

**ALEXANDRIA TOWNSHIP
ORDINANCE 121**

**ALEXANDRIA TOWNSHIP
DOUGLAS COUNTY, MINNESOTA**

STORM WATER MANAGEMENT ORDINANCE

Table of Contents:

Section 1.0 Purpose

Section 2.0 Scope

Section 3.0. Definitions

Section 4.0 Storm Water Management Plan

- 4.1 General Policy on Storm Water Runoff Rates
- 4.2 The Storm Water Management Plan and the Grading Plan
- 4.3 Inspections of the Storm Water Management Plan's Measures
- 4.4 Minimum Requirements of the Storm Water Management Plan
- 4.5 General Storm Water Management Plan Criteria
- 4.6 Minimum Storm Water Management Measures and Related Inspections
- 4.7 Permanent Storm Water Management Controls
- 4.8 Minimum Protection for Natural Wetlands
- 4.9 Models/Methodologies/Computations

Section 5.0. Review

- 5.1 Final Plan and Financial Security.
- 5.2 Pre-Construction Meeting.
- 5.3 Permit Required
- 5.4 Permit Denial
- 5.5. Permit Suspension and Revocation

Section 6.0. Modification of Plan

- 6.1 Records Retention

Section 7.0 Financial Securities

- 7.1 Maintaining the Financial Security
- 7.2 Action Against the Financial Security
- 7.3 Emergency Action
- 7.4 Returning the Financial Security

Section 8.0 Notification of Failure of the Storm Water Management Plan

- 8.1 Notification by the Township
- 8.2 Erosion Off-Site
- 8.3 Erosion into Streets, Wetlands or Water Bodies
- 8.4 Failure to Do Corrective Work

Section 9.0 Variance

- 9.1 Variance Request
- 9.2 Variance Public Notice
- 9.3 Variance Determination
- 9.4 Variance Response
- 9.5 Variance Expiration Date
- 9.6 Variance Revocation

Section 10.0. Enforcement.

- 10.1 Penalties

Section 11.0 Right of Entry and Inspection

- 11.1 Powers

Section 12.0 Abrogation and Greater Restrictions

Section 13.0 Severability.

Section 14.0. Effective Date

**ALEXANDRIA TOWNSHIP
DOUGLAS COUNTY, MINNESOTA**

STORM WATER MANAGEMENT ORDINANCE

The Alexandria Township Board (“Township”) ordains:

Section 1.0 Purpose. The purpose of this Section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the Township.

1.010 Coordination with Douglas County and the State of Minnesota The Township recognizes that Douglas County and the State of Minnesota have regulations affecting stormwater control and management and that both the County and State have a responsibility to ensure that their respective regulations and procedures are followed. The Township will seek in every instance to coordinate with County or State regulations and procedures so as not to create unnecessary burden to the applicant.

Section 2.0 Scope. Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the Township shall apply to the Township for the approval of an erosion and sediment control plan when a land disturbance activity results in one acre or more of exposed soil as part of a construction or grading activity, a common plan of development or sale, the construction of a new commercial or industrial facility and shall be approved by the Zoning Administrator. The Zoning Administrator may require an erosion and sediment control plan for land disturbance less than one acre when determined necessary due to potential impacts of construction on the property or surrounding properties. When a plan is required, no land shall be disturbed until the plan is approved by the Zoning Administrator and conforms to the standards set forth herein.

2.010 Exemptions: Linear road construction, widening or maintenance projects not related to a specific development project (e.g. county or township-funded road projects) where the lack of right of way precludes the installation of any of the permanent storm water management practices outlined in this ordinance shall be exempt from its requirements provided that other treatment such as grassed swales, smaller ponds, or grit chambers, is provided prior to discharge to surface waters and further provided that such projects are undertaken in accordance with all applicable state and federal regulations regarding erosion control and stormwater management.

2.020 Future Development¹: In cases where a common plan of development or sale involves little or no disturbance of soil prior to final approval of the development, but where impervious surfaces will necessarily be created for the intended use, the developer shall provide estimates of future impervious surfaces on each lot to determine whether they are subject to the requirements of Section 4.7 and other applicable requirements of this ordinance. At a minimum, the estimates shall

¹ Added 4/2/2007 – Resolution #07-02

conform to the guidelines in TR-55: Urban hydrology for Small Watersheds (NRCS, 1986). If the specific project is reasonably expected to involve greater disturbance than these guidelines, the greater amount of disturbance shall be used to determine whether the project is subject to Section 4.7 and other applicable requirements of this ordinance.

