



## Legislation Details (With Text)

**File #:** Ord 23-17      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 4/12/2023

**Title:** Amending Chapter 52 of the Legislative Code pertaining to storm water runoff management and incorporating by reference the regulatory standards and guidelines of the Saint Paul Stormwater Management Design Standards manual.

**Sponsors:** Amy Brendmoen

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Change 52, 63 and 69, 2. St. Paul Stormwater Management Design Standards (SWMDS)\_Mar 2023

Date	Ver.	Action By	Action	Result
4/14/2023	1	Mayor's Office	Signed	
4/12/2023	1	City Council	Adopted	Pass
4/5/2023	1	City Council	Laid Over to Final Adoption	Pass
3/22/2023	1	City Council	Laid Over to Second Reading	

Amending Chapter 52 of the Legislative Code pertaining to storm water runoff management and incorporating by reference the regulatory standards and guidelines of the Saint Paul Stormwater Management Design Standards manual.

### **NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:**

That Legislative Code Chapter 52 is hereby amended to read:

#### **SECTION 1.**

##### **Sec. 52.00 Statement of 2022 Legislative Intent.**

The Council finds that amendments to the City's stormwater regulations, first enacted in 2004, are necessary to ensure that the City continues to efficiently manage stormwater runoff in a manner consistent with applicable federal and state stormwater management requirements, the Saint Paul Local Surface Water Management Plan and to adopt as an integral part of efficient storm water management the standards and best management practices contained in the manual for the Saint Paul Stormwater Management Design Standards which is the compilation of the City's stormwater control and review criteria as approved by the City Engineer. Therefore , the Council finds that amendments to the current version of Leg. Code Chap. 52, as recommended in 2022 by the City's water resources coordinator and the department of public works, will ensure that the City continues to efficiently manage stormwater runoff.

##### **Sec. 52.01. Purpose.**

The purpose of this chapter is to control stormwater pollution along with soil erosion and sedimentation in the city. It establishes standards and specifications for practices and planning activities, which minimize

stormwater pollution, soil erosion and sedimentation.

**Sec. 52.02. Scope and incorporation of the St. Paul Stormwater Management Design Standards Manual by reference.**

Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance of greater than one-quarter (1/4) acre that triggers a Site Plan review per City code or a construction activity of equal to or greater than one (1) acre or more within the city shall submit a ~~stormwater pollution control plan~~ stormwater management plan (hereinafter, "SWMP") to the city for approval. No land shall be disturbed until the plan SWMP is approved by the city. The SWMP must, conforming to the standards set forth herein, is approved by the city within the *St. Paul Stormwater Management Design Standards Manual* (hereinafter, "SWMDS"), which is hereby adopted and incorporated by reference, and which may, as deemed necessary or prudent by the City Engineer, be administratively amended from time-to-time by the City Engineer.

**Sec. 52.03. Definitions.**

For the purposes of this chapter, the certain terms used in this chapter herein shall have the same meanings as defined and used under the SWMDS and, which may be updated and amended from time to time by the City Engineer. as follows:

- (1) ~~*Applicant* means any person or entity that applies for a building permit, subdivision approval, or a permit to allow construction activities. Applicant also means that person's agents, employees, and others acting under this person's direction.~~
- (2) ~~*Best management practices (BMPs)* mean the erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, 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. Individual BMPs are described in the current version of "Protecting Water Quality in Urban Areas," Minnesota Pollution Control Agency 2000. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and as effective and stringent as the MPCA's BMPs. Other sources include the current versions of "Minnesota Small Sites Urban BMP Manual," Metropolitan Council Environmental Services 2001, and "Erosion Control Design Manual," Minnesota Department of Transportation, 1993.~~
- (3) ~~*Construction activity* means disturbance to the land that may result in soil erosion and the movement of sediments into surface waters, drainage systems or onto adjacent properties, including clearing, grading, filling and excavating except for disturbances resulting from the construction or maintenance of public roads and utilities.~~
- (4) ~~*Dewatering* means the removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. It may require state department of natural resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.~~
- (5) ~~*Discharge* means the release, conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt, from a construction site.~~
- (6) ~~*Erosion* means the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or construction activities.~~
- (7) ~~*Erosion control* means methods employed to prevent erosion including, but not limited to soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.~~

