effects of land disturbing activities, provide effective practices for erosion and sedimentation control, and to comply with local, state and federal regulations.

(b) Scope. Except where an exemption applies, any person proposing a land disturbing activity within the City shall apply to the City for the approval of erosion control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

(c) Erosion control plan and permit required.

1. *Review and approval.* No person may grade, fill, excavate, store, dispose of soil and earth materials, or perform any other land disturbing or land filling activity without first submitting an erosion control plan for review and approval by the City and obtaining a permit as required in this section. The erosion control permit is not a replacement for a City Conditional Use Permit as required in section 36-79 of the City Ordinance, nor is it a replacement for a watershed district permit or a state NPDES permit.

2. *General exemptions.* Land disturbing activities, which meet all the following criteria, are exempt from the requirements of this section:
 - a. The disturbed or filled area is 5,000 square feet or less in area, and;
 - b. The volume of soil or earth material stored or moved is 50 cubic yards or less, and;
 - c. No drainage way is blocked or has its stormwater-carrying capacities or characteristics modified; and
 - d. The activity does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the ordinary high water mark of a water body, or the ordinary high water mark of a wetland associated with a watercourse or water body. The activity does not take place within an established 100-year floodplain.
3. *Categorical exemptions.* Notwithstanding the requirements of the City Code, the following activities are exempt from the permit requirements:
 - a. Emergency activities necessary to prevent or alleviate immediate dangers to life or property.
 - b. General farming, gardening and nursery activities.
 - c. One and two family residential construction activity limited to:
 - 1) additions to the existing structure,
 - 2) landscaping and landscaping structures, and
 - 3) construction of a garage.

(d) Submission requirements for erosion control permit.

1. *Application items.* Application for an erosion control permit shall include submittal of:
 - a. Application form and fee.
 - b. Site map and grading plan.
 - c. Interim erosion and sediment control plan as defined in the City's Comprehensive Water Resources Management Plan, Appendix M.
 - d. As defined in the Comprehensive Water Resources Management Plan, Appendix M: Stormwater management plan or permanent stabilization plan as required.
 - e. Work schedule.
 - f. Cost estimate.
2. *Fees.* All applications shall be accompanied by a permit fee. Fees for permits shall be fixed and determined by the City council, adopted by resolution and uniformly enforced. Such permit fees may, from time to time, be amended by City council resolution. A copy of the resolution setting forth currently effective permit fees shall be kept on file by the City and shall be open to inspection during regular business hours.

(e) Review Procedure.

1. *Process.* City staff will review each complete application for an erosion control permit to determine its conformance with the provisions of this ordinance. Within 60 days of receiving an application, City staff shall either approve, approve with conditions, or deny an erosion control permit application.
2. *Appeal.* An appeal by an applicant of a denial of a permit under this section shall be made under the manner prescribed in section 36-31 of this Code.
3. *Site Review.* When a permit is granted, City staff shall inspect the property for erosion control compliance with city code, permit conditions and site plans prior to the onset of construction activities.

(f) Form of security. Before a permit is issued, the City may require the permittee to post security in a form acceptable to the City equal to 125 percent of the cost estimate stated in the application and agreed by the City to be the cost of the work to be done under the permit. The security may take the form of cash in United States currency or an irrevocable letter of credit issued by a financial institution and in a form acceptable to the City.

1. *Release of security.*
 - a. Any security deposited with the City to guarantee performance of the grading and erosion control work shall be released to the person holding the permit upon determination by the City that the conditions of the permit have been satisfactorily performed if no action has been taken by the City to recover all or a part of the security before that determination has been made.
 - b. Securities held to ensure the successful completion of the final plan and an interim plan shall be released to the permittee either one year after termination of the permit, or when a final plan is submitted for the unimproved site, whichever is later, if no action has been taken by the City to recover all or a part of the security filed by the permittee before that date.

(g) Suspension of permit. In enforcing the permit:

1. The City may suspend the permit and issue a stop work order and the permittee shall cease all work on the work site except for work necessary to remedy the cause of the suspension.
2. The permittee may request a reinstatement of a suspended permit upon correction of the causes for suspension and, if the conditions of the permit have been complied with in full, the City shall reinstate the permit.
3. If the permittee fails or refuses to cease work as required under subsection 6.H. [*Actions against security*] of this section, the City shall revoke the permit.
4. The City shall not reinstate a revoked permit but shall proceed to act against the security as provided in subsection 6.H. [*Actions against security*] of this section.

(h) Action against security. The City may act against the appropriate security if any of the following conditions exist:

1. The permittee stops performing the land disturbing activities or filling, and abandons the work site prior to completion of the grading plan.
2. The permittee fails to conform to the interim plan or final plan as approved, and has had its permit revoked as provided in subsection (g) *Suspension of Permit* of this section.
3. The techniques utilized under the interim or final plan fail within one year of installation or before the final plan is implemented for the site or portion of the site, whichever comes later.
4. The City determines that action by the City is necessary to prevent excessive erosion from occurring on the site, or to prevent sediment from occurring on adjacent or nearby properties.

The City shall use funds recovered from the security to reimburse the City for all direct and indirect costs incurred in doing the remedial work undertaken by the City or private contractor under contract with the City.

Sec. 12-157. Illicit Discharge and Connection

(a) Objectives. The objectives are to regulate the introduction of pollutants to the stormwater system by any user; to prohibit illicit connections and discharges to the stormwater system; and to establish authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(b) Discharge Prohibitions.

1. *Prohibition of Illicit Discharges.* No person shall discharge or cause to be discharged into the stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
 - a. The commencement, execution or continuance of discharge of pollutants to the stormwater system is prohibited except as follows: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, fire fighting activities, and any other water source not containing pollutants.
 - b. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety are allowed.
 - c. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

Policy 2.5.7: cooperate with other agencies to promote and coordinate groundwater monitoring and inventorying.

Policy 2.5.8: cooperate with efforts to educate the general public concerning the importance of and the use of BMPs to prevent contamination of groundwater supplies.

2.6 Erosion and Sedimentation

Goal:

1. Prevent sediment from entering the city's surface water resources and to minimize and control the erosion and sedimentation in drainage ways within the city.

Toward this goal the City of St. Louis Park will:

Policy 2.6.1: require land use planning and development that minimizes sediment yield, through compliance with established city, BCWMC and MCWD policies.

Policy 2.6.2: continue to require and review erosion and sedimentation control plans for all new development and re-development which are consistent with the NPDES General Stormwater Permit for Construction Activity, MPCA's *Minnesota Stormwater Manual* (2008 update), the city's NPDES MS4 permit and Storm Water Pollution Prevention Program, and the city's erosion control ordinance (Chapter 12, Division, Article V, Section 12-156) as amended.

Policy 2.6.3: continue to actively administer its program for controlling sediment erosion from single-family home construction sites.

Policy 2.6.4: inspect construction sites and provide enforcement for conformance to the site's approved erosion and sediment control plans.

Policy 2.6.5: continue its program to control construction site debris storage and waste disposal.

Policy 2.6.6: continue to enforce its tree protection ordinance.

Policy 2.6.7: continue and enhance its street sweeping program.

Policy 2.6.8: require the installation of treatment devices or other devices that do not flush sediment during large precipitation events in lieu of sump manholes, where appropriate.

2.7 Recreation, Habitat, and Shoreland Management

Goals:

1. Protect and enhance fish and wildlife habitat within the city of St. Louis Park.
2. Maintain and enhance recreational facilities within the city of St. Louis Park.
3. Preserve or enhance the ecological function of shoreland areas within the city of St. Louis Park.

(g) Notification of Spills.

1. Notwithstanding other requirements of law, as soon as any person responsible for a facility, vehicle or operation, or responsible for emergency response for a facility or operation has knowledge of any known or suspected release of materials of any amount, which are resulting or may result in illicit discharges or pollutants discharging into the stormwater system or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify the City and other emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone no later than the next business day.

If the discharge of prohibited materials emanates from a commercial or industrial establishment or vehicle, the owner or operator of such establishment or vehicle shall also retain a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 12-158. Post construction stormwater runoff.

(a) Objectives. The objectives of this Section are to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This section seeks to meet that purpose through the following objectives:

1. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
2. Control stormwater runoff in any development to reduce flooding, silt deposits, stream bank erosion and maintain the integrity of stream channels;
3. Control non-point source pollution caused by stormwater runoff from development; and
4. Control the total annual volume of surface water runoff, which flows from any specific site following development.

(b) Applicability. The rules of applicability are as set forth in Sec. 12-156. [*Construction Site Stormwater Runoff and Erosion Control*] of this ordinance, with some exceptions. A stormwater management plan is not required for construction or redevelopment of a single or double family home. A stormwater management plan is not required for residential construction on less than two (2) acres with a density of two (2) units or less per acre. However, a permanent stabilization plan is required for projects that meet these exceptions.

(c) Stormwater Management Plan.

1. *Stormwater Management Plan Required for All New Developments and Redevelopments.* No application for development or redevelopment will be approved unless it includes a stormwater management plan detailing in concept

how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan.

2. *Maintenance of Existing Stormwater Facilities.* Any stormwater facility in existence prior to adoption of this ordinance shall be maintained by the owner of the stormwater facility and in a manner to conform to design standards for that facility. Any redevelopment of the stormwater facility shall require that the facility meet current stormwater design standards as set forth in this ordinance.

The thresholds for maintenance are triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

3. *Inspection of Stormwater Facilities.* Inspection programs may be established on a reasonable basis, including but not limited to an inspection at least once every five years or more often if deemed necessary to ensure proper functioning of the stormwater management facility. Inspections are the responsibility of the owner of the stormwater facility and must be completed by a licensed professional engineer (PE) hired for that purpose. Inspection results must be completed and submitted to the City of St Louis Park every five years beginning five years from the completion of development or from the date of this ordinance for a pre-existing stormwater facility.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

All new and existing stormwater management facilities must undergo, at a minimum, an inspection every five years to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. This maintenance may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of St. Louis Park. The inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

(d) Maintenance Covenants. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of St. Louis Park and recorded at the Hennepin County Records Office prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The owner/operator shall show in the maintenance covenant how it will utilize Best Management Practices (BMPs) to prevent discharge of pollutants into the stormwater system. These BMPs are listed in the City's Stormwater Pollution Prevention Plan (SWPPP) and the current Minnesota

Pollution Control Agency BMP standards, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan. The threshold for maintenance is triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

(e) Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public stormwater system, the property owner shall grant to the City of St. Louis Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(f) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

Reference Appendix "T" of the Comprehensive Surface Water Management Plan, entitled *Stormwater Management Guidelines for New Development or Redevelopment within the City of St. Louis Park*.

Sec. 12-159. Wetland Protection.

All land disturbing activities, which impact or may impact a wetland, must be in conformance with the City's Wetland Management Plan, which is Appendix "B" of the City's Comprehensive Surface Water Management Plan, as adopted by Council Resolution.

Sec. 12-160. Enforcement.

(a) Violation. Any action, failure to act or land use practice that would impair water quality if allowed to continue, shall constitute a public nuisance and be treated as a misdemeanor under this Code.