Section 3.0. Definitions. These definitions apply to this ordinance. Unless specifically defined below, the words or phrases used in this ordinance shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

3.010 Applicant Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term “applicant” also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

3.011 Best Management Practices (BMPs) Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Examples of BMP's can be found in the current versions of the Minnesota Pollution Control Agency's publications, “Protecting Water Quality in Urban Areas”, “State of Minnesota Stormwater Manual”, and, “Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands,” the Metropolitan Council's “Minnesota Urban Small Sites BMP Manual” (available as a compact disk or on the Internet world wide web under the address: www.metrocouncil.org/environment/environment.htm), the United States Environmental Protection Agency's, “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” (as a reference for BMP's and the Minnesota Department of Transportation's, “Erosion Control Design Manual.”)

3.012 Common Plan of Development or Sale A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

3.013 Developer Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

3.014 Development Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

3.015 Discharge The release, conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.

3.016 Energy Dissipation This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

3.017 Erosion 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.

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

3.019 Erosion and Sediment Practice Specifications or Practice The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, Township or local watershed group, whichever is more stringent.

3.020 Exposed Soil Areas All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered “exposed soil,” until it meets the definition of “final stabilization.”

3.021 Filter Strips A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

3.022 Final Stabilization Means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its preconstruction agricultural use.

3.023 Hydric Soils Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

3.024 Hydrophytic Vegetation Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

3.025 Impervious Surface A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Areas normally considered pervious may be considered impervious if they have been compacted from vehicle traffic or other means.

3.026 Land Disturbance Activity Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- A. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work, unless such activity exceeds one acre in exposed soil.
- B. Additions or modifications to existing single family structures which results in creating under one acre of exposed soil or impervious surface and/or is part of a larger common development plan.
- C. Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under one acre of exposed soil or impervious surface.
- D. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
- E. Emergency work to protect life, limb, or property and emergency repairs. If a plan would have been required, except for the emergency, then the disturbed land area shall be shaped and stabilized in accordance with the Township's requirements as soon as possible.²

3.027 Native Vegetation The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

3.028 Ordinary High Water Mark This is generally the boundary elevation where the vegetation changes from predominately aquatic (Where "aquatic" broadly means that the vegetation can survive moist conditions.) to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minnesota Statute 103G.005, subdivision 14 says that the ". . . "Ordinary high water level . . ." means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:

- A. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- B. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- C. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The term "ordinary high water mark" is further defined in Minnesota Rule 6120.2500, subpart 11. Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.

² Amended 4/2/2007 – Resolution #07-02

3.029 Outstanding Resource Value Waters (ORVW) Minnesota Rule 7050.0180, subpart defines ORVW's as, "...waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution."

3.030 Paved Surface A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

3.031 Permanent Cover Means "final stabilization." Examples include grass, gravel, asphalt, and concrete. See also the definition of "final stabilization."

3.032 Permit With in the context of this rule a "permit" is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities

3.033 Phased Project or Development Clearing a parcel of land in distinct phases, with at least fifty percent (50%) of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.

3.034 Pre-Development³ The land cover in place prior to the proposed project.

3.035 Runoff Coefficient The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

3.036 Sediment The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

3.037 Sedimentation The process or action of depositing sediment.

3.038 Sediment Control The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

3.039 Significant Redevelopment Alterations of a property that changes the "footprint" of a site or building in such a way that results in the disturbance of over one (1) acre of land. This term is not intended to include activities, which would not be expected to cause adverse storm water quality impacts and offer no new opportunity for storm water controls, such as exterior remodeling.

3.040 Soil The unconsolidated mineral and organic material on the immediate surface

³ Added 4/2/2007 – Resolution #07-02

of the earth. For the purposes of this document temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered “soil” stockpiles.

3.041 Stabilized The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

3.042 Steep Slope Any slope steeper than twelve (12) percent (Twelve (12) feet of rise for every one hundred (100) feet horizontal run).

3.043 Storm Water Under Minnesota Rule 7077.0105, subpart 41b storm water, “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.” (According to the Code of Federal Regulations (CFR) under 40 CFR 122.26 [b][13], “Storm water means storm water runoff, snow melt runoff and surface and drainage.”). Storm water does not include construction site dewatering.

3.044 Storm Water Management Plan A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 4, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

3.045 Structure 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.

3.046 Subdivision Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, “. . . land that is divided for the purpose of sale, rent, or lease, including planned unit development.”

3.047 Temporary Protection Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

3.048 Urban Of, relating to, characteristic of, constituting a Township.

3.049 Vegetated or Grassy Swale A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration. (*Commentary: Storm water controls using infiltration need protection against silt plugging, such as settling basins and manhole silt sumps. Otherwise silt plugging can result in failure rates as high as 80-90% in only five years.*)

3.050 Very Steep Slope Any slope steeper than one foot of rise for each three feet of horizontal run (Thirty-three (33) percent slope).

3.051 Waters of the State As defined in Minnesota Statutes section 115.01, subdivision 22 the term “. . . ‘waters of the state’ means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or

accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.”

3.052 Wet Detention Facility A permanent man-made structure, containing a permanent pool of water, used for the temporary storage of runoff.

