2006-Or-___

AN ORDINANCE of the CITY OF MINNEAPOLIS

By Samuels

Amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection; Storm Water Management.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 54.40 of the above-entitled ordinance be amended to read as follows:

54.40. Definitions. For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits a Storm Water Management Plan pursuant to this ordinance and the person's agents, employees, and others acting under this person's direction.

<u>Assistant city coordinator of regulatory services is the assistant city coordinator</u> of regulatory services of the City of Minneapolis and the assistant city coordinator's duly authorized designees.

Best Management Practices (BMP) --See Storm Water Management Best Management Practices.

City engineer is the city engineer/director of public works of the City of Minneapolis and duly authorized designees.

Clearing and grubbing is the cutting and removal of trees, shrub, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains.

Connected actions -- See phased or connected actions.

Constructed facilities -- See storm water management constructed facilities.

Detention facility is a natural or built structure that provides for the temporary storage of storm water runoff and release at controlled rates.

Design Manual --See Minneapolis Storm Water Management Design Manual, Section 54.30.

Director of regulatory services is the director of regulatory services of the City of Minneapolis and duly authorized designees.

Impervious surface is one that does not allow rainfall to soak into the ground, including but not limited to the rooftops and paved areas such as roads, parking lots, driveways, sidewalks and plazas.

Issuing authority for Storm Water Management Plan approval and certification is the city engineer and for registration and maintenance is the director of regulatory services.

Land disturbing activity is any land change, including phased or connected actions, within the City of Minneapolis including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, or other changes of the land surface including removing vegetative or impervious cover.

Minneapolis Storm Water Management Design Manual --See Section 54.30.

Mitigation is avoiding, minimizing, rectifying, or compensating for impacts.

Non-structural best management practices --See Best Management Practices.

Owner is any person with a legal or equitable interest in the land that includes one (1) or more storm water management constructed facilities.

Person is any individual, firm, corporation, partnership, franchisee, association or governmental entity.

Phased or connected actions are as defined by Minnesota Environmental Review Rules, as follows:

(1) *Phased action* means two (2) or more projects to be undertaken by the same proposer that the city engineer determines:

a. will have environmental effects on the same geographic area, and

b. are substantially certain to be undertaken sequentially over a limited period of time.

(2) *Connected actions:* Two (2) projects are "connected actions" if the city engineer determines they are related in any of the following ways:

a. one (1) project would directly induce the other;

- b. one (1) project is a prerequisite for the other; or
- c. neither project is justified by itself.

Pollution is the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Project is an undertaking that involves land disturbing activities, including phased or connected actions.

Public waters are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

Receiving water body is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

Regional storm water facility is a natural or built structure or device within the project's receiving water body drainage area, when so designated by the city engineer.

Responsible party is the property owner and agents, employees, and others acting under the property owner's direction.

Retention facility is a natural or built structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Site is the land on which the project, including phased or connected actions, is located.

Site plan is a plan or set of plans showing the details of any land disturbing activity including, but not limited to, the construction of structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Soil is naturally occurring surficial deposits overlying bedrock.

Storm Water Best Management Practices (BMPs) are practices, techniques, or measures which are proven to be effective in managing one (1), or more than one (1), of the following: storm water runoff rate, storm water runoff volume, pollutants conveyed by storm water runoff. Best management

practices include, but are not limited to, official controls, structural and nonstructural best management practices, and operation and maintenance procedures. A partial list of structural best management practices and devices pond systems/detention basins, infiltration, bioretention and vegetated channels, grit chambers, oil/water separators, filtration systems, and diversions. A partial list of non-structural best management practices lawn care education, organic litter management, street sweeping, catch basin stenciling, and catch basin cleaning. BMPs are further defined in the design manual.

Storm water hotspot is a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff.

Storm water management is the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize channel erosion, flood damage, or degradation of water quality and in a manner to protect and enhance the environment, public health, safety, and general welfare.

Storm water management devices include, but are not limited to, constructed wetlands, wet ponds, wet extended detention ponds, pocket ponds, multiple pond systems, settling basins, infiltration trenches or basins, filter systems bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping, and diversions.

Storm water management goals are based on the receiving water body and emphasize overall volume reduction, nutrient reduction for storm water discharge to lakes, rate control for storm water discharge to streams, and suspended solids removal for storm water discharge to the Mississippi River.

Storm Water Management Plan (Plan) is the set of drawings, calculations, and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control storm water as required by this ordinance and the design manual.

Storm water pond is a facility capable of holding water on a long-term seasonal or permanent basis (retention), or a short-term basis (detention), the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands, lakes, streams, and rivers.

Storm water runoff is the direct response of a watershed to precipitation or snowmelt and includes runoff that enters a ditch, stream, storm drain or other concentrated flow.

Structural best management practices --See Storm Water Best Management Practices.

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

Water quality refers to those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity refers to those characteristics of storm water runoff that relate to rate and volume.

Watershed is the drainage area contributing storm water runoff to a specific receiving body of water or watercourse such as a lake, creek, or river.

Wetlands are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19.

Section 2. That Section 54.90 of the above-entitled ordinance be amended to read as follows:

54.90. Responsibility following construction/completion. (a) *Duration.* An approved Storm Water Management Plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of flood storage or treatment of storm water runoff shall be preserved and maintained for that use, including areas required for maintenance and inspection.

(b) *Changes to plans.* A responsible party can request modifications to an approved Storm Water Management Plan, and the issuing authority can order modifications to an approved Storm Water Management Plan. Any modification to an approved Storm Water Management Plan must be approved by the city engineer.

(c) Annual notification. The assistant city coordinator of director of regulatory services shall annually notify responsible parties of storm water management devices of the need to register, that the devices are subject to annual inspection, and to conduct maintenance on a one (1) year interval or in accordance with maintenance plans on file.

(d) Annual site registration. Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this ordinance or existing prior to this ordinance shall register that site annually with the <u>assistant city coordinator of director of regulatory services</u>, remit an annual registration fee at the rate <u>as established in Appendix J of eighty dollars (\$80.00)</u> per storm water management device. , plus forty dollars (\$40.00) for each additional device, and <u>Submission and payment</u> confirm that <u>the site's storm water management devices have has</u> been inspected, maintained and <u>are is</u>-functioning satisfactorily. <u>The annual fee shall be due and payable on December 31 of each year. If registration is not received or</u>

postmarked on or before December 31 of each year, the applicant shall pay double the fees provided for such registration. Failure to obtain the appropriate permit prior to discharging will result in a doubling of fees. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(e) Annual inspection of storm water facilities. All storm water management devices are subject to annual inspection by the <u>assistant city coordinator of director of</u> regulatory services. If the city engineer or <u>assistant city coordinator of director of</u> regulatory services deems that devices are not functioning satisfactorily, a notice of noncompliance may be issued and procedures followed as described in Section 54.90(f)(2).

(f) Maintenance of storm water constructed facilities.

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved Plan shall be required unless the Plan is modified and approved by the city engineer (54.90(2)). All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

a. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of.

b. All planted materials integral to storm water facility performance, safety, and/or aesthetic quality shall be maintained in proper condition consistent with design performance standards, including replacement when necessary.

(2) Action upon non-compliance. In the event maintenance does not conform to the approved Plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of Section 54.90(f)(1) will constitute a violation pursuant to Section 54.90(f)(2), and the issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in Section 54.120.