Policy 2.3.5: work to protect wetlands from chemical, physical, biological, or hydrological changes so as to prevent significant adverse impacts to the following designated wetland functions: maintaining biological diversity, preserving wildlife habitat, providing recreational opportunities, erosion control, groundwater recharge, low flow augmentation, stormwater retention, stream sedimentation, and aesthetic enjoyment, as specified in Minnesota Rules 7050.

Policy 2.3.6: improve or enhance wetlands when feasible.

Policy 2.3.7: require that the normal elevation of all wetlands be maintained at the existing invert elevation, or at the established wetland elevation.

Policy 2.3.8: require avoidance of wetland hydrologic impacts by maintaining inundation period and storm bounce.

Policy 2.3.9: continue to coordinate with other agencies involved in the protection of wetlands.

2.4 Surface Water Quantity and Flooding

Goals:

1. Manage the rate and volume of runoff entering rivers, streams, lakes and wetlands within the city of St. Louis Park.
2. Manage floodplain areas to minimize flooding and protect the functions of the floodplain.
3. Protect the public from flooding through measures that ensure public safety and prevent inundation of occupied structures.
4. Minimize flooding potential in a cost-effective manner.

Toward these goals the City of St. Louis Park will:

Policy 2.4.1: require that stormwater conveyance system design follow standards and criteria specified by the City Engineer.

Policy 2.4.2: manage the rate and volume of runoff in general accordance with the stormwater management criteria set by the BCWMC, MCWD, and as presented in this SWMP.

Policy 2.4.3: continue to use the BCWMC and the MCWD to permit activities within the city that fall under the jurisdiction of these agencies.

Policy 2.4.4: require new and re-development to apply best management practices to reduce the rate and volume of stormwater runoff, to the maximum practical extent.

Policy 2.4.5: promote and support a reduction in runoff volumes and seek opportunities to retrofit sites under re-development with low impact development techniques.

Policy 2.4.6: consider assuming jurisdiction for the three county ditches (#14, #17, and #29) located within the City of St. Louis Park.

Policy 2.4.7: maintain, clean, and replace public storm drainage systems as needed to preserve the design capacity as feasible.

Policy 2.4.8: seek opportunities to reduce flows in storm drainage systems that experience capacity problems (i.e., through reductions in stormwater runoff rates and volumes).

Policy 2.4.9: require owners of private stormwater systems to maintain, clean, and replace systems as needed to preserve design capacity.

Policy 2.4.10: notify the BCWMC of any proposed maintenance to Westwood Lake, which is part of the BCWMC's designated trunk system.

Policy 2.4.11: allow outlets from landlocked basins only when such outlets are consistent with state and federal regulations, and the downstream, riparian, and habitat impacts of such outlets have been analyzed and no detrimental impacts result.

Policy 2.4.12: review development and redevelopment proposals for consistency with this plan.

Policy 2.4.13: continue to implement its Floodplain District ordinance (Chapter 36, Article IV, Division 9) and manage activities within the floodplain in accordance with state and federal regulations as well as criteria set by the BCWMC and the MCWD.

Policy 2.4.14: require all new permanent structures located within or around the 100-year floodplain to meet the following minimum building elevations:

- a. The lowest floor (including basement) must be at least 2 feet above the 100-year floodplain elevation.
- b. The lowest floor (including basement) must be at least 3 feet above the highest local groundwater elevation.
- c. All HVAC facilities must be at least 2 feet above the 100-year floodplain elevation.
- d. All HVAC facilities must be at least 3 feet above the highest local groundwater elevation.
- e. The lowest opening must be at least 2 feet above the 100-year flood elevation of emergency overflow swales.

Policy 2.4.15: continue to participate in the National Flood Insurance Program.

Policy 2.4.16: work to maintain no net loss of floodplain storage and manage floodplains to maintain critical 100-year flood storage volumes.

Policy 2.4.17: for areas within the city where the city's modeled flood elevation is higher than the established Flood Insurance Study elevation, use the city's designated floodplain elevation for the application of floodplain regulations.

Policy 2.4.18: evaluate flood control in conjunction with minimization of impacts to wetland areas and surface water quality management.

Policy 2.4.19: prohibit expansion of existing non-conforming land uses within the floodplain unless they are fully flood-proofed in accordance with existing codes and regulations.

Policy 2.4.20: obtain flood and drainage easements and easements for maintenance access and over emergency overflow routes during development and/or building permit processes.

Policy 2.4.21: correct existing flooding problems within available funding constraints by upgrading the storm drainage system, flood protection, or acquisition of the property. The city will develop and follow operation and maintenance plans to minimize flooding potential around landlocked areas.

Policy 2.4.22: assist the BCWMC, MCWD, and other agencies with development and distribution of educational materials or support programs that provide information regarding floodplain locations, protection, and floodplain land use and land alteration restrictions.

Policy 2.4.23: review and update the city's floodplain ordinance to be consistent with the requirements of the watershed management organizations and this plan.

2.5 Groundwater

Goal:

1. Protect groundwater quality and quantity to preserve it for sustainable and beneficial purposes.
2. Manage surface water runoff in order to meet requirements for groundwater protection from Hennepin County, the MPCA or the MDH.

Toward these goals the City of St. Louis Park will:

Policy 2.5.1: continue implementation of the City of St. Louis Park Wellhead Protection Plan (WHPP).

Policy 2.5.2: cooperate with the Minnesota Department of Health (MDH), Hennepin County and other agencies to periodically assess the vulnerability of groundwater used for drinking water supplies.

Policy 2.5.3: promote infiltration of stormwater and resulting groundwater recharge where it is feasible and does not pose a threat to groundwater quality. Infiltration will be developed in accordance with the Minnesota Department of Health's *Evaluating Proposed Storm Water Infiltration Projects in Vulnerable Wellhead Protection Areas* (2007), and the MPCA's *Minnesota Stormwater Manual* (2005) guidance for potential stormwater hotspots.

Policy 2.5.4: work to see that groundwater quality is not sacrificed to manage surface water. Holding ponds, wetlands, and other surface water storage areas must be designed to protect groundwater.

Policy 2.5.5: avoid watershed diversion to sustain water levels in other watersheds and surface water.

Policy 2.5.6: cooperate with Hennepin County Health Department in ensuring that abandoned wells are properly sealed according to the Minnesota Department of Health Well Code.

(d) Maintenance Covenants. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of St. Louis Park and recorded at the Hennepin County Records Office prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The owner/operator shall show in the maintenance covenant how it will utilize Best Management Practices (BMPs) to prevent discharge of pollutants into the stormwater system. These BMPs are listed in the City's Stormwater Pollution Prevention Plan (SWPPP) and the current Minnesota

Pollution Control Agency BMP standards, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan. The threshold for maintenance is triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

(e) Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public stormwater system, the property owner shall grant to the City of St. Louis Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(f) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

Reference Appendix "T" of the Comprehensive Surface Water Management Plan, entitled *Stormwater Management Guidelines for New Development or Redevelopment within the City of St. Louis Park*.

Sec. 12-159. Wetland Protection.

All land disturbing activities, which impact or may impact a wetland, must be in conformance with the City's Wetland Management Plan, which is Appendix "B" of the City's Comprehensive Surface Water Management Plan, as adopted by Council Resolution.

Sec. 12-160. Enforcement.

(a) Violation. Any action, failure to act or land use practice that would impair water quality if allowed to continue, shall constitute a public nuisance and be treated as a misdemeanor under this Code.

(b) Notice of Violation. Whenever the City finds that a person has violated any section of this Code or failed to meet a requirement of this Ordinance, the City shall order compliance by written Notice of Violation to the responsible person. Such notice may require:

1. Monitoring, analyses and reporting;
2. Elimination of illicit discharges or connections;
3. Abatement of pollution and hazards;
4. Restoration of affected property;
5. Remediation of issue;
6. Payment of a fine to cover administrative and remediation costs;
7. Implementation of source control or treatment BMPs; and
8. Other actions as deemed necessary by the City.

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. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or other local governmental unit or a contractor and the expense thereof shall be charged to the violator.

(c) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of St. Louis Park, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of St. Louis Park shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City of St. Louis Park may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

Sec. 12-161. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the City or the local government unit or designee shall be final.

Sec. 12-162. 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 5 days of the decision of the City or local government unit upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall 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 the government agency or designated contractor to enter upon the premises for the purposes set forth above.

The city's amendment procedure for significant changes to the SWMP is as follows:

1. City staff preparation and review of SWMP amendment.
2. City council consideration of the SWMP amendment. The city council could either approve submittal of the amendment for WMO review and approval, or decide not to move forward with the amendment. If the city council decides to submit the amendment for WMO approval, the council would also need to determine when/if a public hearing or other public process should be undertaken.
3. Submittal of proposed SWMP amendment to the BCWMC and the MCWD for review and approval. The city must also submit the proposed SWMP amendment to the Metropolitan Council and Hennepin County. The review process for a SWMP amendment is the same as for the original SWMP. The WMOs have 60 days to review and comment on the proposed SWMP amendment.
4. City council adoption of SWMP amendment, after WMO approval of the SWMP amendment.

Significant changes to the local plan shall be made known to the following parties:

1. City Manager, Director of Inspections, Director of Public Works, Community Development Director, and Parks and Recreation Director
2. City of St. Louis Park Engineering Department, Community Development Department, and Parks and Recreation Director
3. Affected Watershed Management Organizations and the Metropolitan Council

1.6 Water Resources-Related Agreements

The City of St. Louis Park has entered into several surface water-related agreements which affect how the city manages its surface water. These agreements include:

- Cooperative Agreement for a Clean Water Partnership Project to Improve Water Quality in the Minneapolis Chain of Lakes, with the Minnehaha Creek Watershed District, the Minneapolis Park and Recreation Board, the City of Minneapolis, and Hennepin County, November 23, 1994.
- A Joint and Cooperative Agreement for the Establishment of a Bassett Creek Watershed Management Organization to Plan, Control and Provide for the Development of Bassett Creek, July 6, 1993.

- An agreement between the City of St. Louis Park and the City of Edina stating that the City of St. Louis Park must limit discharges from the Browndale Park area to a maximum flow of 5 cfs, 1967.

These agreements are included in [Appendix A](#).

1.7 Regulatory Framework/Agency Responsibilities

Various units of government are involved in regulating water resource related activities including: the City of St. Louis Park, watershed management organizations, the Metropolitan Council, Hennepin County, the Minnesota Department of Natural Resources, the Minnesota Board of Water and Soil Resources, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Environmental Quality Board, the US Corps of Engineers, and the Minnesota Department of Transportation.

This section includes a general discussion of the responsibilities of the agencies listed above. More specific information regarding the role of the City of St. Louis Park and the WMOs is discussed in [Chapter 5.8](#).

1.7.1 City of St. Louis Park

The City of St. Louis Park actively and progressively manages stormwater to protect life, property, waterbodies within the city, and receiving waters outside the city. Toward this end, the City of St. Louis Park created and implements regulatory programs that accomplish these aims. This SWMP serves as the city's guide for operating and maintaining the city's stormwater system. It also lays out the general direction the city will take in planning for the future.