3.053 Wet Retention Facility The same as a wet detention facility.

3.054 Wetlands As defined in Minnesota Rules 7050.0130, subpart F, “. . . ‘wetlands’ are those 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. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- A. A predominance of hydric soils;
- B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition, and;
- C. Under normal circumstances support a prevalence of such vegetation.”

Section 4.0 Storm Water Management Plan. Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water management plan to the Zoning Administrator. No building permit, subdivision approval (preliminary or final), or permit to allow land disturbing activities shall be issued until the Township approves this plan. At a minimum these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency’s publication), “State of Minnesota Stormwater Manual”

4.1 General Policy on Storm Water Runoff Rates. Release rates from storm water treatment basins shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

For discharges to wetlands volume control is generally more important than discharge rate control.

4.2 The Storm Water Management Plan and the Grading Plan⁴. The storm water management plan’s measures and the limit of disturbed surface shall be marked on the approved grading plan.

4.3 Inspections of the Storm Water Management Plan’s Measures. At a minimum, the developer or the developer’s designated representative shall inspect the plan’s measures for compliance with this ordinance weekly, and within twenty-four (24) hours after every storm or snow melt event large enough to result in runoff from the site (approximately 0.25 inches or more in twenty-four (24) hours). At a minimum, these inspections shall be done during active construction. The Township, or

⁴ Amended 4/2/2007 – Resolution #07-02

its designated representative, may make such inspections as it deems necessary to ensure compliance with the Plan's Measures.

The developer, or the developer's designated representative, shall notify the township when all required permanent stormwater controls have been installed and are ready for inspection (all disturbed areas have been stabilized). The Township shall inspect the completed permanent stormwater controls within ten (10) business days of receiving notification and issue written confirmation from the Township Engineer, or their designated representative, that all permanent stormwater controls have been installed according to the plan and the requirements of this ordinance. If deficiencies exist, the Zoning Administrator shall notify the developer of the deficiencies and shall not issue written approval of the controls until they have met all requirements.

- 4.4 Minimum Requirements of the Storm Water Management Plan⁵. The plan shall **meet all requirements as required by the State of Minnesota and the NPDES Phase II program.** **In addition**, the plan shall contain the following minimum requirements:

Information Required for Preliminary Plan

- A. Location map. An 11'x17" map locating the site in relation to the surrounding area.
- B. Indicate north. Show the direction of north in relation to the site
- C. Scale. Indicate scale in relation to the actual size of the site, usually in feet per inch
- D. Benchmark. Show the established elevation affixed to a permanent object, which can be used to check grade.
- E. Plan preparer. Indicate the name and phone number of the individual or agency responsible for preparation of the plan.
- F. Contact person. Give the name and phone number of the individual responsible for plan implementation.
- G. Existing contours. Show existing two foot contours of the site extending at least 200 feet beyond the property boundaries.
- H. Final contours. Show all proposed changes to the existing contours due to land disturbance.
- I. Existing vegetation. Indicate existing woods, tree lines, cultivated areas, grass/hay fields, CRP, wetlands and other vegetative types.
- J. Soil types. Erosion control plans shall identify the boundaries of the soil types present on-site. This requirement shall apply only if infiltration is to be used for treatment.
- K. Disturbed area. Identify the disturbed acreage for each drainage area. Include roads and lot clearing.
- L. Utilities. Show the locations of storm sewer, sanitary sewer, water supply, electrical and other utilities in the area of the proposed development.
- M. Critical erosion areas. Identify areas susceptible to erosion during and after construction. Critical erosion areas are areas which are prone to accelerated erosion, areas which have

⁵ Amended 4/2/2007 – Resolution #07-02

slopes of 12% or greater, areas of long, continuous slopes or areas which contain erosive soils.

- N. Adjacent areas. Describe neighboring areas which could be affected by land disturbance.
- O. Identification of the party responsible for ongoing maintenance of any permanent facility. Maintenance may be by the Township after official acceptance by the Township Board, by a legally organized homeowner's association upon submittal of sufficient legal documentation that is approved by the Township Attorney, by a watershed district after official acceptance by the district, or by other means acceptable to the township.
- P. A brief written summary/drainage design report stating the intent, scope of work and system performance.