- (8) ~~*Final stabilization* means that all soil disturbing activities at the site have been completed and a uniform, evenly distributed perennial vegetative cover with a density of seventy (70) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.~~
- (9) ~~*Impervious surface* means a constructed hard surface that prevents or retards the entry of water into the soil. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.~~
- (10) ~~*MPCA* means the Minnesota Pollution Control Agency.~~
- (11) ~~*NPDES* means the national pollutant discharge elimination system, the program for issuing, modifying, and enforcing permits under the Federal Clean Water Act.~~
- (12) ~~*Owner* means the person or party possessing the title of the land on which the construction activity will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.~~
- (13) ~~*Permanent cover* means final stabilization. Examples include grass, gravel, asphalt, and concrete.~~
- (14) ~~*Runoff* means rainfall, snowmelt, or irrigation water flowing over the ground surface.~~
- (15) ~~*Sediment control* means the methods employed to prevent sediment from leaving the site. Sediment control practices include, but are not limited to, 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.~~
- (16) ~~*Stabilization* means covering the exposed ground surface with appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Sowing grass seed is not considered stabilization.~~
- (17) ~~*Standard plates* means general drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.~~
- (18) ~~*Stormwater runoff* includes precipitation runoff, snow melt runoff, and any other surface runoff and drainage. "Stormwater" does not include construction site dewatering.~~
- (19) ~~*Stormwater pollution control plan* means a plan, prepared by the applicant, for stormwater discharge that includes erosion and sediment control measures that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site pollution.~~
- (20) ~~*Surface waters* means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems.~~
- (21) ~~*Temporary erosion protection* means short term methods employed to prevent erosion. Examples of temporary cover include: straw, erosion control blankets, wood chips, and erosion netting.~~
- (22) ~~*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.~~

**Sec. 52.04. Stormwater pollution control plan Stormwater Management Plan (SWMP).**

Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance of greater than one-quarter (1/4) acre that triggers a Site Plan review per City code or a construction activity of equal to or greater than one (1) acre or more within the city shall submit a stormwater pollution control plan SWMP to the city for approval. The City, based upon the current version of the National Pollutant Discharge Elimination System (hereinafter, "NPDES") NPDES Construction General Permit in effect at the time the SWMP is submitted, may also require a Stormwater Pollution Prevention Plan (hereinafter, "SWPPP") based on the NPDES Construction Stormwater General permit and the SWMDS standards then in effect. No land shall be disturbed until the plan SWMP, conforming to the standards set forth herein within the SWMDS, is approved by the eCity. At a minimum these pollution abatement control practices must conform to those in the current version of the MPCA's publication, "Protecting Water Quality in Urban Areas" or other sources as defined in section 52.03(2).

(a) ~~Minimum requirements of the stormwater pollution control plan:~~

- ~~(1) The name, address and telephone number of the following individuals:~~
  - ~~a. Owner,~~
  - ~~b. Applicant,~~
  - ~~c. Person responsible for the preparation of the stormwater pollution control plan,~~
  - ~~d. On-site person responsible for implementation, inspection and maintenance of the requirements of the stormwater pollution control plan,~~
  - ~~e. Person responsible for the long term operation and maintenance of the permanent stormwater management system.~~
- ~~(2) A project description that includes the nature and purpose of the construction activity, the amount of grading, utilities, and building construction involved and the location of the project.~~
- ~~(3) Construction phasing that includes time frames and schedules for the project's various aspects including erosion and sediment control practices.~~
- ~~(4) A map of the existing site conditions that includes existing topography, property information, steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover and one hundred-year flood plain boundaries.~~
- ~~(5) A site construction plan that includes the location of the proposed construction activity and the plan for the maintenance and inspection of the stormwater pollution control measures, including the plan for disposal of collected sediment and floating debris.~~
- ~~(6) Location of temporary and permanent stormwater pollution control measures.~~
- ~~(7) Standard plates and/or specifications for all stormwater pollution control measures.~~
- ~~(8) Location of streams, lakes or wetlands which may be impacted by the construction activity.~~
- ~~(9) Provisions for preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands and lakes.~~
- ~~(10) A plan to stabilize utility construction areas as soon as possible.~~
- ~~(11) A plan for permanent stabilization including how the site will be stabilized after construction is completed, including specifications and schedules.~~
- ~~(12) A plan for removal of temporary erosion and sediment control measures at the end of the project.~~
- ~~(13) Calculations that were made for the design of such items as rate control, sediment~~

basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.

- (b) *Minimum stormwater pollution control measures.* These minimum control measures are required where bare soil is exposed. Where additional control measures are needed, they will be specified at the discretion of the city.