The city intends to continue its implementation of the following water resource-related elements of the St. Louis Park City Code of Ordinances (see [Chapter 5.8.1](#)) as well as through the City Storm Water Pollution Prevention Program (see [Chapter 5.1](#) and [Appendix B](#)), Wetland Management Plan (see [Appendix D](#)), and the Floodplain District Ordinance (see [Appendix J](#)).

The city requires permits and/or approvals for land use modifications that results in land disturbance (including re-development), depending on the type of project. See [Chapter 5.8](#) for a complete list of permits and approvals potentially required by the City of St. Louis Park.

The BCWMC and MCWD act as the local government unit (LGU) responsible for administering the WCA in St. Louis Park.

The city is responsible for informing developers and other project applicants regarding the requirements of the city, BCWMC, MCWD, and other agencies.

Chapter 12

ENVIRONMENT AND PUBLIC HEALTH*

Article I. In General

- Sec. 12-1. Environmental and public health regulations adopted by reference.
- Sec. 12-2. Private residential pools.
- Secs. 12-3--12-30. Reserved.

Article II. Nuisances

Division 1. Generally

- Sec. 12-31. Creation; declaration of.
- Sec. 12-32. Definitions.
- Sec. 12-33. Nuisances affecting health.
- Sec. 12-34. Nuisances affecting peace and safety.
- Sec. 12-35. Nuisance abatement and assessment.
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- Sec. 12-61. Definitions.
- Sec. 12-62. Parking and storage.
- Sec. 12-63. Repair, service or maintaining.
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Article III. Litter

- Sec. 12-91. Definitions.
- Sec. 12-92. Littering prohibited.
- Sec. 12-93. Public and private garbage receptacles.
- Sec. 12-94. Truck loads causing litter to be deposited on any public place.
- Sec. 12-95. Owner to maintain premises free from litter.
- Sec. 12-96. Commercial and noncommercial handbills allowed.
- Sec. 12-97. Commercial and noncommercial handbills; prohibitions.
- Sec. 12-98. Commercial and noncommercial handbills at inhabited private premises.
- Sec. 12-99. Merchant equally liable.
- Sec. 12-100. Nuisance declared.
- Secs. 12-101--12-120. Reserved.

***Cross reference(s)**--Animals, ch. 4; buildings and building regulations, ch. 6; moving buildings, § 6-101 et seq.; parks and recreation, ch. 20; solid waste management, ch. 22; streets, sidewalks and other public places, ch. 24; subdivisions, ch. 26; design standards for erosion and sediment control, § 26-155; utilities, ch. 32; vegetation, ch. 34; zoning, ch. 36; erosion control, § 36-80.

State law reference(s)--Environmental protection, M.S.A. chs. 114C--116I.

ENVIRONMENT AND PUBLIC HEALTH

Article IV. Noise, Noise Pollution and Vibration

- Sec. 12-121. Definitions.
- Sec. 12-122. Source requirements.
- Sec. 12-123. Requirements for air circulation devices.
- Sec. 12-124. Hourly restrictions on certain operations.
- Sec. 12-125. Prohibited noises.
- Sec. 12-126. Prohibiting vibration.
- Sec. 12-127. Exceptions to article.
- Sec. 12-128. Inspections.
- Sec. 12-129. Access to premises and records.
- Sec. 12-130. Removal and correction of violations.
- Sec. 12-131. Temporary noise permit.
- Sec. 12-132. Appeal.
- Secs. 12-133—12-150. Reserved

Article V. Stormwater, Soil Erosion, And Sedimentation

- Sec. 12-151. Purpose.
- Sec. 12-152. Definitions.
- Sec. 12-153. Responsibility for Administration.
- Sec. 12-154. Applicability.
- Sec. 12-155. Severability.
- Sec. 12-156. Construction Site Stormwater Runoff and Erosion Control
- Sec. 12-157. Illicit Discharge and Connection.
- Sec. 12-158. Post construction stormwater runoff.
- Sec. 12-159. Wetland Protection.
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- Sec. 12-163. Cost of Abatement of the Violation.
- Sec. 12-164. Injunctive Relief.
- Sec. 12-165. Compensatory Action.
- Sec. 12-166. Violations Deemed a Public Nuisance.
- Sec. 12-167. Criminal Prosecution.
- Sec. 12-168. Remedies Not Exclusive.

ARTICLE I. IN GENERAL**Sec. 12-1. Environmental and public health regulations adopted by reference.**

(a) *Air quality environmental emissions.* The city adopts and incorporates by reference the air emissions standards adopted by the air quality division of the state pollution control agency as Minnesota Rules Chapters 7011 and 7023, as amended. A copy of the regulations, together with any applicable amendments, shall be marked "St. Louis Park--Official Copy" and shall be kept on file in the office of the city clerk and open to inspection and use by the public.

(b) *Food code.* The city adopts and incorporates by reference the food code adopted by the state department of health and set forth in Minnesota Statutes Chapters 157 and 327 and Minnesota Rules Chapter 4626 for Food, Beverage, Lodging and Food Manager Certification, as amended. A copy of the regulations, together with any applicable amendments, shall be marked "St. Louis Park--Official Copy" and shall be kept on file in the office of the city clerk and open to inspection by the public.

- (1) *Permit required.* A permit is required for installation of food and beverage equipment regulated within the food code. The applicant shall complete an application and submit detailed plans and specifications of proposed equipment for review by the city.
- (2) *Fees.* Permit fees shall be according to the official city fee schedule, set forth in appendix A, as approved and revised by the city council resolution. Fees must be paid prior to a permit being issued.
- (3) *Permit term.* Permits will expire if the work is not completed and approved within 180 days of issuance.
- (4) *Grease traps.* Each food establishment with potential for grease to enter building plumbing and city sanitary sewer systems must install and maintain grease trap(s) in accordance with Minnesota Plumbing Code.

(c) *Public swimming pools.* The city adopts and incorporates by reference the rules establishing operation and maintenance, design, installation and construction standards for public pools and facilities related to them adopted by the state department of health as Minnesota Statutes Section 1441.1222 and Minnesota Rules Chapter 4717.0150 to 4717.3970, as amended. A copy of the regulations, together with any applicable amendments, shall be marked "St. Louis Park--Official Copy" and shall be kept on file in the office of the city clerk and open to inspection by the public.

- (1) *Permit required.* A permit is required for installation of swimming pools, hot tubs and spas. The applicant shall complete an application and submit detailed plans and specifications of the proposed pool and related equipment for review by the city.
- (2) *Fees.* Permit fees shall be according to the official city fee schedule, set forth in appendix A, as approved and revised by city council resolution. Fees must be paid prior to a permit being issued.
- (3) *Permit term.* Permits will expire if the work is not completed and approved within 180 days of issuance.

(d) *Lodging establishments.* The city adopts and incorporates by reference the rules regulating lodging establishments adopted by the state department of health as Minnesota Rules 4625.0100 to 4625.2300, as amended. One copy of the regulations shall be marked "St. Louis Park--Official Copy" and shall be kept on file in the office of the city clerk and open to inspection by the public.

(Ord. No. 2179-00, §§ 1(11.1200--11.1203), 11-6-2000; Ord. No. 2381-10, 04-30-2010)

Sec. 12-2. Private residential pools.

(a) *Scope.* The requirements of this section shall apply to all private residential swimming pools, wading pools, hot tubs, or spas having a potential water depth greater than 24 inches at any point, and either a surface area exceeding 250 square feet or a potential water volume of over 3,250 gallons.

(b) *Permit required.* No person may install, construct, move, or alter a private residential swimming pool, wading pool, hot tub, or spa without first obtaining a permit.

(c) *Fees.* The applicant for a pool permit must pay the appropriate fee for the type of pool installation or construction requested. Such fee shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code.

(d) *Requirements.*

- (1) All new equipment purchased or installed on any swimming pool shall comply with the National Sanitation Foundation Listings for Swimming Pools, Spas, and Hot Tub, when applicable. Equipment not covered by the standard must be preapproved by the city.
- (2) Pool use is limited to swimming or bathing by the family or their invited guests.
- (3) Fencing a minimum of four feet high from grade or other acceptable barrier, including but not limited to walls or buildings, providing equivalent restriction of access shall be provided to positively control all access to private swimming pools. Fencing shall be without handholds or footholds that would enable a child to climb over it and shall include gates at least four feet in height equipped with self-closing and self-latching apparatus capable of being locked. Openings in the gates or fence shall not allow a four-inch sphere to pass through. Maximum openings under gate and fences shall not exceed two inches.
- (4) Water depth shall be plainly marked at or above the water surface on the vertical pool wall or on the edge of the deck or walk next to inground pools. Depth markings shall be located at the minimum and maximum points, at the points of change of slope between the deep and shallow portions of the pool, and at intermediate increments of depth spaced not more than 25 feet between markers.
- (5) Decking at least three feet wide, measured from the pool water's edge, shall be provided and shall extend completely around inground pools. Aboveground pools may be provided with decking a minimum of four feet by four feet at the pool entry points provided the decking complies with the building code. A self-closing and self-latching

gate shall be installed at the top or bottom of the stairs. Openings in the gate or fence shall not allow a four-inch sphere to pass through. Maximum openings under gates and fences shall not exceed two inches.

- (6) All residential private pools with a depth greater than five feet shall be provided with an outlet at the deepest point to permit the pool to be completely emptied and to provide adequate circulation. The outlet opening shall be covered by grating which is securely fastened and not readily removable by bathers. Outlet openings in the floor of the pool shall be at least four times the area of the discharge pipe or provide sufficient area so the maximum velocity of water passing through the grate will not exceed 1 1/2 feet per second. The maximum width of the grate openings shall be one-half inch. An antivortex type drain may be used in lieu of grating.
- (7) No person shall operate, maintain, or permit any swimming pool that creates a nuisance by annoying, injuring, or endangering the safety, health, comfort or repose of the public. The city shall have access to inspect all pools and equipment as deemed necessary to enforce the provisions of this Code. When a private swimming pool is deemed to be in such condition that endangers the health, safety or welfare of the public, the health authority may immediately close the pool and post a placard stating the closure. No one may remove the placard except the health authority.

Secs. 12-3--12-30. Reserved.

ARTICLE II. NUISANCES*

DIVISION 1. GENERALLY

Sec. 12-31. Creation; declaration of.

(a) Any person who shall knowingly cause or create any nuisance, or permit any nuisance to be created, or to be placed upon, or to remain upon, any premises owned or occupied by the individual shall be guilty of a misdemeanor.

(b) Conditions declared to be a nuisance in other sections of this Code are subject to all conditions relating to penalties and abatement unless otherwise stated in the section specific to the nuisance.

(Code 1976, § 11-101)

***Cross reference(s)**--Certain dogs declared public nuisance, § 4-83; certain cats declared nuisance, § 4-131; abatement of nuisance when owner of cat is unknown, § 4-133; litter nuisance defined, § 22-151; excavations nuisances, § 24-194; diseased trees declared public nuisance, § 34-52.

State law reference(s)--Environmental impact statements, M.S.A. § 116C.01 et seq.; authority to define and abate nuisances, M.S.A. § 412.221, subd. 23.