Information Required at Final Plan

- A. Three (3) copies of MPCA "Application for General Stormwater Permit for Construction Activity" (MNR100001) as has been or will be submitted to the MPCA.
- B. Copy of final Storm Water Pollution Prevention Plan (SWPPP), as required by the State of Minnesota and the NPDES Phase II program.
- C. Soil types. Erosion control plans shall identify the boundaries of the soil types present on-site – if not previously submitted in the preliminary plan.
- D. Location of BMP. Indicate the location of erosion and sediment control practices proposed for the site.
- E. Implementation schedule. Outline the proposed order of land clearing, road installation and other aspects of construction and the anticipated timeline for each stage.
- F. Sediment pond. Show the location of any temporary pond to be used to collect sediment during construction.
- G. Temporary erosion control plan. Indicate how erosion on the site will be temporarily controlled until permanent erosion control can be implemented (seeding and mulching rates, sod installation, etc.)
- H. Financial Security for 125% of the estimated construction costs (including all labor costs and required temporary erosion control measures) or for three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will be simultaneously exposed to erosion during the project's construction, whichever is more. The security must meet all requirements of Section 7 of this ordinance.
- I. All storm water management facilities shall have a plan of operation, maintenance and clean-out that assures continued effective removal of sediment carried in storm water runoff. This plan shall include a copy of legal documents assigning responsibility for maintenance of any permanent stormwater facilities or required drainage easements.
 - 1. All permanent drainage easements shall be indicated and recorded as required by the Zoning Administrator and shall ensure adequate access for maintenance purposes.
 - 2. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property

owners any necessary easements or other property interests concerning the flowing of such water.

3. Stormwater ponds will be located in a permanent easement. The easement will contain the 100-year post-development elevation, plus an additional 10 feet at a 10:1 slope or flatter. Access to the pond will also be in a permanent easement. Permanent easements for access to the pond will be looked at on an individual basis.
- J. A landscaping plan for any stormwater ponds and the surrounding area shall be prepared to indicate how aquatic and terrestrial areas will be stabilized and established with vegetation and how these areas will be maintained. The plan shall be prepared by a qualified professional and shall conform as much as possible or feasible with the recommendations contained in the most current version of the MPCAs “Minnesota Stormwater Manual” (Chapter 12-8 in Version 1.1).

4.5 General Storm Water Management Plan Criteria. The plan shall address the following:

- A. No land disturbing activity shall result in active gully erosion or create negative off-site impacts.]
- B. No land disturbing activity shall result in an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- C. No land disturbing activity shall result in the creation of unstable slopes, which persist after the completion of the development.
- D. Permanent or temporary soil stabilization shall be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, but not to exceed fourteen (14) days after a substantial portion of rough grading has been conducted unless an extension is granted by the Zoning Administrator. Soil stabilization measures shall be selected to be appropriate for the time of year, site conditions and estimated duration of use.
- E. Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.
- F. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- G. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
- H. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt fences) and other measures intended to trap sediment on-site shall be constructed prior to or concurrent with any grading and shall be functional before upslope land disturbance takes place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within fourteen (14) days of installation.
- I. Storm water runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility.
- J. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Slopes which will not be vegetated within one (1) year of construction shall be provided with additional slope stabilizing measures until the problem is corrected. Slopes

that are found to be eroding excessively shall immediately be provided with additional slope stabilizing measures until the problem is corrected.

- K. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity and peak flow rate of storm water runoff.
- L. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 100-year frequency storm without eroding.
- M. Rip-rap shall be placed at culvert outfalls in accordance with applicable MnDOT standard specifications.
- N. All storm sewer inlets which are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- O. Construction vehicles and other equipment shall be kept out of watercourses to the maximum extent possible.
- P. Wherever construction vehicle access routes intersect paved public roads, provisions, such as rock construction entrances, shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surfaces.
- Q. All temporary erosion and sediment control measures shall be properly disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the Zoning Administrator.
- R. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended functions.
- S. All permanent drainage easements shall be indicated and recorded as required by the Zoning Administrator and shall ensure adequate access for maintenance purposes.
- T. A landscaping plan for any stormwater ponds and the surrounding area shall be prepared to indicate how aquatic and terrestrial areas will be stabilized and established with vegetation and how these areas will be maintained. The plan shall be prepared by a qualified professional and shall conform as much as possible or feasible with the recommendations contained in the "Minnesota Stormwater Manual, Version 1.1," Chapter 12-8⁶ as revised from time to time.

4.6 Minimum Storm Water Management Measures and Related Inspections⁷. These minimum control measures are required where bare soil is exposed:

- A. All storm water management measures must be designed, installed and maintained consistent with the most current Best Management Practices.
- B. All grading plans must be reviewed by the Township for the effectiveness of erosion control measures in the context of site topography and drainage.
- C. Sediment control measures must be properly installed by the builder before construction activity begins

⁶ Amended 4/2/2007 – Resolution #07-02

⁷ Amended 4/2/2007 – Resolution #07-02

- D. Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- E. Easements. If a storm water management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
- F. The scheduling of the site's activities to lessen their impact on erosion and sediment Creation, so as to minimize the amount of exposed soil.
- G. Generally, sufficient silt fence shall be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through silt fence's pores.
- H. For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means.
 - 1. If for any reason a soil or non-soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm water inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner.
 - 2. All non-soil (clean sand, gravel, concrete or bituminous) must at a minimum have a silt fencing or other effective sediment control measures installed.
- I. All sand, gravel or other mining operations taking place on the development site shall apply for a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.
- J. Temporary rock construction entrances, or equally effective means of preventing vehicles from tracking sediment from the site, may be required wherever vehicles enter and exit a site.
 - 1. Vehicle tracking of sediment from the site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate.
- K. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available.
- L. Streets must be cleaned and swept whenever tracking of sediments occurs and before the site is left idle for weekends and holidays. A regular sweeping schedule should be established.
- M. Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
- N. All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication,),"State of Minnesota Stormwater Manual"

