

ORDINANCE NO. 830
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**AN ORDINANCE AMENDING
VARIOUS SECTIONS OF CHAPTER 7
ARTICLE 5, OF THE CITY CODE
ENSURING COMPLIANCE WITH
MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4) GENERAL PERMIT**

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS as follows:

Section 1. New Brighton City Code, Chapter 7, Article 5, Section 7-72 is amended by adding the underlined material as follows:

Sec. 7-72. Compliance with the Zoning Code.

In addition to the provisions of this Article, all building site requirements of the City's Zoning Code and Engineering Design Standards shall be followed before a building permit may be issued. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Section 2. New Brighton City Code, Section 7-74 thru 7-90 are hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

Sec. 7-74. Statutory Authorization.

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, 7050.0210, and Minnesota Rules Chapters 8410 and 8420.

Sec. 7-75. Application Requirements.

Unless otherwise exempted by this Article, an application for stormwater management approval shall include the following as a condition for its consideration:

- (1) A Stormwater Management Plan, and
- (2) A Maintenance Agreement

The Stormwater Management Plan shall be prepared to meet the requirements of Section 7-76 of this Article; the Maintenance Agreement shall be prepared to meet the requirements of Section 7-88 of this Article. In lieu of preparation of a Stormwater Management Plan, minor land disturbing projects may install a raingarden or similar stormwater treatment practice, with approval from the City.

Sec. 7-76. Stormwater Management Plan.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must conform to the Construction Site Stormwater Runoff Control standards set forth in Sections 7-99 thru 7-104 of this Article and the Engineering Design Standards.

A Stormwater Management Plan meeting the requirements of the Engineering Design Standards is required for any of the following land disturbing activities:

(1) Subdivision of an area exceeding one acre. This includes subdivision for single-family residential, multi-unit residential, commercial, industrial, or institutional development.

(2) Any project that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed through multiple phases or connected actions of a single complete project.

In lieu of preparation of a Stormwater Management Plan, all land disturbing activities, as defined in the Engineering Design Standards, within the city that will result in more than 100 cubic yards of cut or fill are only required to develop an erosion and sediment control plan addressing the requirements set forth in the design standards and are encourage to incorporate permanent stormwater management.

A plan is not required for single-family residential construction on an individual lot of record. If the lot is within a development previously approved by the City, the construction must conform to the previous approval.

Any construction activity that disturbs one or more acres is also required to obtain a separate NPDES Construction Site Permit. A copy of this permit and erosion and sediment control plan shall be submitted to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the City Engineer has approved this plan.

Sec. 7-77. Performance Criteria for Stormwater Management.

Unless determined by the City to be exempt, all site designs shall establish Stormwater Management Practices to control the peak flow rates, volumes, and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the Engineering Design Standards.

Sec. 7-74 78. Variance.

Upon application by a property owner, the City Council may vary any provision of this Article, in harmony with its general purpose and intent, where there are practical difficulties or peculiar hardships that impede carrying out the strict letter of the provisions of this Article so that the public health, safety, and general welfare may be secured and substantial justice done. The procedure to be used for the processing of such

variance applications shall be the same as provided for in the City's Zoning Code (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~75~~ 79. Street Access.

An applicant for a building permit must satisfy the City that the property to be occupied by the building shall have access to:

- (1) A public street or way, or
- (2) A private way protected by a permanent easement that shall be of width and construction suitable to traffic requirements of the neighborhood in which the property is located. This shall not be construed to include alleys or service ways. Special permission of the City Council shall be required where a private easement is to be used for access. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~76~~ 80. Utilities and Streets Required.

No building permit shall be issued for any new construction unless and until:

- (1) All underground utilities are installed in the public street adjacent to the parcel of land to be improved; and
- (2) The rough grading of the adjacent street has been completed to the extent that the City believes adequate street access to the parcel is available. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~77~~ 81. Trailer Prohibitions.

The following actions shall not be considered as conforming with the City's Building Code in any respect and will therefore be prohibited:

- (1) Removal of wheels from any trailer.
- (2) Remodeling a trailer through the construction of a foundation or enclosure of the space between the base of the trailer and the ground.
- (3) Construction of additions to a trailer to provide extra floor space. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~78~~ 82. Prohibited Items.

The placing of old railroad coaches, streetcars, buses, construction trailers, etc., on any property in the City, improved or unimproved, will not be permitted. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~79~~ 83. Driveways.