Sec. 12-32. 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:

Nuisance means a thing, act, occupation or use of property which shall:

- (1) Annoy, injure or endanger the safety, health, comfort or repose of the public.
- (2) Offend public decency.
- (3) Unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage, a lake, stream, basin, public park, square, street, alley or highway.
- (4) In any way render the public insecure in life or in use of property.

(Code 1976, § 11-101)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 12-33. Nuisances affecting health.

In addition to those conditions identified elsewhere, the following are declared to be nuisances affecting health:

- (1) All diseased animals running at large.
- (2) Carcasses of animals not buried or destroyed or otherwise disposed of within 24 hours after death.
- (3) Accumulations of manure or rubbish which are breeding places for flies, mosquitoes or vermin.
- (4) Privy vaults and garbage cans which are not flytight.
- (5) All noxious weeds and other rank growths of vegetation upon public or private property.
- (6) Dense smoke, noxious fumes, gas and soot, dust or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.
- (7) All public exposure of persons having a contagious disease.
- (8) All other acts, omissions of acts, occupations and uses of property which are a menace to the public health.

(Code 1976, § 11-102)

Sec. 12-34. Nuisances affecting peace and safety.

In addition to those conditions identified elsewhere, the following are declared to be nuisances affecting public peace and safety:

- (1) All limbs of trees which are less than eight feet above the surface of any street or sidewalk.
- (2) All wires which are strung less than 15 feet above the surface of the ground.

- (3) All buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are situated as to endanger the safety of the public.
- (4) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance.
- (5) All use or display of fireworks except as provided by ordinance.
- (6) All loud or unusual noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities.
- (7) Obstructions and excavations affecting the ordinary use by the public of streets, alleys and sidewalks, or public grounds, except under such conditions as are provided by ordinance.
- (8) Radio aerials strung or erected over streets or alleys or attached to poles of public service companies.
- (9) Any use of the public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.
- (10) All hanging signs, awnings and other similar structures over the streets or sidewalks, and so situated as to endanger public safety.
- (11) All barbed wire fences which are located within three feet of any public sidewalk.
- (12) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (13) All other acts, omissions of acts, occupations and uses of property which are a menace to the public health and safety as determined by the director of inspections.
- (14) No person shall feed deer or raccoons within the boundaries of the city. Feeding shall include, but not be limited to, providing liquids or edible material to deer or raccoons. Living food sources, such as fruit trees and other live vegetation, shall not be considered as edible material. This section does not apply to veterinarians, city employees, city animal wardens, or county, state or federal game officials who in the course of their duties have deer or raccoons in their custody and/or under their management.
- (15) For the purpose of this subsection, the term "graffiti" shall mean any unauthorized inscription, word, figure, painting, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings or other defacement which are written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise placed or affixed to any surface of objects such as buildings, walls, fences, sidewalks, curbs, vehicles, trees, rocks, or other structures or objects on public and private property or the interior surfaces of those parts of buildings accessible to the general public and which has the effect of defacing the property.
- (16) The exterior storage of firewood that either:
 - a. Is infested with rodents, insects or other nuisance animals;

- b. Is stacked less than six inches or more than five feet above grade;
- c. Exceeds a maximum ground coverage of 64 square feet for each stack;
- d. Has stacks on a lot that are within ten feet of each other;
- e. Is stacked in a disorderly manner; or
- f. Is otherwise a threat to health and safety.

(Code 1976, § 11-103; Ord. No. 2117-98, § 1, 5-4-1998; Ord. No. 2174-00, § 1, 8-21-2000; Ord. No. 2257-03, § 3, 11-17-03))

Sec. 12-35. Nuisance abatement and assessment.

(a) *Purpose of section.* The purpose of this section is to provide the city with the authority, pursuant to M.S.A. § 429.101, as may be amended from time to time, to remove or eliminate public health or safety hazards from private property and to provide for the collection of unpaid special charges for all or any part of the costs incurred by the city to remove or eliminate the hazards.

(b) *Notice of need to abate nuisance.* Whenever the existence of any nuisance defined in this article, constituting a public health or safety hazard, within any lots or parcels of real estate situated within the city, shall come to the attention of the health official, the official shall cause an investigation of the reported nuisance. After the investigation, the health official shall determine whether a nuisance exists. Upon finding a nuisance, the health official shall prepare a written notice and mail the notice to the owner of the property. The term "owner" shall be defined as the person listed as owner according to the current records of the county auditor. Such notice shall contain the name of the owner, his address (if known), the address of the property containing the nuisance and a description of the nuisance which must be abated at the owner's expense, and the time frame within which the nuisance must be abated as determined in the sole discretion of the health official. In determining the time within which owner must abate the nuisance, the health official shall consider, among other factors, the following:

- (1) The severity of the threat to public health and safety;
- (2) The size or magnitude of the nuisance; and
- (3) The number of persons affected by the nuisance.

The notice shall further state if owner fails to abate the nuisance within the time provided in such notice, the city may enter onto the owner's property for purpose of abating the nuisance. Noncompliance with the required action will result in city action to abate the nuisance the cost of which will subsequently be assessed as a lien against the owner's property. If the owner's address is not known, service of the notice may be made upon a tenant, lessee or owner's agent and shall also be posted upon the property. Where no owner or owner's agent can be found, the city clerk shall cause the notice to be published once in the official city newspaper within ten days of issuance of the notice. If publication is required, the city shall allow an additional ten days from the date of publication for owner to comply with the notice of violation and abatement.

(c) *Time to respond.* The owner shall abate the nuisance, at the owner's expense, within the period of time contained within the notice. In the instance of publication of the notice, the owner shall have ten days following the date of publication of the notice, plus the amount of time provided in the notice to abate the nuisance. The health official shall cause an inspection of the property containing the nuisance to be made the day after the last day for abatement as stated in the notice or within such other time as may be reasonable and practical.

(d) *Appeal.* The owner shall have a right to appeal the notice as served by presenting the appeal to the city manager within 48 hours of service of the notice or within two days of its publication, excluding weekends and legal holidays. Within 72 hours of presentation of the appeal, the city manager shall meet with the owner and the official to hear the matter. The city manager shall consider the issues and make a final decision within 48 hours following the meeting. The owner shall be served by mail of the manager's decision. The owner may appeal the city manager's decision to the city council. Within ten days of receipt of the mailed decision of the city manager, the owner shall make a request, in writing, to the city manager to be placed on the agenda at the next regularly scheduled city council meeting, to consider the owner's appeal of the city manager's decision. The city council shall consider the appeal and make a final decision. A final decision by the city council is not appealable.

(e) *Enforcement/abatement.* If the owner of the property does not respond to the served, posted or published notice itemizing the nuisance and ordering its abatement, within the given time as specified in such notice, the official may order the nuisance condition to be abated by either the city or contracted employees. The cost of abating the nuisance shall be compiled and a resolution prepared containing the name of the owner, the address and legal description of the property containing the nuisance, the costs of abating the nuisance, and a recommendation to assess the property, as a special assessment, for the costs. The assessment proceedings shall be conducted as outlined in M.S.A. § 429.101. Upon its passage, the resolution shall be submitted to the county auditor by November 10 of that year for assessment of the costs as a lien against the property with the real estate taxes. The lien may be collected in a single annual installment, or spread over a period of up to ten equal annual installments, to be determined at the sole discretion of the city council.

(f) *Payment of assessment.* Upon passage by the city council of the resolution of approval for assessment of costs incurred by the city to abate such nuisance, the city clerk shall send a bill for the assessment amount to the owner. The owner may then pay the bill in full prior to its submission to the county auditor. If the owner fails to pay the assessment prior to its submission to the county auditor, the city shall forward the assessment information to the county auditor to create a lien against the owner's real estate as per M.S.A. § 429.101.

(g) *Expenses allowed.* Expenses to be included in the abatement and assessment procedure may include the cost of the abatement and any removal, publication of notice or of any notice of action of the city council, posting and service of notices, departmental costs and expenses including legal fees, allowance for city employee time, overtime and expense of any equipment used. Such costs shall be compiled and prepared for presentation to the city council by the official.

(Code 1976, §§ 11-113, 11-115--11-120)

Secs. 12-36--12-60. Reserved.

DIVISION 2. JUNK VEHICLES***Sec. 12-61. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk car means any motor vehicle which is not in street operable condition, or which is partially dismantled, or which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation within the state.

Junk car parts means abandoned, old or unattached automotive equipment, or parts thereof not currently being used as an integral part of a vehicle or trailer. This includes, but is not limited to, batteries, tires, snow plow attachments, car racks and toppers, or other car parts normally found on a vehicle or trailer.

Racing car means any motor vehicle designed or intended for operation on a speedway, race track or other facility used or designed for high speed contests between two or more vehicles or for timing of speed.

Stock car means any motor vehicle of standard design and construction which is modified, adapted or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, race track or other facility used or designed for high speed contests between two or more vehicles or for timing of speed.

(Code 1976, § 11-710)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 12-62. Parking and storage.

No person shall park, keep, place or store, or permit the parking or storage of a stock car, racing car, junk car or junk car parts on a public street or alley, or on any private lands or premises which he owns, occupies or controls unless it shall be within a building on such private premises.

(Code 1976, § 11-711)

Sec. 12-63. Repair, service or maintaining.

No person shall service, repair, replace parts or do maintenance work on a stock car, racing car or junk car on a public street nor on any private lands or premises unless it shall be within a building on such private premises.

(Code 1976, § 11-712)

Secs. 12-64--12-90. Reserved.

***Cross reference(s)**--Traffic and vehicles, ch. 30.

ARTICLE III. LITTER***Sec. 12-91. 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:

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in article II of this chapter.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse and rubbish, and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Handbill means any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature.

Park means a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, trash, ashes, street cleanings, dead animals, junk, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, crockery and similar materials.

***State law reference(s)--**Littering from a vehicle, M.S.A. § 169.42; unlawful deposit of garbage or litter, M.S.A. § 609.68.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Code 1976, § 11-401)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 12-92. Littering prohibited.

No person shall, throw, sweep, scatter, drop or otherwise deposit litter in or upon any public or private lands, parks, roadways, sidewalks, fountains, shorelines or waters in the city.

Sec. 12-93. Public and private garbage receptacles.

Persons placing litter in public or authorized private receptacles shall do so in such a manner as to prevent the litter from being scattered by the elements. Where receptacles are not provided, all litter shall be carried away by the person responsible for its presence and properly disposed of elsewhere.

Sec. 12-94. Truck loads causing litter to be deposited on any public place.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is equipped with covers or is so constructed or loaded as to prevent any load, contents or litter from being blown from or otherwise deposited upon any street, alley or other public place.

Sec. 12-95. Owner to maintain premises free from litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter.

Sec. 12-96. Commercial and noncommercial handbills allowed.

Commercial and noncommercial handbills may be distributed in the city if handed to or transmitted directly to a person willing to accept it.

Sec. 12-97. Commercial and noncommercial handbills; prohibitions.

No person shall throw, deposit or post any commercial or noncommercial handbill in or upon any vehicle; uninhabited or vacant premises; occupied private property; vacant lot; lamppost, public utility pole or shade tree, public structure or building except as may be authorized or required by law.