- O. Excessive removal of topsoil from the project site is discouraged. Excessive removal of topsoil from the project's site can cause significant current and future soil erosion problems.
- P. Inspection and maintenance. All storm water management facilities must be designed to minimize the need of maintenance, to provide easy vehicle (typically ten (10) feet or wider) and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water runoff and identifies the responsible party for performing any maintenance requirements. The Township or its designated representative may inspect all storm water management facilities during construction, during the first year of operation and at least once **every five (5) years** thereafter. The Township will retain on file, at a minimum, the last three inspections.
 - 1. Inspection and maintenance easements. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.
- Q. Follow-up inspections may be performed by the Township on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites.
 - 1. In cases where cooperation is withheld, construction stop orders may be issued by the Township, until all erosion and sediment control measures meet specifications.
- R. All infiltration areas must be inspected to ensure that sediment from ongoing construction activities is not reaching infiltration areas, and that these areas are also being protected from soil compaction from the movement of construction equipment.

4.7 Permanent Storm Water Management Controls. The purpose of this Section is to prevent or reduce, to the most practicable extent, the effect or impacts of storm water runoff and to provide for the protection of public waters and natural and artificial water storage and retention areas within the Township. Further, this Section clarifies the performance standards as they pertain to standards and specifications for conservation practices and storm water planning activities.

- A. **Performance Standards⁸**: Property storm water management practices shall be followed within the Township as described in this Section.
 - 1. General Standards:
 - a). Soil laden runoff shall be treated before it is allowed to enter any water body. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes, manmade materials and facilities.
 - b). Storm water rate control. When one acre of new impervious surface is added a storm water management plan shall include the design of all storm water management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary do not exceed pre-development conditions and so that accelerated channel erosion on and off-site will not occur as a result of the proposed land

⁸ Amended 4/2/2007 – Resolution #07-02

disturbing or development activity. If a regional pond has been designated for this area the peak discharge rates may or may not apply.

- c). The minimum design capacity of all drainage systems shall accommodate the runoff from a ten (10) year storm event. All drainage systems and facilities, shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and without significant risk to human health and safety.
- d). The applicant or their successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified in the storm water management plan. At the time of completion of the development, those structures, measures and systems constituting the storm water runoff facility may be permanently maintained by the Township after official acceptance by the Township Board, by a legally organized homeowner's association, by a watershed district after official acceptance by the district or by other means acceptable to the Township.
- e). The applicant or their successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified in the storm water management plan. At the time of completion of the development, those structures, measures and systems constituting the storm water runoff facility may be permanently maintained by the Township after official acceptance by the Township Board, by a legally organized homeowner's association, by a watershed district after official acceptance by the district or by other means acceptable to the Township.
- f). The applicant or their successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified in the storm water management plan. At the time of completion of the development, those structures, measures and systems constituting the storm water runoff facility may be permanently maintained by the Township after official acceptance by the Township Board, by a legally organized homeowner's association, by a watershed district after official acceptance by the district or by other means acceptable to the Township.
- g). After approval of the storm water management plan, but prior to disturbing any soil, the applicant shall furnish the township with an acceptable financial guarantee as stipulated in Section 7 of this ordinance.
- h). Storm water volume control. For protection of downstream water bodies and properties that have had storm water issues due to a limited outlet or where there is no outlet, post development runoff volumes shall not exceed pre-development conditions. For protection of downstream water bodies, the most current Best Management Practices (BMPs) shall be employed to reduce the general impacts of runoff volume and rates. Development resulting in the creation of impervious surfaces must explicitly address the use of BMPs to limit the loss of pervious areas. BMPs to be evaluated shall include, but not be limited to, vegetated swales, pond outlets perched above ground water levels, roof drainage to pervious areas, depressed casual storage areas,

minimization of the number and width of parking stalls "rural section" roads and road width minimization and mitigation of disturbed soils.