- (1) All stormwater pollution control plans must be reviewed by the city for the effectiveness of erosion control measures in the context of site topography and drainage.
- (2) Sediment control measures must be properly installed by the builder before the construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require the passage of very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the original configuration.
- (3) Divert channeled runoff around disturbed areas and protect the channel.
- (4) If a stormwater management plan involves directing some or all of the site's runoff to adjacent property, 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.
- (5) Scheduling the site's activities to lessen their impact on erosion and sediment creation, so as to minimize the amount of exposed soil.
- (6) Control stormwater runoff as follows:
  - a. All exposed soil areas with a continuous positive slope within two hundred (200) lineal feet of a surface water, must have temporary erosion protection or permanent cover for the exposed soil areas, according to the following table of slopes and time frames:

Type of Slope	Time*
Steeper than 3:1	7 days
10:1 to 3:1	14 days
Flatter than 10:1	21 days

\* Maximum time an area can remain open when the area is not actively being worked.

These areas include pond side slopes, and any exposed soil areas with a positive slope to a stormwater conveyance system, such as a curb and gutter system, storm sewer inlet, temporary or permanent drainage ditch or other natural or man-made systems that discharge to a surface water.

- b. Install erosion and sediment controls at locations specified in the stormwater management plan. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce sediment reaching channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
  - c. The work shall conform to the current version of the MPCA's publication, "Protecting Water Quality in Urban Areas," and the current requirements found in the same agency's NPDES/SDS permits for stormwater associated with construction activities.
- (7) 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.

- (8) ~~Temporary soil stockpiles must have silt fence or other effective sediment controls, and cannot be placed in surface waters, including stormwater conveyances such as curb and gutter systems, or conduits and ditches.~~
- (9) ~~Temporary rock construction entrances are required wherever vehicles enter and exit a site.~~
- (10) ~~Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule shall be established.~~
- (11) ~~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.~~
- (12) ~~All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent.~~

- (ca) *Stormwater Runoff Rate Control* Stormwater runoff rate control is required for sites larger than one-quarter (¼) of an acre which go through the city's site plan review process. Stormwater discharge into public storm sewers shall be controlled, in accordance with the department of public works policy SWMDS. Required information to be submitted as part of the stormwater pollution control plan is available in a handout from the department of public works. Peak stormwater discharge rates from the site for all storms up to and including the critical 100-year frequency will not exceed:

$$Q = 1.64 \times A$$

where Q = the maximum acceptable discharge rate in cubic feet per second and A = the site area in acres.

Post land disturbance activity runoff rates shall not exceed existing runoff rates for the 2-year, 10-year, and 100-year 24-hour storm events using Atlas 14 precipitation depths and MSE3 storm distributions. Runoff rates may be restricted to less than the existing rates when the capacity of downstream conveyance systems is limited.

Discharge of all stormwater runoff and surface water shall be in a fashion so as to preclude drainage onto adjacent property or toward buildings.

- (db) *Flood control for buildings* The low floor elevation for new habitable buildings must be a minimum of ~~one~~ two (42) foot above the critical one hundred-year flood elevation and at least four (4) feet above normal groundwater elevation, provided; additional requirements as defined in the SWMDS shall be applied as specified therein.
- (ec) *Temporary Sediment Basins* For common drainage locations that serve an area with ten (10) or more acres disturbed at one (1) time, a temporary (or permanent) sediment basin must be provided prior to the runoff leaving the construction site or entering surface waters. In addition to this requirement, the applicant is encouraged to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten (10) acres drains to one (1) area. The basins must be designed and constructed in accordance with the current version of the MPCA's general permit to discharge stormwater associated with construction activity under the NPDES Construction Stormwater General Permit.
- (fd) *Permanent stormwater pollution controls Volume Control and Water Quality.*