Sec. 12-98. Commercial and noncommercial handbills at inhabited private premises.

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is a sign placed in a conspicuous position indicating that the occupants do not wish to receive solicitations.

(b) In the case of an inhabited private premises which is not posted, handbills may be placed or deposited in such a manner as to secure or prevent the handbill from being blow or drifted about.

Sec. 12-99. Merchant equally liable.

Any merchant who advertises his goods, wares or merchandise by causing advertising material to be thrown or deposited in violation of any of the provisions of this article shall be guilty of violating this article along with the person throwing or depositing the litter.

Sec. 12-100. Nuisance declared.

Each of the acts forbidden by this article are hereby declared a nuisance under article II of this chapter.

Secs. 12-101--12-120. Reserved.

ARTICLE IV. NOISE, NOISE POLLUTION AND VIBRATION

Sec. 12-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section. Any other word or phrase used in this article, and defined in regulations of the state pollution control agency noise pollution control rules, chapter 7030, has the meaning given in those regulations.

Air circulation device means a mechanism designed and used for the controlled flow of air used in ventilation, cooling or conditioning, including, but not limited to, central and window air conditioning units.

City means the City of St. Louis Park or any representative of the department of inspections, department of public safety or any other representative of the city designated by the city manager.

Cut-out, bypass and similar device means any mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the exhaust system including all exhaust system sound attenuation components.

Exhaust system means a combination of components, which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

Highway means any street, road, alley or public way in the city.

Holiday means any day fixed by the United States or by state law for suspension of business, in whole or in part.

Noise means any sound not occurring in the natural environment, including, but not limited to, sounds emanating from aircraft and highways, and industrial, commercial and residential sources.

Noise pollution means the presence of any noise or combination of noises in such quantity, at such levels, or of such nature and duration or under such conditions as could potentially be injurious to human health, safety, welfare or property, or to animal life, or could interfere unreasonably with the enjoyment of life or property.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.

Sound level means a weighted sound pressure level obtained by the use of a sound level meter having characteristics, including the "A" weighting, as specified in ANSI Specifications for Sound Level Meters S1.4-1971. The reference pressure is 20 micronewtons per square meter.

Sound receiving unit means a unit of property or a building containing a person, business, activity, animal life, or property, which is affected by noise or noise pollution.

Vibration means the oscillation of a solid body or material, including, but not limited to, earth, concrete, machinery, building structures, or other similar materials. Within this article, the term vibration shall refer to those oscillations, which are disturbing, injurious, damaging or dangerous.

Cross reference(s)--Definitions generally, § 1-2.

Sec. 12-122. Source requirements.

(a) *Maximum noise levels by receiving land use districts.* No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in table I for the receiving land use category specified when measured at the location identified in subsection (c) of this section. The source sound levels in any zoning district shall be the responsibility of any person who owns or operates a sound source contributing to the sound level, whether or not such sound source is in the zoning district in question.

Table I. Sound Levels by Receiving Land Use Districts

<i>Zoning District</i>	<i>Day</i> <i>(7:00 a.m. to 10:00 p.m.)</i>		<i>Night</i> <i>(10:00 p.m. to 7:00 a.m.)</i>	
	<i>L50</i>	<i>L10</i>	<i>L50</i>	<i>L10</i>
Residential	60	65	50	55
Industrial	75	80	75	80
Others	65	70	65	70

(b) *Exemptions.* The levels prescribed in subsection (a) of this section do not apply to noise generated by railroads or the travel of motor vehicles on state and county highways, but such noise shall be subject to other applicable sections of this article.

(c) *Measurement of noise level.*

- (1) Except as otherwise provided in this article, the source sound level requirements of this section shall apply at the area of human activity or, if such area is ill-defined, at the property or zoning lines of the receiving unit. If a receiving unit changes its area of human activity, the source sound level requirements of this section shall apply at the new area of human activity or, if such area is ill-defined, at the property or zoning lines of the receiving unit. Measurements may be made at any location in zoning districts for evaluation purposes and to aid the enforcement of other sections of this article.
- (2) All sound levels originating in any development or property which contains one or more buildings and which is without property lines for each building shall not exceed the source requirements for the applicable zoning district measured at the area of human activity or, if this is ill-defined, at any point on a line, all of whose points are equidistant from any two buildings.

Sec. 12-123. Requirements for air circulation devices.

Any person installing or placing any air circulation device including, but not limited to, window or central air conditioning units, in any location which results in or contributes to a violation of section 12-122, shall attenuate the excessive sound level by means deemed appropriate to bring the equipment or device into compliance with this Code, including but not limited to sound barrier screening, new equipment meeting city and state noise requirements, or relocation of such units or devices.

Sec. 12-124. Hourly restrictions on certain operations.

(a) *Recreational vehicles* No person shall drive or operate any minibike, snowmobile, or other similar recreational vehicle, not licensed for travel on public highways, between the hours of 10:00 p.m. and 7:00 a.m.

(b) *Domestic power equipment.* No person may operate any domestic power implement including, but not limited to, a power lawnmower, power hedge clipper, power saw or other such implement except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays. The operation of equipment for snow removal shall be exempt from the provisions of this section when initiated within 12 hours of the completion of the most recent snowfall.

(c) *Power equipment used in construction activities.* No person shall engage in, permit, or allow construction activities involving the use of power equipment, manual tools, movement of equipment, or other activities except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays.

(d) *Garbage collection.* Except in a general industrial zoning district, no person shall collect or remove garbage or refuse except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays.

(e) *Participation in noisy parties or gatherings.* No person shall, between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between 12:00 midnight and 7:00 a.m. on Friday and Saturday, participate in any party or gathering of people which creates noise pollution or which unreasonably disturbs the peace, quiet, or repose of another person as determined at the property line of a building, structure, rental unit, or other enclosure or area in which such party or gathering occurs. If such party or gathering is declared to be a noise pollution nuisance by a city official, all persons except the owner, renter, lessee, or other occupant shall promptly leave the premises in an orderly manner. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Sec. 12-125. Prohibited noises.

(a) *Internal combustion engine, fuel-operated device or electrically powered device.* No person shall operate, permit, or allow the operation of any internal combustion engine, fuel-operated device, or electrically powered device associated with construction, home improvement, or other similar activity unless it is operated or in repair according to the manufacturer's specifications. Any internal combustion engine or fuel-operated devices, which is designed to have a muffler, shall be maintained in good working order to prevent noise pollution.

- (1) No person shall operate, permit or allow the operation of any portable air compressor or similar device which produces a sound level in excess of 81 dBA, measured at 50 feet from the compressor when the compressor is operating at its maximum related capacity. Portable air compressors with a rated capacity equal to or above 75 cubic feet per minute, which deliver air at pressures greater than 50 psig, and which are manufactured on or after July 1, 1978, shall not produce a sound level in excess of 70 dBA, measured at 50 feet from the compressor when the compressor is operating at its maximum rated capacity.
- (2) No person shall operate, permit or allow the operation of any powered, walk behind lawnmower or other similar device which produces a sound level in excess of 72 dBA, measured at 50 feet from the mower. No person shall operate, permit, or allow the operation of any powered, sit down lawnmower or other similar device, which produces a sound level in excess of 82 dBA, measured at 50 feet from the mower.

(b) *Blower, power fan or exhaust unit.* No person shall operate, permit, or allow the operation of any blower, power fan, exhaust unit or other similar device which produces noise pollution due to improper maintenance or due to operation or repair which does not conform to the manufacturer's specifications.

(c) *Cut-out, bypass or similar device.* No person shall use a cut-out, bypass, or similar device upon an internal combustion engine or its exhaust system. No person shall modify, alter, or repair any exhaust system or any internal combustion engine in any manner that amplifies or otherwise increases engine sound above that emitted by the engine as equipped according to the manufacturer's specifications.

(d) *Motor vehicles.*

- (1) No person shall operate a motor vehicle in the city in violation of the motor vehicle noise limits established by state law or the Minnesota Pollution Control Agency as set forth under Minn. Rules Chapter 7030.
- (2) No person shall operate any motor vehicle or any minibike or other similar vehicle or device in any way which results in the squealing of tires or the creation of any other noise pollution on any highway, private road, public or private parking lot, driveway, or other property in the city, except when there is reason to do so for the safe operation of the vehicle.
- (3) No person shall repair, build, rebuild, or test any motor vehicle or other internal combustion engine within the city in such a manner as to create noise pollution.

(e) *Horn, siren or other signaling device.* No person may sound or permit the sounding of any horn, siren or other signaling device on any motor vehicle within the city except in cases of imminent danger or emergency. The modification or installation of signaling devices on any motor vehicle or emergency vehicle which amplifies or otherwise increases the level of sound beyond that emitted by the signaling device installed or designed for the vehicle is prohibited. Burglar alarms, sirens, or similar devices, installed and operated for the use specified by the manufacturer, are exempt from the provisions of this subsection.

(f) *Radios, phonography, paging system, etc.* No person may use, operate, or permit to be used or operated any radio receiving set, musical instrument, phonograph, stereo or other machine or device used for the production or reproduction of sound in such a manner as to disturb the peace, quiet or comfort of a person in its vicinity. The operation of any receiving set, instrument, phonograph, stereo machine, or device between 10:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section if done in such manner as to be plainly audible at:

- (1) The real property boundary of the building, structure, or residence, or other area in which it is located;
- (2) The property line of the area or premises owned, rented, leased, or used within a multiuse or apartment building; or
- (3) A distance of 50 feet from any motor vehicle in which it is located.

(g) *Loudspeakers, amplifiers, etc., for advertising.* Except as permitted by section 12-127, no person shall advertise or attract the attention of the public to any commercial establishment, business, vehicle or other area by creating noise pollution, including but not limited to crying out, sounding a horn, ringing a bell, or use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place. In addition, no person shall create noise pollution through the use of any such sound production or reproduction devices in any activities or proceedings of his business, including, but not limited to, the use of loudspeakers for communication.

(h) *Apartment or multiuse building.* No person may cause, allow, or permit any noise pollution in any multiuse or apartment building as determined beyond the property line of the area or premises owned, rented, leased, or used by such person.

(i) *Loading and unloading.* No person shall load or unload any motor vehicle or handle any bales, boxes, crates, or containers in such a manner as to cause noise pollution.

(j) *Schools, churches, hospitals, etc.* No person shall create or allow the creation of noise pollution on any street adjacent to any school, learning institution, religious institution, or court, or adjacent to any hospital, or home for the aged, or other similar institutions which unreasonably interferes with the working of such institution or disturbs or annoys an inhabitant in the institution, provided that conspicuous signs indicated the presence of such institutions or buildings are displayed in such streets by such institutions.

(k) *Snowmobiles.* No person shall operate a snowmobile unless it is equipped with a muffler in good working order, which will prevent noise pollution and will meet the source requirements in section 12-122. However, this shall not apply to snowmobiles which are designed and used for organized races or similar competitive events which are held with the permission of the city council and in areas designated by the city council.

(l) *Railways.* Except as otherwise required by federal law, no person driving or operating a locomotive or other powered vehicle adapted for travel on any railway in the city may ring a bell or sound a whistle upon such locomotive or vehicle, or cause the same to be rung or sounded at any time other than in cases in which the locomotive or vehicle is at or within 1,320 feet before any place where the railway crosses a traveled highway on the same level or in cases of imminent danger.