- i). Prevention of downstream nuisance and damage. When conditions do not permit post-development runoff volumes to safely pass downstream properties, the applicant shall provide a storm water pond to control the post development rates so downstream properties or water resources are not adversely affected.
- j). Storm water management facilities must be designed, installed and maintained consistent with the most current Best Management Practices.
- k). Developments shall be planned and conducted in a manner that will minimize the extent of disturbed area, runoff velocities, erosion potential and both reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected and facilities or methods used to retain sediment on site.
- l). All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation, maintenance and clean-out that assures continued effective removal of sediment carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

2. Specific Standards for Storm Water Conveyance and Rate Control Facilities.

- a). All storm water management calculations submitted to the Township for review as part of a storm water management plan shall include sufficient information for the Township to evaluate the changes to the storm water drainage characteristics within the watershed areas affected by the proposed land disturbing activity. The applicant shall include calculations which clearly show the effects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The Zoning Administrator may require the applicant to provide any additional information, calculations or data needed to complete the review of a storm water management plan.
- b). The storm water calculations submitted for review shall be based upon standard hydrological and hydraulic analysis methods that are acceptable to the Zoning Administrator. Calculations that are based upon unproven methodologies or apply proven methodologies incorrectly shall be determined by the Township to be unacceptable and shall be returned to the applicant for correction and be resubmitted.
- c). Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the *Natural Resources Conservation Service SCS TR 55 and the SCS TR 20 methods* as defined in the current *Hydrology Guide for Minnesota*.

- d). Precipitation events for the Rational method shall be for the two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using the *U.S. Weather Bureau Technical Paper No. 40* rainfall intensity duration curves for a Type II rainfall distribution.
- e). Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be based upon the Rational method as defined in the current *Minnesota Department of Transportation Drainage Manual*.
- f). Where development site drainage discharges to an existing roadway, ditch, storm sewer or other public facility, the applicant shall provide, as part of the calculations, all survey, utility or other topographic data of the existing condition needed for the Zoning Administrator to determine that the proposed development does not impact or degrade any critical roadway element or negatively impact the safety, maintenance or function of the public facility.
- g). Drainage areas. Storm water management plans shall show existing and proposed drainage areas used for storm water analysis, including off-site portions of sub watersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g. United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available. In all drainage areas, the direction of flow for each area and the travel path used for determining the time of Concentration shall be shown. No direct entries for determining the time of Concentration shall be allowed without prior approval by the Zoning Administrator.
- h). Runoff curve numbers (RCN). Storm water management plans shall include a detailed breakdown of existing and proposed runoff curve numbers.
- i). Soil types. Storm water management plans shall identify the boundaries of the soil types present on-site and their hydrologic classification and acreage.
- j). Pre-development conditions. Appropriate runoff curve numbers from *Technical Release 55 – Urban Hydrology for Small Watersheds* shall be used to analyze pre-development conditions.
- k). For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.
- l). Impervious coverage. Storm water management calculations shall list the new impervious area created in each sub watershed and shall include the assumptions and calculations used for determining impervious areas, such as house pad, driveway and outbuildings.
- m). Runoff calculations. The applicant shall provide calculations for the two (2), ten (10) and one hundred (100) year peak discharge rates for each sub watershed comparing pre-development conditions and proposed post-development conditions.

- n). Where pre-development conditions indicate no runoff, the infiltration capacity required elsewhere in this Ordinance may be used to demonstrate compliance with a no runoff requirement for the storm frequency and duration being considered.
 - o). Storm water management plans shall show preexisting drains and tile lines. Storm water facilities shall be designed assuming that tile lines will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that makes it a suitable component of the storm water management system.
 - p). Storm water management plans shall include an evaluation of landlocked lakes and ponds in the design analysis and demonstrate that the greatest flood (500 year event) will not result in damage to man-made structures, and/or provide a positive outlet.
 - q). Storm water management plans shall identify the location of conveyance systems and clearly identify all dimensions, cross sections and outlet elevations.
 - r). Storm water management plans shall include the locations of all property lines, lot lines, section lines and adjacent plats.
 - s). Storm water management plans shall contain information which clearly identifies all elevations and grades for streets, ditches, ponds, wetlands, lakes, pipe inverts and pipe outlets.
 - t). A written summary/drainage design report documenting the designer's intent, scope of work and system performance.
3. Specific Standards for Wet Detention Basins:
- a). All wet detention basins shall be designed and constructed in accordance with the Pitt method described in the MPCA Best Management practices.
 - b). All basins shall have a permanent pool length-to-width ratio of 3:1 or greater.
 - c). Side slopes should not exceed 4:1 (5:1 or flatter is preferred).
 - d). A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1.
 - e). Designs for wet detention basins shall include, but not be limited to, calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillways, basin profiles and basin cross sections.
 - f). Stormwater ponds will be located in a permanent easement. The easement will contain the 100-year post-development elevation, plus an additional 10 feet at a 10:1 slope or flatter. Access to the pond will also be in a permanent easement. Permanent easements for access to the pond will be looked at on an individual basis.
4. Specific Standards for Volume Control

- a). Infiltration practices for control of storm water runoff volume shall be capable of infiltrating one-half (1/2) inch of runoff from all new impervious surfaces within the development within forty-eight (48) hours.
- b). Infiltration volume and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturation infiltration rate from the table below. Documented site specific infiltration or hydraulic conductivity measurements may be used in place of the values in the following table, if approved by the Zoning Administrator. The goals of these BMPs are to minimize the amount of directly connected impervious surface created, to preserve the infiltration capacity of the soil and to incorporate practices into the design which are capable of allowing the infiltration of one-half (1/2) inch of runoff from impervious surfaces within forty-eight (48) hours.