- (1) ~~Where a project's ultimate development replaces vegetation and/or other pervious surfaces with one (1) or more acres of cumulative impervious surface, a water quality volume of one-half (1/2) inch of runoff from the new impervious surfaces created by the project must be treated in one (1) of the following ways prior to the runoff leaving the site or entering surface waters (excluding drainage systems that convey stormwater to a constructed permanent stormwater management facility designed to treat the water quality volume from the project): wet sedimentation basin, infiltration/filtration, regional ponds, a combination of practices, or alternate methods in accordance with the current version of the MPCA's general permit to discharge stormwater associated with construction activity under the NPDES. Any Construction Activity, including new development, redevelopment, and Linear Projects, with a Land Disturbance of greater than or equal to one (1) acre, including smaller individual sites that are part of a Common Plan of Development or Sale, within the City's jurisdiction, must meet the volume control and water quality requirements outlined in the SWMDS and the current version of the NPDES Construction Stormwater General Permit.~~
- (2) ~~At a minimum these facilities must conform to the most current technology as reflected in the current version of the SWMDS, MPCA's publication "Protecting Water Quality in Urban Areas" or other sources as defined in section 52.03 and the current requirements found in the same agency's Minnesota Stormwater Manual, and NPDES permits for stormwater associated with construction activities~~ Construction Stormwater General permit.
- (3) ~~Permanent stormwater pollution controls~~ best management practices (herein "BMPs") to be designed by a professional engineer licensed in the state. Constructed controls must be certified by a professional engineer as required in section 52.04(gf)(3).
- (ge) ~~Models/methodologies/computations.~~ Hydrologic models and design methodologies used by the applicant for determining runoff characteristics and analyzing stormwater management structures must be approved in writing by the city. Unless otherwise approved by the city in writing, Plans plans, specifications and computations for stormwater management facilities submitted for city review must be sealed and signed by a licensed professional engineer. ~~All computations must appear in the plans submitted for review, unless otherwise approved by the city.~~
- (hf) ~~Inspection and maintenance of the stormwater pollution control plan's measures~~ SWPPP.
  - (1) ~~The applicant must routinely inspect the construction site once every seven (7) days during active construction and within twenty-four (24) hours after a storm event greater than one-quarter (0.25) inches in twenty-four (24) hours as specified in the SWMDS.~~
  - (2) ~~The eCity's inspection staff is authorized to perform inspections and enforce provisions of this article chapter as may be required, to ensure that erosion and sediment control measures are properly installed and maintained. If the applicant fails to maintain proper erosion control measures on site and/or perform necessary remedial action, as directed by the inspector, the inspector may take such enforcement action as may be required to achieve compliance. Enforcement may be, but is not limited to, stopping all construction work at the site, until necessary remedial actions have been completed and erosion and sediment controls are in compliance with the approved plans.~~
  - (3) ~~For sites that require permanent stormwater pollution controls~~ management BMPs, a certification letter shall be submitted after the facilities have been installed to affirm that construction has been completed in accordance with the approved ~~stormwater pollution control plan~~ SWMP. At a minimum, certification shall include a set of as-built drawings, signed by a licensed professional engineer, comparing the approved ~~stormwater management plan~~ SWMP with what was constructed. Other information shall be submitted as required by the City or other approving agency under the SWMDS.
  - (4) It shall be the responsibility of the applicant to obtain any necessary easements required

or other property interests to allow city access to the stormwater management facilities for inspection and maintenance purposes. Such easements must be submitted for review and approval by the City.

- (5) All ~~stormwater pollution control management~~ SWMP facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and must be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in stormwater runoff. All facility operation and maintenance plans required under the SWMDS shall be submitted for review and approval by the City.

#### **Sec. 52.05. Review.**

The ~~eCity~~ shall review the ~~stormwater pollution control plan~~ SWMP pursuant to the provisions of Minnesota Statute Sec. 15.99.

#### **Sec. 52.06. Modification of plan.**

An approved ~~stormwater pollution control plan~~ SWMP may be modified upon submission of a written application for modification to the city, and after written approval by the city. In reviewing such an application, the city may require additional reports and data.

#### **Sec. 52.07. Financial securities.**

The city may require financial security, in the form of either bond, letter of credit or cash escrow, for the performance of the work described in the approved ~~stormwater pollution control plan~~ SWMP or SWPPP and any related remedial work. This security must be available prior to commencing the project.

- (a) *Action against the financial security.* The city may act against the financial security if any of the conditions listed below exist. The city shall use funds from this security to finance any corrective or remedial work undertaken by the city or a contractor under contract to the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorneys' fees.
  - (1) The applicant ceases construction activities ~~and/or filling~~ and abandons the work site prior to completion of the ~~stormwater pollution control plan~~ SWMP.
  - (2) The applicant fails to conform to the ~~stormwater pollution control plan~~ SWMP as approved by the city, or to related supplementary instructions.
  - (3) The techniques utilized under the ~~stormwater pollution control plan~~ SWMP fail within one (1) year of installation.
  - (4) The applicant fails to reimburse the city for corrective action taken under section 52.08. Emergency action is taken under section 52.08.
  - (5) Emergency action is taken under section 52.08. The applicant fails to reimburse the city for corrective action taken under section 52.08.
- (b) *Returning the financial security.* Any unspent amount of the financial security deposited with the city for faithful performance of the ~~stormwater pollution control plan~~ SWMP or SWPPP and any ~~stormwater 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.