Sec. 12-126. Prohibiting vibration.

Any vibration discernible to the human sense of feeling or any vibration producing a particle velocity of more than 0.035 inches per second for five minutes or more duration (cumulative) in any one hour at the property line are prohibited. For properties abutting an "R" use district, no vibration producing a particle acceleration velocity of more than 0.035 inches per second at the property line are permitted between the hours of 7:00 p.m. and 7:00 a.m.

Sec. 12-127. Exceptions to article.

(a) *Emergency work.* Operations and acts performed exclusively for emergency work not exceeding a period of 24 hours to preserve the safety, welfare, or public health of the citizens of the city or for emergency work necessary to restore a public service or to eliminate a public hazard shall be exempt from the noise and vibration limitations under this article. Any person performing emergency work under this section shall inform the city at the time of the need to initiate such work or, if during nonbusiness hours of the city offices, then upon resumption of business hours of the city. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise pollution or vibration.

(b) *Exception for food/beverage vehicles.* Notwithstanding any other provisions to the contrary, food/beverage vehicles may sound a bell between 12:00 noon and 9:00 p.m. daily which produces a noise level measured at a distance of 50 feet from the source no greater than 65 decibels in all zoning districts.

Sec. 12-128. Inspections.

A city official shall inspect existing or potential noise, noise pollution, and vibration sources, and noise pollution control measures as frequently as may be necessary to ensure compliance with this article.

Sec. 12-129. Access to premises and records.

The person on the premises who is responsible for any noise pollution control measure or allowing or causing any noise, noise pollution or vibration shall, upon request of the city official, permit access to all parts of the area at any reasonable time for purposes of inspection and monitoring and shall exhibit and allow copying of any records relating to noise, noise pollution or vibration, or noise pollution control as is necessary to determine compliance with this Code. A city official shall be permitted access to any sound receiver unit affected or potentially affected by a sound source under inspection in order to determine compliance with this Code.

Sec. 12-130. Removal and correction of violations.

Any person responsible for noise, noise pollution or vibration control measures, or allowing or causing noise, noise pollution, or vibration and having received a report from the city official giving notification of one or more violations of this Code shall correct or remove each violation within the length of time set by the city official. The length of time for the correction or removal of each violation shall be stated on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this article.

Sec. 12-131. Temporary noise permit.

(a) Permit.

- (1) *Required.* A temporary noise permit is required to create temporary noise conditions which may exceed the requirements of this article. A person making application for a permit shall include the reason for requesting the temporary noise permit, the nature of the event occurring, the time period for which the temporary noise permit is requested and the operation or procedure to be employed during the period of the temporary noise permit.

- (2) *Exception.* City-performed street and utility maintenance and construction do not require a temporary noise permit.
- (b) *Fee required.* The fee for a temporary noise permit shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code. Such fees must be submitted to the city before a permit will be issued.
- (c) *Special provisions.*
- (1) *Permits for 24 hours and less.* When a temporary noise permit is issued for an event 24 hours or less in duration, the applicant must notify all immediate neighbors to the property for which the permit is issued. The notification must be in advance of the event and provide information on the date, time and type of event for which the permit was issued.
 - (2) *Permits for over 24 hours.* The applicant must submit a set of address labels for all property owners within 350 feet of the boundaries of the parcel with the application when the permit request is for an event occurring more than 24 hours. The names and addresses must be officially prepared by the county auditor's office or other source approved by the city. Applications with address labels must be received in the department of inspections 14 days prior to the event to be considered for a permit. The city shall use the labels to mail notification of the requested event to the property owners. The permit will be considered for approval after any public comment is received, not less than seven days after the notification is mailed or more than ten days after receiving the completed application and labels.
 - (3) *Mobile noise sources.* When a temporary noise permit application is for a mobile source of noise, the applicant shall provide information on the type of equipment, dates and times of proposed operation, and location in which the equipment or noise will be heard. Before a permit is issued, the applicant shall request an inspection with the city to have the temporary noise source measured to ensure compliance with applicable sections of this article.
- (d) *Duration.* Any temporary noise permit granted by the city shall not exceed 90 days and may be renewed once for a period not to exceed 30 days upon request of the original applicant and upon approval from the city.
- (e) *Criteria for issuance of permit.* A temporary noise permit to create noise which is not in compliance with this Code may be granted upon a finding that:
- (1) The activity, operation, or noise or vibration source will be of temporary duration and cannot be performed or operated in a manner that would comply with the provisions of this Code;
 - (2) The costs of abatement, control or alternative activity or time sequence are unreasonably high in relation to the benefits achieved;

- (3) The measures necessary to abate or avoid potential noise, noise pollution or vibration conflict with other important values, including, but not limited to, aesthetic quality, ecological conditions or safety; or
- (4) No other reasonable alternative is available to the applicant.

In granting a temporary noise permit, the city shall prescribe any conditions, requirements or restrictions reasonably necessary to minimize adverse effects upon the community or surrounding neighborhood.

(f) *Grounds for denial of permit.* History of complaints about excessive noise in violation of this article or past permit is grounds for denial of a temporary noise permit.

Sec. 12-132. Appeal.

(a) Any person affected by any decision under this article or by any action taken in accordance with this article, including, but not limited to, an applicant for a temporary noise permit, extension of compliance date or a person objecting to the issuance of a temporary permit or the extension of a compliance date may, within ten days of the issuance of the order or action, appeal to the city manager. Appeals shall be held no sooner than ten days and not more than 30 days after a request for such appeal is filed unless good cause is shown for an extension. Requests shall be made by filing with the city manager a notice of appeal specifying the grounds and relief sought. The city manager shall forthwith set a date, time and place for the appeal and shall notify the person appealing at least ten days in advance of the appeal date.

(b) Any person affected by a decision of the city manager may appeal the decision to the city council. A notice of appeal must be filed with the city clerk within five days after the city manager's decision. Notice of the date, time, place, and nature of the matter under consideration shall be given by publication at least once in the official newspaper not less than ten days prior to the appeal.

ARTICLE V. STORMWATER, SOIL EROSION, AND SEDIMENTATION**Sec. 12-151 Purpose.**

The purpose of this ordinance is to provide for the health, safety and general welfare of the residents of St. Louis Park by reducing and controlling stormwater, soil erosion and sedimentation within the City. It establishes standards and specifications for conservation practices and planning activities which enhance water quality, minimize stormwater pollution, soil erosion, and sediment in waterways, and control the volume of water runoff to receiving streams and other water resources.

Sec. 12-152. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

Authorized Enforcement Agency means employees or designees of the City or other governing authorities designated to enforce this ordinance.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City refers to the City of St Louis Park, any employees, agents, contractors or designee.

Clean Water Act refers to the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CWRMP means the Comprehensive Water Resources Management Plan on record in the City offices.

Discharge means any substance entering the stormwater system by any means.

Discharge, Illicit means any direct or indirect non-stormwater discharge to the stormwater system, except as exempted in Section 12-157 of this ordinance.

Discharge, Non-Stormwater means any discharge to the stormwater system that is not composed entirely of stormwater.

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

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

Erosion Control Plan means a plan detailing erosion control during construction activity as defined in the Comprehensive Water Resources Management Plan (CWRMP), Appendix M.

Hazardous Materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration; or, physical, chemical, or infectious characteristics, may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connections means either

- 1) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system, including but not limited to any conveyances which allow any non-stormwater discharge including wastewater, process wastewater, and wash water to enter the stormwater system and any connections to the stormwater system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or;
- 2) Any drain or conveyance connected from a commercial or industrial land use to the stormwater system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Land Disturbing Activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface, including the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation or any activity which bears soil or rock, or involves the diversion or piping of any natural or man-made watercourse.

NPDES means National Pollutant Discharge Elimination System as established pursuant to 33 USC § 1342(b) to regulate discharges of pollutants to waters of the United States.

NPDES Permit means a National Pollutant Discharge Elimination System Stormwater discharge permit issued by the Minnesota Pollution Control Agency (pursuant to 33 USC § 1342(b)) that regulates discharges of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Point Source Pollution means pollution from any source other than any discernable, confined and discreet conveyances, and shall include but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Permanent Stabilization Plan means a written plan to establish permanent vegetation to prevent erosion of soil. This plan may be in the form of a letter. Permanent vegetation includes sod, native grasses, trees or other acceptable forms of landscaping.

Person means any individual, association, organization, partnership, firm, corporation or other private or public entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sediment means solid matter carried by water, wastewater or other liquids.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

Stormwater Facility means anything within the stormwater system that collects, conveys or stores stormwater, including, but not limited to any inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater Management means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes that affect water quality and habitat.

Stormwater Management Plan means a plan which describes how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan (CWRMP).

Stormwater Pollution Prevention Plan (SWPPP) means 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 systems, and/or receiving waters to the maximum extent practicable.

Stormwater System means facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, 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.

Structure means anything manufactured, constructed, or erected, which is normally attached to, or positioned on land, including portable structures, earthen structures, roads, parking lots and paved storage areas.

Watercourse means a stream or body of water, or a natural or artificial channel for the passage of stormwater.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the U.S. means any water in the United States per definition as specified 33 CFR 328.a.

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

Sec. 12-153. Responsibility for Administration.

The City shall administer, implement, and enforce the provisions of this ordinance.

Sec. 12-154. Applicability.

This ordinance shall apply to all water entering the stormwater system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency or in this ordinance.

Sec. 12-155. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Sec. 12-156. Construction Site Stormwater Runoff and Erosion Control.

(a) **Purpose.** The purpose of this section is to regulate land disturbing activities, to preserve and enhance the natural environment by reducing sedimentation in streams, lakes, stormwater systems and other waterways, protect the quality of surface water resources, preserve and protect wildlife habitat, restore sites to reduce the negative environmental effects of land disturbing activities, provide effective practices for erosion and sedimentation control, and to comply with local, state and federal regulations.

(b) **Scope.** Except where an exemption applies, any person proposing a land disturbing activity within the City shall apply to the City for the approval of erosion control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

(c) **Erosion control plan and permit required.**

1. *Review and approval.* No person may grade, fill, excavate, store, dispose of soil and earth materials, or perform any other land disturbing or land filling activity without first submitting an erosion control plan for review and approval by the City and obtaining a permit as required in this section. The erosion control permit is not a replacement for a City Conditional Use Permit as required in section 36-79 of the City Ordinance, nor is it a replacement for a watershed district permit or a state NPDES permit.

2. *General exemptions.* Land disturbing activities, which meet all the following criteria, are exempt from the requirements of this section:
 - a. The disturbed or filled area is 5,000 square feet or less in area, and;
 - b. The volume of soil or earth material stored or moved is 50 cubic yards or less, and;
 - c. No drainage way is blocked or has its stormwater-carrying capacities or characteristics modified; and
 - d. The activity does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the ordinary high water mark of a water body, or the ordinary high water mark of a wetland associated with a watercourse or water body. The activity does not take place within an established 100-year floodplain.
3. *Categorical exemptions.* Notwithstanding the requirements of the City Code, the following activities are exempt from the permit requirements:
 - a. Emergency activities necessary to prevent or alleviate immediate dangers to life or property.
 - b. General farming, gardening and nursery activities.
 - c. One and two family residential construction activity limited to:
 - 1) additions to the existing structure,
 - 2) landscaping and landscaping structures, and
 - 3) construction of a garage.