Soil Group Infiltration Rate (in/hr) Soil Texture

- (1) 0.3 sandy, loamy sand or sand loam
- (2) 0.15 silt loam or loam
- (3) 0.07 sandy clay loam
- (4) 0.03 clay loam, silty clay loam, silty clay or clay

Source: Urban Hydrology for Small Watersheds (SCS, June 1986)

- c). Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting.
- d). Areas of permanent pools tend to lose infiltration capacity over time and shall not be accepted as an infiltration practice.
- e). New constructed storm water outfalls to any public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

4.8 Minimum Protection for Natural Wetlands.

- A. Runoff must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity runoff control, depending on the individual wetland’s vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency’s publication, “Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands” for guidance. Other guidelines may be used, subject to approval by the Township.⁹

4.9) Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing storm water management structures must be approved by the Township engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the Township engineer.

⁹ Amended 4/2/2007 – Resolution #07-02

Section 5.0. Review¹⁰. The Township engineer shall review the storm water management plan. This review must be completed within thirty (30) days of receiving the plan from the applicant.

5.1 Final Plan and Financial Security. Upon approval of the storm water management plan by the Township, the applicant shall submit final plans incorporating any changes or conditions of approval required by the Township and a financial security as stipulated in Section 7 prior to commencing soil-disturbing activities on the site. The Township may impose other conditions, as deemed necessary, as part of the approval of the plan.

5.2 Pre-Construction Meeting. Upon approval of the storm water management plan, but prior to commencing soil-disturbing activities on the site, the applicant's engineer and person(s) responsible for implementation of the storm water management plan shall meet with the Township Engineer to identify and discuss any site-specific construction or design issues that shall be addressed and implemented during construction. The Zoning Administrator, after consulting with the Township Engineer, may waive this requirement if the meeting is determined to be unnecessary.

5.3 Permit Required. If the Township determines that the storm water management plan meets the requirements of this ordinance, the Township shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the final storm water management plan.

5.4 Permit Denial. If the Township determines that the storm water management plan does not meet the requirements of this ordinance, the Township shall not issue a permit for the land disturbance activity.

5.5 Permit Suspension and Revocation If the final storm water management plan is not being implemented the Township can suspend or revoke the permit authorizing the land disturbance activity.

Section 6.0. Modification of Plan¹¹. Modifications involving grade changes and/or permanent stormwater management facility locations may be made upon submission of the revised storm water management plan to the Township, and after written approval by the Township engineer. In reviewing the proposed revisions, the Township engineer may require additional reports and data.

6.1 Records Retention. The Township shall retain the written records of such modifications for at least three (3) years.

¹⁰ Amended 4/2/2007 – Resolution #07-02

¹¹ Amended 4/2/2007 – Resolution #07-02

Section 7.0 Financial Securities¹². The applicant shall provide a financial security for the performance of the work described and delineated on the approved grading plan involving the storm water management plan and any storm water and pollution control plan related remedial work. The financial security shall account for estimated construction, site grading and erosion/sediment control costs necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the storm water management plan and shall not be less than three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will be simultaneously exposed to erosion during the project's construction. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) This security must be available prior to commencing the project. The form of the security must be:

7.011 By letter of credit, cash deposit or bond in favor of the Township **for 125 percent (125%)** of the estimated construction costs or of the total financial security in Section 7.0, whichever is more.

7.012 The Township may request a greater financial security, if the Township considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

7.013 If more soil is simultaneously exposed to erosion than originally planned, the amount of the security shall increase in relation to this additional exposure.

7.1 Maintaining the Financial Security. If at anytime during the course of the work the financial security expires or is withdrawn, it shall be restored by the applicant **within ten (10) business days of receipt of the Township's notice of deficiency.** Otherwise the Township may:

- A. Withhold the scheduling of inspections
- B. Revoke any permit issued by the Township to the applicant for the site in question and any other of the applicant's sites within the Township's jurisdiction.

7.2 Action Against the Financial Security. The Township may act against the financial security, if any of the conditions listed below exist. The Township shall use funds from this security to finance any corrective or remedial work undertaken by the Township or a contractor under contract to the Township and to reimburse the Township for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

- A. The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the Township approved grading plan.
- B. The applicant fails to conform to any Township approved grading plan and/or the storm water management plan as approved by the Township, or related supplementary instructions.
- C. The techniques utilized under the storm water management plan fail within one (1) year of installation.
- D. The applicant fails to reimburse the Township for corrective action taken under Section 8.
- E. Emergency action under either part 7.4 or any part of Section 8.