#### **Sec. 52.08. Failure of the ~~stormwater pollution control plan~~ Stormwater Management Plan.**

- (a) *Notification by the city.* The city shall notify the SWMP applicant, when the City has determined that



any of the conditions set forth in 52.07(a)(1-4) exist. The initial contact will be to the party or parties listed on the stormwater pollution control plan as contacts SWMP applicant. Except during an emergency action, the city, at its discretion, may begin corrective work forty-eight (48) hours after notification to the applicant or party contact by the city. Such notification should be in writing, but if it is provided verbally, a written notification should follow as quickly reasonably as practical. If after making a good faith effort to notify the responsible party or parties, applicant and the city has been unable to establish contact, the city may proceed with corrective work to correct any condition.

- (b) *Emergency action.* If circumstances conditions exist that pose an immediate danger to the public health, safety and welfare, the city, upon making this determination, may take immediate emergency action to abate said circumstances conditions for the purpose of restoring the site to a safe condition. The city shall, as part of this emergency action, make a reasonable effort to contact and give notice to the applicant of the decision to institute this emergency procedure actions. Any cost to the city associated with this emergency action is recoverable from the applicant or the applicant's financial security.
- (c) *Erosion off-site.* If erosion eroded soil 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 city, shall more than seven (7) calendar days go by without corrective action being taken. If, in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.
- (d) *Erosion into streets, rights-of-ways, wetlands or water bodies.* If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, rights-of-ways, wetlands, or other water bodies, prevention strategies, cleanup and repair the applicant's approved cleanup and restoration plan must be undertaken immediately. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations and secure required right-of-way permits from the department of public works.
- (e) *Failure to do corrective work.* When an applicant fails to conform to any provision of sections 52.07 or 52.08 within the time stipulated, the city may take the following actions:
- (1) Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy.
  - (2) Revoke any permit issued by the city to the applicant for the site in question.
  - (3) Direct the correction of the deficiency by city forces staff or by a separate contract.
  - (4) All costs incurred by the city in correcting stormwater pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities as described in section 52.07.
    - a. All costs incurred by the city in correcting SWMP deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities as described in section 52.07.
    - (5) If a financial security as described in section 52.07 was not required by the city, or if there is an insufficient financial amount in the applicant's financial securities to cover the costs incurred by the city, then the city in its discretion is authorized to either certify the remaining amount to the property taxes or to assess the remaining amount against the property.
    - b. If the financial security described in section 52.07 was not required by the city, or if there is an insufficient financial amount in the applicant's financial securities to cover costs incurred by the city to correct any stormwater pollution control deficiencies under this section, the city is authorized to recover as a special charge to the property, the costs incurred to correct the stormwater pollution control deficiencies and enforce the regulations of this chapter.

#### **Sec. 52.09. Enforcement.**

The city shall be responsible for enforcing this chapter. 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. All land use and building permits must be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense. Long term maintenance requirements for assets built under the requirements of this chapter are outlined in the SWMDS.

#### **Sec. 52.10. Right of entry and inspection.**

The applicant shall allow the city and their authorized representatives, upon presentation of credentials to:

- (a) Enter upon the permitted site for the purpose of obtaining information, examining records, conducting investigations or surveys or for the purpose of correcting deficiencies in the stormwater ~~pollution control~~ BMPs.
- (b) Bring such equipment upon the permitted site as is necessary.
- (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.
- (d) Inspect the stormwater ~~pollution control measures~~ BMPs.
- (e) Sample and monitor any items or activities pertaining to stormwater ~~pollution control measures~~ BMPs.

#### **Sec. 52.11. Record retention.**

The ~~stormwater pollution control plan~~ SWPPP and all changes to it must be kept at the site during construction. The applicant must keep the ~~stormwater pollution control plan~~ SWPPP, along with the following additional records, on file for three (3) years after completion of the construction project:

- (a) Any other permits required for the project;
- (b) Records of all inspections and maintenance conducted during construction;
- (c) All permanent operation and maintenance agreements that have been implemented, including all right-of-way, contracts, covenants and other binding requirements regarding perpetual maintenance and;
- (d) All required calculations for design of the temporary and permanent stormwater management systems.

#### **Sec. 52.12. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

#### **Sec. 52.13. Other statutes, rules and ordinances.**

The applicant shall comply with all federal and state statutes and local ordinances including the current version of the MPCA's general permit to discharge stormwater associated with construction activity under the NPDES and the requirements of the applicable watershed district or watershed management organization.

#### **Sec. 52.14. Severability.**

The provisions of this chapter are severable, and if any provisions of this chapter, or application of any provisions of this chapter to any circumstance, are held invalid, the application of such provisions to other circumstances and the remainder of this chapter shall not be affected.

## **SECTION 2.**

These amendments shall take effect and be in force thirty (30) days following passage, approval, and publication.