(d) Submission requirements for erosion control permit.

1. *Application items.* Application for an erosion control permit shall include submittal of:
 - a. Application form and fee.
 - b. Site map and grading plan.
 - c. Interim erosion and sediment control plan as defined in the City's Comprehensive Water Resources Management Plan, Appendix M.
 - d. As defined in the Comprehensive Water Resources Management Plan, Appendix M: Stormwater management plan or permanent stabilization plan as required.
 - e. Work schedule.
 - f. Cost estimate.
2. *Fees.* All applications shall be accompanied by a permit fee. Fees for permits shall be fixed and determined by the City council, adopted by resolution and uniformly enforced. Such permit fees may, from time to time, be amended by City council resolution. A copy of the resolution setting forth currently effective permit fees shall be kept on file by the City and shall be open to inspection during regular business hours.

(e) Review Procedure.

1. *Process.* City staff will review each complete application for an erosion control permit to determine its conformance with the provisions of this ordinance. Within 60 days of receiving an application, City staff shall either approve, approve with conditions, or deny an erosion control permit application.
2. *Appeal.* An appeal by an applicant of a denial of a permit under this section shall be made under the manner prescribed in section 36-31 of this Code.
3. *Site Review.* When a permit is granted, City staff shall inspect the property for erosion control compliance with city code, permit conditions and site plans prior to the onset of construction activities.

(f) Form of security. Before a permit is issued, the City may require the permittee to post security in a form acceptable to the City equal to 125 percent of the cost estimate stated in the application and agreed by the City to be the cost of the work to be done under the permit. The security may take the form of cash in United States currency or an irrevocable letter of credit issued by a financial institution and in a form acceptable to the City.

1. *Release of security.*
 - a. Any security deposited with the City to guarantee performance of the grading and erosion control work shall be released to the person holding the permit upon determination by the City that the conditions of the permit have been satisfactorily performed if no action has been taken by the City to recover all or a part of the security before that determination has been made.
 - b. Securities held to ensure the successful completion of the final plan and an interim plan shall be released to the permittee either one year after termination of the permit, or when a final plan is submitted for the unimproved site, whichever is later, if no action has been taken by the City to recover all or a part of the security filed by the permittee before that date.

(g) Suspension of permit. In enforcing the permit:

1. The City may suspend the permit and issue a stop work order and the permittee shall cease all work on the work site except for work necessary to remedy the cause of the suspension.
2. The permittee may request a reinstatement of a suspended permit upon correction of the causes for suspension and, if the conditions of the permit have been complied with in full, the City shall reinstate the permit.
3. If the permittee fails or refuses to cease work as required under subsection 6.H. [*Actions against security*] of this section, the City shall revoke the permit.
4. The City shall not reinstate a revoked permit but shall proceed to act against the security as provided in subsection 6.H. [*Actions against security*] of this section.

(h) Action against security. The City may act against the appropriate security if any of the following conditions exist:

1. The permittee stops performing the land disturbing activities or filling, and abandons the work site prior to completion of the grading plan.
2. The permittee fails to conform to the interim plan or final plan as approved, and has had its permit revoked as provided in subsection (g) *Suspension of Permit* of this section.
3. The techniques utilized under the interim or final plan fail within one year of installation or before the final plan is implemented for the site or portion of the site, whichever comes later.
4. The City determines that action by the City is necessary to prevent excessive erosion from occurring on the site, or to prevent sediment from occurring on adjacent or nearby properties.

The City shall use funds recovered from the security to reimburse the City for all direct and indirect costs incurred in doing the remedial work undertaken by the City or private contractor under contract with the City.

Sec. 12-157. Illicit Discharge and Connection

(a) Objectives. The objectives are to regulate the introduction of pollutants to the stormwater system by any user; to prohibit illicit connections and discharges to the stormwater system; and to establish authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(b) Discharge Prohibitions.

1. *Prohibition of Illicit Discharges.* No person shall discharge or cause to be discharged into the stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
 - a. The commencement, execution or continuance of discharge of pollutants to the stormwater system is prohibited except as follows: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, fire fighting activities, and any other water source not containing pollutants.
 - b. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety are allowed.
 - c. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

d. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, Minnesota Pollution Control Agency, or other agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater system.

2. *Prohibition of Illicit Connections.* The construction, use, maintenance or continued existence of such connections to the stormwater 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.

A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the stormwater system, or allows such a connection to continue.

(c) Suspension of Stormwater System Access.

1. *Suspension due to Illicit Discharges in Emergency Situations.* The City may, without prior notice, suspend stormwater system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent or substantial danger to the environment, or to the health or welfare of persons, or to the stormwater system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the stormwater system or waters of the United States, or to minimize danger to persons.
2. *Suspension due to the Detection of Illicit Discharge.* Any person discharging to the stormwater system in violation of this ordinance may have their stormwater system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its stormwater system access. The violator may petition the City for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater system access to premises terminated pursuant to this Section, without the prior approval of the City.

(d) Monitoring of Discharges.

1. *Access to Facilities.*
- a. The City shall be allowed to enter and inspect facilities and properties subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance and for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- b. The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- c. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense.
- d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the owner of operator.
- e. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(e) Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices.

- 1. *Owner Responsibility.* The owner or operator of any property shall provide, at owner/operator's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormwater system or watercourses through the use of structural and non-structural Best Management Practices (BMPs). Further, any person responsible for a property or premise, which 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 stormwater system. These BMPs are listed in the Stormwater Pollution Prevention Plan (SWPPP) and the Minnesota Pollution Control Agency's current BMPs, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan.

(f) Water Course Protection.

- 1. *Owner Responsibility.* Every owner of a property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within their property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly impact the flow of water through the watercourse. All owners or lessees 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.

(g) Notification of Spills.

1. Notwithstanding other requirements of law, as soon as any person responsible for a facility, vehicle or operation, or responsible for emergency response for a facility or operation has knowledge of any known or suspected release of materials of any amount, which are resulting or may result in illicit discharges or pollutants discharging into the stormwater system or water of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify the City and other emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone no later than the next business day.

If the discharge of prohibited materials emanates from a commercial or industrial establishment or vehicle, the owner or operator of such establishment or vehicle shall also retain a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 12-158. Post construction stormwater runoff.

(a) Objectives. The objectives of this Section are to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This section seeks to meet that purpose through the following objectives:

1. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
2. Control stormwater runoff in any development to reduce flooding, silt deposits, stream bank erosion and maintain the integrity of stream channels;
3. Control non-point source pollution caused by stormwater runoff from development; and
4. Control the total annual volume of surface water runoff, which flows from any specific site following development.

(b) Applicability. The rules of applicability are as set forth in Sec. 12-156. [*Construction Site Stormwater Runoff and Erosion Control*] of this ordinance, with some exceptions. A stormwater management plan is not required for construction or redevelopment of a single or double family home. A stormwater management plan is not required for residential construction on less than two (2) acres with a density of two (2) units or less per acre. However, a permanent stabilization plan is required for projects that meet these exceptions.

(c) Stormwater Management Plan.

1. *Stormwater Management Plan Required for All New Developments and Redevelopments.* No application for development or redevelopment will be approved unless it includes a stormwater management plan detailing in concept

how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan.

2. *Maintenance of Existing Stormwater Facilities.* Any stormwater facility in existence prior to adoption of this ordinance shall be maintained by the owner of the stormwater facility and in a manner to conform to design standards for that facility. Any redevelopment of the stormwater facility shall require that the facility meet current stormwater design standards as set forth in this ordinance.

The thresholds for maintenance are triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

3. *Inspection of Stormwater Facilities.* Inspection programs may be established on a reasonable basis, including but not limited to an inspection at least once every five years or more often if deemed necessary to ensure proper functioning of the stormwater management facility. Inspections are the responsibility of the owner of the stormwater facility and must be completed by a licensed professional engineer (PE) hired for that purpose. Inspection results must be completed and submitted to the City of St Louis Park every five years beginning five years from the completion of development or from the date of this ordinance for a pre-existing stormwater facility.

Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

All new and existing stormwater management facilities must undergo, at a minimum, an inspection every five years to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. This maintenance may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of St. Louis Park. The inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

(d) Maintenance Covenants. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of St. Louis Park and recorded at the Hennepin County Records Office prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The owner/operator shall show in the maintenance covenant how it will utilize Best Management Practices (BMPs) to prevent discharge of pollutants into the stormwater system. These BMPs are listed in the City's Stormwater Pollution Prevention Plan (SWPPP) and the current Minnesota

Pollution Control Agency BMP standards, and are necessary for compliance with requirements of the NPDES permit and Appendix J of the City's Comprehensive Water Resources Management Plan. The threshold for maintenance is triggered once sediment deposition reaches a point greater than is allowed under the design standard criteria, or such deposition begins to have a substantial effect on the water quality or holding capacity of the pond.

(e) Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public stormwater system, the property owner shall grant to the City of St. Louis Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(f) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least ten years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

Reference Appendix "T" of the Comprehensive Surface Water Management Plan, entitled *Stormwater Management Guidelines for New Development or Redevelopment within the City of St. Louis Park*.

Sec. 12-159. Wetland Protection.

All land disturbing activities, which impact or may impact a wetland, must be in conformance with the City's Wetland Management Plan, which is Appendix "B" of the City's Comprehensive Surface Water Management Plan, as adopted by Council Resolution.

Sec. 12-160. Enforcement.

(a) Violation. Any action, failure to act or land use practice that would impair water quality if allowed to continue, shall constitute a public nuisance and be treated as a misdemeanor under this Code.

(b) Notice of Violation. Whenever the City finds that a person has violated any section of this Code or failed to meet a requirement of this Ordinance, the City shall order compliance by written Notice of Violation to the responsible person. Such notice may require:

1. Monitoring, analyses and reporting;
2. Elimination of illicit discharges or connections;
3. Abatement of pollution and hazards;
4. Restoration of affected property;
5. Remediation of issue;
6. Payment of a fine to cover administrative and remediation costs;
7. Implementation of source control or treatment BMPs; and
8. Other actions as deemed necessary by the City.

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. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or other local governmental unit or a contractor and the expense thereof shall be charged to the violator.

(c) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of St. Louis Park, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of St. Louis Park shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City of St. Louis Park may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

Sec. 12-161. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the City or the local government unit or designee shall be final.

Sec. 12-162. 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 5 days of the decision of the City or local government unit upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall 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 the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 12-163. Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner must file any objection to the amount of the assessment in writing with the City within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the City or by the expiration of the time in which to file an appeal, the costs shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.

Sec. 12-164. 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 authorized enforcement agency 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.

Sec. 12-165. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and similar programs.

Sec. 12-166. 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.

Sec. 12-167. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 12-168. 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 authorized enforcement agency to seek cumulative remedies.