Driveways in a residential area shall conform with the following side yard requirements:

- (1) The edge of the driveway nearest to the side lot line shall be five feet from the lot line.
- (2) Special permission or agreement with the adjacent property owner shall be required to have the driveway nearer to the lot line. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-~~80~~ 84. Sewer and Water Connections.

When new buildings are constructed on property that can be served by either a sanitary sewer, public water supply, or both, the applicant for the building permit shall be required to agree to connect to these utilities except when waived in accordance with Section 7-95. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-85. Inspection.

(1) Notification. The City Engineer shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved

(2) Procedure. The Applicant is responsible for regular inspections and record keeping needed to document compliance with the permit requirements. The Applicant must inspect the construction project as detailed in the Engineering Design Standards. The City may conduct inspections as needed to ensure that both Erosion and Sediment Control and Stormwater measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The Applicant shall notify the City a minimum of seventy-two (72) hours prior to the following required City inspections:

A. Initial Inspection - when all erosion and sediment control BMPs, as outlined in the Engineering Design Standards, are installed. This inspection must be completed before a building Permit can be issued.

B. Project Complete Inspection – when the project is complete including, but not limited to, final Grading, installation of all Stormwater Management Facilities, and Final Stabilization measures are complete.

(3) Reporting. The Applicant shall submit reports to the City Engineer under the following circumstances and shall submit recommendations for corrective measures, if appropriate, with such reports:

- A. There are delays of more than seven (7) days in obtaining materials, machinery, services or manpower necessary to the implementation of the Stormwater Management Plan as scheduled.
- B. There are delays of seven (7) days in land disturbing or filling activities or soil storage.
- C. The work is not being done in conformance with the approved plans and Permit. Any changes to the approved plan must be submitted to the City Engineer for review and approval before work can commence.

Sec. 7-86. Site Maintenance.

All Site Maintenance activities shall be performed to the requirements within the Engineering Design Standards. No development, utility or street construction will be allowed and no Building Permits will be issued unless the development is in full compliance with the requirements of this Article.

Sec. 7-87. Final Stabilization.

The Permittee(s) must ensure Final Stabilization of the site after the completion of construction activities and prior to the termination of the permit. Final Stabilization is not complete until all of the requirements within the Engineering Design Standards are complete that are intended to prevent discharge of pollutants associated with stormwater discharges from the project.

Sec. 7-88. Maintenance Agreement.

The Responsible Party shall enter into a Maintenance Agreement with the City that documents all responsibilities for operation and maintenance of all Stormwater Treatment Practices. Such responsibility shall be documented in a maintenance plan and executed through a Maintenance Agreement. The Maintenance Agreement shall be executed and recorded against the parcel. The stormwater Maintenance Agreement shall be in a form approved by the City shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

- (1) Designate the Responsible Party, which shall be permanently responsible for maintenance of the structural or nonstructural measures.
- (2) Pass responsibility for such maintenance to successors in title.
- (3) Grant the City and its representatives the right of entry for the purposes of inspecting all Stormwater Treatment Practices.

(4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the Responsible Party.

(5) Include a maintenance plan that contains, but is not limited to the following:

A. Identification of all Stormwater Treatment Practices.

B. A schedule for regular inspection, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.

C. Identification of the Responsible Party for conducting the inspection, monitoring, and maintenance for each practice.

(6) Identify a schedule and format for reporting compliance with the Maintenance Plan to the City.

(7) Records of Installation and Maintenance Activities. The Responsible Party shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the Stormwater Treatment Practice and at other reasonable times upon request.

(8) Failure to Maintain Practices. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the Stormwater Treatment Practice in proper working condition. In the event that the Stormwater Treatment Practice becomes a danger to public safety or public health, the City shall notify the Responsible Party in writing. Upon receipt of that notice, the Responsible Party shall have thirty days to perform maintenance and repair of the facility in an approved manner. After proper notice, the City may perform the owner(s) of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the City

Sec. 7-89. Enforcement.

Any person, firm or corporation violating any provision of this Article shall be fined in an amount determined by legal proceeding for each offence, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this Article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- A. The name and address of the owner of Applicant,
- B. The address, when available, or a description of the land upon which the violation is occurring,
- C. A statement specifying the nature of the violation,
- D. A description of the remedial measures necessary to bring the development activity into compliance with this Article and a time schedule for the completion of such remedial action,
- E. At statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed, and
- F. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of services notice of violation.

(2) Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

(3) Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Article shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

(4) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the City.