¹² Amended 4/2/2007 – Resolution #07-02

7.3 Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the Township engineer, the Township may take emergency preventative action. The Township shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the Township may be recovered from the applicant's financial security.

7.3 Returning the Financial Security. Any unspent amount of the financial security deposited with the Township for faithful performance of the storm water management plan and any storm water and pollution control plan related remedial work must be released not more than one (1) full year after the completion of the installation of all such measures and the establishment of final stabilization.

Section 8.0 Notification of Failure of the Storm Water Management Plan The Township shall notify the applicant, when the Township is going to act on the financial securities part of this ordinance.

8.1 Notification by the Township. The initial contact will be to the party or parties listed on the application and/or the storm water management plan as contacts. Except during an emergency action under Section 7.4, forty-eight (48) hours after notification by the Township or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the Township at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the Township has been unable to establish contact, the Township may proceed with the corrective work.

- A. There are conditions when time is of the essence in controlling erosion. During such a condition the Township may take immediate action, and then notify the applicant as soon as possible.

8.2 Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the Township, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the Township, the applicant does not repair the damage caused by the erosion, the Township may do the remedial work required and charge the cost to the applicant.

8.3 Erosion into Streets, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

8.4 Failure to Do Corrective Work. When an applicant fails to conform to any provision of this Sections 7 or 8 within the time stipulated, the Township may take the following actions:

- A. Withhold the scheduling of inspections

- B. Suspend or revoke any permit issued by the Township to the applicant for the site in question or any other of the applicant's sites within the Township's jurisdiction.
- C. Direct the correction of the deficiency by Township forces or by a separate contract.
- D. Issuance of a permit for land disturbance activity constitutes a right-of-entry for the Township or its contractor to enter upon the construction site for the purpose of correcting erosion control deficiencies.
- E. All costs incurred by the Township in correcting storm water management deficiencies must be reimbursed by the applicant. Township shall promptly notify the applicant of any deficiencies and if payment is not made by the applicant within thirty (30) days after costs are incurred by the Township and after applicant receives the Township's notice, payment will be made from the applicant's financial securities as described in Section 7.
- F. If there is an insufficient financial amount in the applicant's financial securities as described in Section 7 to cover the costs incurred by the Township, then the Township may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall agree that the property benefits in at least the amount of the assessment and shall waive any and all right to appeal the assessment under statute, the Constitution, and case law including right of appeal under Minn. Stat. 429.081 up to the amount waived.

Section 9.0 Variance. In any case where, upon application of the responsible person or persons, the Township finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the Township in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance. The public shall be given the opportunity for comment.

9.1) Variance Request. The variance request must be in writing in a form acceptable to the Township. The applicant must clearly state their claimed hardship.

9.2) Variance Public Notice. No variance shall be adopted until a public hearing has been held by the Board of Adjustment. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the township at least ten days prior to the day of the hearing. A notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the variance relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

9.3) Variance Determination. After the public has been given the right to comment, the variance shall either be approved or disapproved by a vote of the Alexandria Township Board of Adjustment and Appeals.

9.4) Variance Response. The variance response must be in writing, and include the justification for either granting or denying the requested variance. A favorable response shall also include any special conditions imposed by the Township.

9.5) Time Limit. The variance shall become void not more than one (1) year after being granted, unless used.

9.6) Revocation. If any of the variance's conditions are violated, the Township may revoke the variance.

Section 10.0. Enforcement. The Township shall be responsible for enforcing this ordinance.

10.1 Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. A stop work order may be issued by the Township. All permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

10.2 Termination of Permit¹³. Persons wishing to terminate coverage under the permit required by this ordinance must submit a valid copy of the MPCA's *Notice of Termination (NOT)* after all MPCA requirements for permit termination have been met, subject to inspection by the Township. Unless otherwise notified within ten (10) business days of submitting the NOT, the permit shall be considered to have been terminated for the applicant.

Section 11.0 Right of Entry and Inspection.

11.1) Powers. The applicant shall promptly allow the Township and their authorized representatives, upon presentation of credentials to:

- A. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
- B. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
- C. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.

¹³ Added 4/2/2007 – Resolution #07-02

- D. Inspect the storm water management measures.
- E. Sample and monitor any items or activities pertaining to storm water management measures.
- F. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be born by the applicant.

Section 12.0 Abrogation and Greater Restrictions. The provisions of this ordinance are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Section 13.0 Severability. The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Adopted by the Alexandria Town Board of Supervisors this 15th day of December 2008, by the following vote:

YES:

NO:

Effective date: January 1, 2009

Board of Township Supervisors
Alexandria Township, Minnesota

By: _____
Roger Thalman, Chairperson

Attest:

Gregg Raisanen
Clerk
Alexandria Township, Minnesota