(Ordinance No. 2264-04, 3-30-04)

Appendix M: Erosion Control and Stormwater Management Plan Guidelines

Erosion and Sediment Control Plan and Site Management Guidelines

Outlined below are the City's guidelines for erosion and sediment control plan (SWPPP) development, SWPPP implementation, and ongoing site maintenance:

Projects Requiring Permits: All projects disturbing 5,000 square feet or excavating, filling, or stockpiling 50 cubic yards of material within the City must be compliant with NPDES, Minnehaha Creek Watershed, Bassett Creek Watershed Management Organization, or any other regulatory agency having jurisdiction within the City, erosion and sediment control guidelines

Site Plan Requirements: Site plan design shall be adequate to prevent erosion and the transportation of sediment and other pollutants from the permitted site to the satisfaction of the City Engineer. At a minimum, the plan should include the following items so plan review can begin.

1. Provide schedule for overall project construction, phasing, and erosion and sediment control plan implementation
2. Identify an adequately trained erosion control supervisor, SWPPP amendment procedures, record retention, and rainfall monitoring policies
3. Identify BMP's to minimize erosion
4. All exposed soils shall be stabilized within seven days of inactivity
5. Slopes along surface waters require soil stabilization within 72 hours
6. Slopes greater than 3:1 or greater require a category 3 erosion control blanket
7. Identify BMP's to minimize sedimentary and other pollutant discharges
8. All down gradient slopes shall have adequate sediment and pollutant controls that will not allow sediment or other pollutants to overtop or to undermine the BMPs
9. Outline a process and BMP's for dewatering activities
10. All dewatering activities require an individual site plan to be submitted to the City Engineer and to include, at a minimum, sampling protocol for selected pollutants, identification and protection plan for downstream receiving waters, adequate treatment process to reduce pollutants and to protect downstream receiving waters
11. Provide BMP maintenance timelines and practices per NPDES guidelines
 - a. Guidelines for maintenance of sediment control BMPs (24 hours)
 - b. Implementation of erosion control BMPs (no greater than 7 days)
 - c. Stabilize ditches and outfalls with adequate BMPs (24 hours)
12. Define the management practices of solid and hazardous wastes per NPDES guidelines:
 - a. No vehicle washing on site will be allowed
 - b. Hazardous materials must be kept in secured location
 - c. Concrete washout and slurry must not come in contact with pervious surfaces
13. Provide design calculations for the use of temporary sediment basins for sites greater than five acres.

14. Plan must implement construction phasing, maintain vegetative buffer strips, horizontal slope grading, and minimize the need for disturbance.
15. Additional site plan design may be required to meet TMDL requirements.
16. Review of erosion and sediment control plan cannot begin until all of these aforementioned criteria have been met.

Construction Activity Requirements: During the construction process the Owner and Contractor must maintain site wide compliance as defined within their SWPPP and with NPDES and local watershed standards

Material testing and quantity verification requirements: Permittee's and contractors are required to work closely with City to ensure that the installation, application, location, and quantity of the selected erosion and sediment control BMP are in conformance with the approved plans and specifications for the project. The City reserves the right to refuse any work that is not in conformance with the approved plans and specifications for the project or is deemed to be inadequate due to existing conditions.

Project Closeout: The following outlines the City's project certification and permit closeout procedures to ensure that the project has been completed in conformance with the plans and specification developed for project that are one acre or greater. The permittee shall implement the following to obtain final project closeout.

1. Permittee shall provide the City Engineer with an as-built grading plan as defined in the City's erosion and sediment control plan requirements and design Guidelines (section 02050 Standard Specifications).
2. The City will withhold all securities until the approved certified as-built grading plan has been approved by the City Engineer.

Final Stabilization Plan: Plan to establish permanent perennial vegetative cover to prevent erosion of the soil and include the following:

- Provide final soil stabilization and or landscaping plan
- Define specific vegetation species and locations within the project
- Define performance standard and schedule for desired vegetative cover
- Define soil amendments and usage of fertilizers
- Outline long term vegetation maintenance practices

Stormwater Management Design Requirements

Stormwater Management Plan: A plan must be submitted to the City which describes how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements of the Comprehensive Water Resources Management Plan (CWRMP).

Stormwater Management Plan Required for all new developments and redevelopment project which resulting in site disturbance that is one acre or greater or any project that proposes 10,000 square feet of new impervious surface. Construction of a single family home is exempt from this requirement.

The stormwater management plan shall detail how runoff and associated water quality impacts resulting from the project will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. This plan should also conform to the requirements of the jurisdictional watershed district.

A stormwater management plan submitted to the City of St. Louis Park must meet the following requirements:

Phosphorus Control

Construction projects subject to this rule shall result in no net increase in phosphorus loading from existing conditions.

Total Suspended Solids

Construction projects subject to this rule shall result in no net increase in Total suspended solids loading from existing conditions.

Rate Control

For all projects subjected to this rule, the site design shall provide on-site facilities for post-construction conditions to ensure that discharge rates from the 6.0 inch 24 hour rainfall event is no greater than the existing discharge rates from a 4.2-inch 24 hour rainfall event.

Volume Control

For all projects subjected to this rule, the stormwater management plan must provide for the abstraction of the first one inch of rainfall from the site's impervious surface. Credit toward compliance with the one inch volume control standard will be calculated by the applicant using industry accepted hydrologic models and Appendix A: Volume Abstraction Credit Schedule, following guidance provided in the Minnesota Pollution Control Agency's *Minnesota Stormwater Manual*.

Stormwater Management Limitations.

Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason.

Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the Minnesota Stormwater Manual. Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs. Factors to be considered for each alternative will include following restricted and prohibited site conditions:

Restricted Infiltration Areas:

1. Hydraulic Soil Group D (clay) Soil
2. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
3. Drinking Water Source Management Areas or within 200 feet of drinking water well per MN R.4720.5100, subp. 13
4. Poor soils (infiltration rates that are too low or too high, above 8.3 inches per hour, or problematic urban soils)
5. Zoning, setbacks, prohibited areas, or other land use requirements

Prohibited Infiltration Areas:

1. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
2. Where vehicle fueling and maintenance occur.
3. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
4. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
5. Zoning, setbacks, prohibited areas, or other land use requirements

Mitigation Provisions: In the case that infiltration practices cannot be implemented on site, steps must be taken to mitigate stormwater runoff volume, rate, and pollutant reduction. This may include off site or regional treatment for additional volume retention, additional pollutant or reduction. The City Engineer and all permitting agencies must approve all mitigation projects and document who is responsible for the long term maintenance of the facility. Mitigation project areas, if approved, are selected in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
2. Locations within the same watershed area as the original construction activity.

3. Locations in the next adjacent upstream watershed.
4. An alternate location within the City of St. Louis Park.
5. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.
6. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.
7. Mitigation projects shall be completed within 24 months after the start of the original construction activity.
8. The City's Engineering Department shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.
9. If a regional project has been identified, the City of St. Louis Park may consider a cash payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management. Upon receipt of a cash payment in lieu of onsite treatment, a project must be implemented with the designated funds. Mitigation projects must be completed within two years upon the start of construction of the project.

Maintenance: All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed. Permit applicants must provide a maintenance plan that identifies and protects the design, capacity and functionality of onsite and offsite stormwater management facilities; specifies the methods, schedule and responsible parties for maintenance; provides for the maintenance in perpetuity of the facility; and contains at a minimum the requirements in the City of St. Louis Park's standard maintenance declaration. The plan will be recorded on the deed in a form acceptable to the District. A public entity assuming the maintenance obligation may do so by filing with the District a document signed by an official with authority.

Stormwater Management Design Requirements

The following information shall be provided to describe the conditions which will exist on the site following completion of final construction of structures and improvements

General Requirements

- Proposed drainage plan and hydraulic calculations are dated and signed by a licensed professional.
- Size of the project shown:
 - Existing impervious and pervious surface areas of the site.
 - Ultimate (when site fully developed) impervious and pervious surface of the site.
- Plan is drawn in 2-foot contours. Existing contours are dashed and proposed are solid. All contours are labeled and legible. Where applicable, extend existing 2-foot contour lines a minimum 100 feet beyond the site boundary or more to accurately depict the drainage patterns.
- Existing vegetation: Describe and identify the location of existing vegetation.
- Areas not to be disturbed clearly defined.
- On-site soil characteristics and groundwater elevations.
- Existing drainage: Show pre-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Final drainage: Show post-developed drainage areas, land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Identify off-site catchment areas draining to the site. Provide 2-foot contours. Show land use and the direction of flow for each area and travel path used to determine the Time of Concentration.
- Existing public and private utilities shown.
- All receiving waters, including wetlands, identified.
- Property limits shown. Streets labeled. Lot and block information shown if platted. Street address shown if unplatted.
- A long-term inspection and maintenance plan for all permanent stormwater treatment practices is required to be submitted with the SWPPP following the City's examples.
 - Existing and proposed drainage easements shown and labeled on the plan.
 - All existing and proposed lot corner elevations shown to the nearest tenth of a foot.
 - Control/spot elevations for drainage ways provided.
- Building pads, type of house to be built, garage floor elevation, lowest floor elevation and lowest opening elevation are shown.
- Driveway slope, from garage to the gutter is shown.
- Lowest opening elevation: Min. 2 feet above 100-year HWL and min. 1 foot above emergency overflow elevation.
- Pipe size, length, grade and material shown
- Top of castings and all inverts of catch basins and manholes shown. Label storm drain structures.

- Overflow design to be considered for events greater than storm sewer system design event.

Infiltration/Filtration

- Refer to the Minnesota Stormwater Manual for specific infiltration/filtration practices.
- Infiltration systems shall meet volume control standards as set by the City. Filtration systems shall achieve approximately 80% removal of total suspended solids.
- Infiltration or filtration systems should not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized.
- During construction of infiltration or filtration systems, rigorous erosion prevention and sediment controls (e.g. diversion berms) should be used to keep sediment and runoff completely away from the infiltration or filtration area. The area must be staked off and marked so that heavy construction equipment will not compact the soil in the proposed infiltration or filtration area.
- Area to be infiltrated or filtrated shall be delineated on plans.
- Calculations or computer model results that demonstrate the design adequacy of the infiltration or filtration system must be included as part of the SWPPP.
- The water quality volume shall discharge through the soil surface or filter media in 48 hours or less. Additional flows that cannot be infiltrated or filtered in 48 hours should be routed to bypass the system through a stabilized discharge point. A way to visually verify that the system is as designed must be provided.
- Appropriate on-site testing is required and must be consistent with the recommendations in the Minnesota Stormwater Manual. Testing shall be conducted to verify soil types, infiltration capacity characteristics, and to ensure a minimum of 3 feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system.
- Adequate maintenance access must be provided (typically 12 ft. wide).
- Provide scaled drawing of infiltration or filtration BMP, with typical detail and typical cross section. Outline area which runoff is directed to the BMP. As part of the drawing set submittal, provide in table form the following information:

Alternative Volume Reduction and Treatment Practices: Green Infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options consistent with zoning, subdivision and PUD requirements. Alternative practices must follow requirements and recommendations in the Minnesota Stormwater Manual.