Secs. 7-81 90 - 7-91. Reserved.

Section 3. New Brighton City Code, Section 7-99 is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

Sec. 7-99. Erosion Control.

The applicant for a building or other construction related permit shall take all reasonable steps to prevent or minimize damage to private or public property caused by erosion from the construction site. When erosion occurs despite such efforts, the permit holder shall promptly act to clean up and restore the damaged property to its original condition. (Ord. No. 561, 12-8-87; Code of 1988; Code of 2001)

Erosion control and prevention measures for construction sites shall meet standards from State Agencies regulating stormwater runoff as well as the conditions set forth in the Engineering Design Guidelines' Construction Site Stormwater Runoff Control section.

~~(1) — Erosion control measures shall adhere to design standards and specifications established and published by the Minnesota Department of Transportation and the Minnesota Pollution Control Agency. The most recent handbooks shall be used as reference for diagrams, tables, and illustrations.~~

~~(2) — The appropriate pollution control measure for each site shall be determined by the City Engineer.~~

~~(3) — For “dewatering” activities, the water pumped from site shall be treated to reduce turbidity and sedimentation.~~

~~(4) — The nearest down gradient water body or drain inlet must be identified and protected prior to commencement of any site work. Drain or water body protection shall remain in place until site is stabilized. Drain protection shall be established to allow emergency flow to occur. The City Engineer shall determine when a site is stabilized.~~

Section 4. This ordinance shall effective the day following its publication.

Adopted this 12th day of May, 2015 by the New Brighton City Council with a vote of _____ ayes
and ____ nays.

BY THE CITY COUNCIL

Dave Jacobsen, Mayor

ATTEST:

Dean R. Lotter, City Manager

Terri Haarstad, City Clerk

**ORDINANCE NO. 831
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**AN ORDINANCE AMENDING
CHAPTER 31, ARTICLE 1, SECTION 31-1
OF THE CITY CODE
ENSURING COMPLIANCE WITH
MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4) GENERAL PERMIT**

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS as follows:

Section 1. New Brighton City Code, Chapter 31, Article 1, Section 31-1 is amended by adding the underlined material as follows:

Sec. 31-1. Purpose.

- (1) The municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statutes, Section 444.075. The utility revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes. (Ord. No. 608, 12-13-94; Code of 2001)
- (2) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (3) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (4) To establish legal authority to carry out all inspection, surveillance, enforcement, and monitoring procedures necessary to ensure compliance with this Article.
- (5) This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 103B and 462, Minnesota Rules, Parts 6120.2500-6120.3900 and 7050.0210; Minnesota Rules Chapters 8410, 8420.

Section 2. This ordinance shall effective the day following its publication.

Adopted this 12th day of May, 2015 by the New Brighton City Council with a vote of _____ ayes
and _____ nays.

BY THE CITY COUNCIL

Dave Jacobsen, Mayor

ATTEST:

Dean R. Lotter, City Manager

Terri Haarstad, City Clerk

ORDINANCE NO. 833
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

AN ORDINANCE AMENDING
VARIOUS SECTIONS OF CHAPTER 14
OF THE CITY CODE
ENSURING COMPLIANCE WITH
MUNICIPAL SEPARATE STORM SEWER
SYSTEM (MS4) GENERAL PERMIT

THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON ORDAINS as follows:

Section 1. New Brighton City Code, Chapter 14, Article 2, Section 14-18 is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

Sec. 14-18. Plan Required.

~~The application shall be accompanied by a plan showing the existing conditions and topography of the land and the proposed completed topography. The application shall be accompanied by a plan that completes all of the requirements in Chapter 7 as well as the Engineering Design Standards. A registered professional engineer must complete the plan if the area to be excavated, filled, or reclaimed is greater than 12,000~~ 10,000 square feet. (Code 1966; Ord. No. 281, 6-22-71; Code of 1988; Code of 2001)

Section 2. New Brighton City Code, Chapter 14, Article 2, Section 14-21 is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

Sec. 14-21. Performance Standards.

(1) The review of the application shall take into consideration the health, safety, and general welfare of the inhabitants of the City. The permit issued shall include:

- A. Finished grade plan which will not adversely affect the adjacent land. Said plan shall be a condition for issuance of the permit.
- B. Designation of the type of fill or extracted material permitted.
- C. Plans for rodent control and fire control.
- D. Designation of the manner in which the site and adjacent area are to be maintained during the operations.
- E. Provisions for control of material dispersed by wind and water and from hauling of material to or from the site.
- F. Specifications for general maintenance of the site during the operation including systematic leveling and landscaping.

(2) Other required performance standards shall be:

- A. Land brought to grade by fill of non-earth material shall be covered with clean

earth.

B. Areas of exposed non-earth fill shall at all times be kept to a minimum.

C. All non-earth materials shall be non-combustible and in no case shall garbage or other combustible material be used as fill unless approved by the City Council as a private or public dumping ground.

D. Landscaping by systematic planting of the excavated, filled, or reclaimed portion of the site with cover crops shall be required. (Code 1966; Ord. No. 281, 6-22-71; Code of 1988; Code of 2001)

E. Depending on applicability, the project shall follow the standards established in the Engineering Design Standards.

Section 3. New Brighton City Code, Chapter 14, Article 3, Section 14-24 is amended by deleting the ~~stricken~~ material and adding the underlined material as follows

Section 14-24. Permit for Land Disturbing Activities

(1) No construction, reconstruction, development, redevelopment, grading, excavation or other activity shall occur without first securing a permit from the City Engineer if such activity causes a land disturbance of one acre or more of land or a land disturbance of less than one acre if it is a part of a common plan of development of one acre or more.

(2) The applicant shall submit an erosion and sediment control plan. The plan shall meet the requirements established in Engineering Design Standards. ~~The plan shall meet the following requirements:~~

~~A. The plan shall be consistent with the Minnesota Pollution Control Agency's Best Management Practices Handbook.~~

~~B. The plan shall describe steps to be taken to control construction impacts on water quality such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.~~

~~C. The plan shall provide 2 foot contour lines with spot elevations of proposed grades in relation to existing grades on the subject property and adjacent land. The location and type of erosion control devices shall be clearly labeled.~~

~~D. The plan shall include every effort to minimize disturbances of existing ground cover and shall provide that ground cover shall be provided within five (5) days after completion of the grading operation or such earlier time as may be provided by other law, rate or regulation. Erosion control devices shall not be removed until ground cover is established.~~

~~E. The plan shall address the management of post development runoff and means of assuring the long term maintenance and operation of best management practices and storm water management structures, devices and methods.~~

~~F. If the land disturbing activity involves construction, the plan shall include procedures to be followed to control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, all in accordance with applicable laws, ordinances, regulations and City policies for such activities.~~

(3) Depending on the applicability, the applicant may be required to submit a stormwater management plan as per City Code Chapter 7 requirements. The plan shall meet the requirements established in Chapter 7 of the City Code as well as the Engineering Design Standards.

(4) The Engineer may require such additions or modifications to the plan and may impose such conditions and restrictions on the permit as the Engineer deems necessary to provide water quality protection. Such conditions may include, but are not limited to: limiting the size, kind or character of the proposed development; requiring the construction of structures, drainage facilities, storage basins and other facilities; requiring the replacement of vegetation; establishing required monitoring procedures; requiring that the work be staged over time; requiring the execution and filing of such declarations or agreements as the Engineer deems necessary to assure the continuing monitoring and maintenance of all facilities and systems; and requiring a performance bond, or other acceptable security, to assure that all facilities and systems are constructed as required.

(5) Every effort shall be made during the permit application process to determine the full extent of erosion control required. However, the City Engineer may require additional controls to correct specific site related problems as inspections are performed during construction.

(6) All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading or construction.

(7) All activities requiring a permit under this section shall conform to all requirements of federal, state and local laws, rules and regulations including the Rice Creek Watershed District.

(8) The City Engineer shall inspect and enforce all control measures and shall receive and consider reports of non-compliance or other information on construction issues related to water quality submitted by members of the public. Non-compliance with the requirements of this section, the approved plan, any conditions or restrictions imposed by the City Engineer, or any orders issued by the City Engineer under paragraph (4) of this Section is a violation of this Section. Violation of this Section is a misdemeanor and constitutes grounds for the City to issue an order to halt all construction or pursue any other legal or equitable remedy to enforce the requirement of this Section. (Ord No 761 6-24-2008)

Section 4. This ordinance shall effective the day following its publication.

Adopted this 12th day of May, 2015 by the New Brighton City Council with a vote of _____ ayes and _____ nays.

BY THE CITY COUNCIL

Dave Jacobsen, Mayor

ATTEST:

Dean R. Lotter, City Manager

Terri Haarstad, City Clerk