

ORDINANCE NO. 851

2<sup>ND</sup> SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 722, 2<sup>ND</sup> SERIES, TO REPLACE THE EXISTING CHAPTER 12 (STORM WATER MANAGEMENT ORDINANCE) OF THE ALEXANDRIA CITY CODE IN ITS ENTIRETY WITH A NEW STORM WATER MANAGEMENT ORDINANCE

WHEREAS, the City Council of the City of Alexandria desires to adopt a new Storm Water Management Ordinance in accordance with the Minnesota Pollution Control Agency Municipal Separate Storm Sewer System 2020 permit update; and

WHEREAS, the City Council of the City of Alexandria desires to make Chapter 12 in the Alexandria City Code the new Storm Water Management Ordinance:

**Section 12.01 General Provisions**

**Subd. 1. Statutory Authorization and General Policy.** This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 105, 462, and 497, Minnesota Rules, Parts 6120.2500-6120.3900, and Minnesota Rules Chapters 8410 and 8420 and goals and policies contained in the most recent Comprehensive Stormwater Management Plan for the City of Alexandria.

**Subd. 2. Purpose.** The purpose of this Ordinance is to set forth the minimum requirements for *stormwater* management that will diminish threats to public health, safety, public and private property and natural resources of the City by establishing performance standards including:

- A. Protect life and property from dangers and damages associated with flooding.
- B. Protect public and private property from damage resulting from runoff or erosion.
- C. Control the annual runoff rates from post development site conditions to match the annual runoff rates from predevelopment site conditions.
- D. Promote site design that minimizes the generation of *stormwater* and maximizes pervious areas for *stormwater* treatment.
- E. Promote regional *stormwater* management by watershed. Provide a
- F. single, consistent set of performance standards that apply to all *developments*.
- G. Protect water quality from nutrients, pathogens, toxics, debris and thermal stress.
- H. Promote infiltration and groundwater recharge.
- I. Provide a vegetated corridor (*buffer*) to protect water resources from *development*.
- J. Protect or improve the water quality of local lakes, *wetlands* and water bodies.
- K. Protect and enhance fish, wildlife and habitat and recreational opportunities.
- L. Control runoff volumes resulting from *development* within designated sub-watersheds through appropriate infiltration practices.

**Subd. 3. Scope.** No person shall disturb any land for residential, commercial, industrial, or institutional uses without having provided *stormwater* management measures that control or manage runoff from such disturbances as provided in this Ordinance.

**Section 12.02 Definitions.** Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and to give this Section its most reasonable application. For the purpose of this Section, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- A. **Applicant** - The persons, firm, governmental agency, or other entity identified as the owner and operator on the application submitted to the City of Alexandria and/or the MPCA and are responsible for compliance with the terms and conditions of this permit. (MNR040000)
- B. **Best Management Practices (BMPs)** - Practices to prevent or reduce the pollution of the *Waters of the State*, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. (MNR040000)

- C. **Buffer** - A regulated vegetative corridor area where scrutiny will be exercised over activities near *wetlands* and water bodies and a non-disturbance area where natural vegetation must be maintained.
- D. **Common Plan of Development or Sale** - A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. (MNR040000)
- E. **Construction Activity** - Activities including clearing, grading, and excavating, that result in land disturbance. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated *stormwater* runoff that may lead to *soil erosion* and movement of *sediment*. (MNR100001)
- F. **Developer** - Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political *subdivision* thereof engaged in a *land disturbance activity*.
- G. **Development** - Any *land disturbance activity* that changes the site's runoff characteristics in conjunction with residential, commercial, industrial, or institutional *construction activity* or alteration.
- H. **Dewatering** - The removal of surface or ground water to dry and/or solidify a construction site to enable *construction activity*. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering water is contaminated, *discharge* of such water may require an individual MPCA NPDES/SDS permit. (MNR100001)
- I. **Discharge** - The release, conveyance, channeling, runoff, or drainage, of storm water including snowmelt, from a construction site.
- J. **Energy Dissipation** - Methods employed at pipe outlets to prevent erosion caused by the rapid *discharge* of water scouring *soils*. (MNR100001)
- K. **Erosion** - Any process that wears away the surface of the land by the action of water, wind, ice, or gravity.
- L. **Erosion and Sediment Control Plan Sketch** - A plan sketch for *stormwater discharge* that includes the submittals outlined in Section 12.05 Subd. 1.
- M. **Erosion Prevention** - Measures employed to prevent erosion such as *soil* stabilization practices, *permanent cover*, or construction phasing. (MNR100001)
- N. **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* and *subsoil* 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 an exposed *soil* area, until it meets the definition of "permit termination conditions."
- O. **Filter Strips** - A vegetated section of land designed to treat runoff as overland sheet flow. Their dense vegetated cover facilitates pollutant removal and infiltration.
- P. **Hydric Soils** - *Soils* that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- Q. **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.
- R. **Illicit Connection** - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal *discharge* to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water *discharge* including sewage, processed wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or, any drain or conveyance connected from a commercial, agricultural or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

- S. **Illicit Discharge** - Any *discharge* to a municipal separate storm sewer that is not composed entirely of *stormwater* except *discharges* pursuant to a NPDES permit (other than the NPDES permit for *discharges* from the municipal separate storm sewer) and *discharges* resulting from firefighting activities. (MNR040000)
- T. **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 prior to *development*. Examples include rooftops, sidewalks, driveways, parking lots, and concrete, asphalt, or gravel roads. Bridges over *surface waters* are considered *impervious surfaces*. (MNR100001)
- U. **Land Disturbance Activity** - Any land change that may result in *soil erosion* from water or wind and the movement of *sediments* into or upon any *surface waters* or lands within this government's jurisdiction, including *construction activity*, clearing, grubbing, grading, excavating, transporting and filling of land. Within the context of this Section, *land disturbance activity* does not mean: Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work, unless such activity exceeds one half acre of *exposed soil area*. *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 half acre of *exposed soil* or *impervious surface*. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops. Emergency work to protect life, limb, or property and emergency repairs.
- a. **Category 1 Land Disturbance Activity** - *Construction activities* disturbing less than  $\frac{1}{2}$  acre that include new construction, demolition, remodel/addition, accessory structure and/or landscaping/retaining walls.
  - b. **Category 2 Land Disturbance Activity** - *Construction activities* disturbing equal to or greater than  $\frac{1}{2}$  acre, but less than 1 acre; or *construction activities* on riparian lake lots (except attached decks and 2015 Minnesota Building Code, Section 1300.0120, Subp. 4. Work Exempt from Permit); or *construction activity* that is determined by the City Engineer to present a substantial risk to neighboring private properties, public infrastructure or waterways/wetlands.
  - c. **Category 3 Land Disturbance Activity** - *Construction activities* disturbing equal to or greater than 1 acre. (Also requires separate MPCA Construction Stormwater General Permit).
- V. **Landlocked Basin** - A basin that is one acre or more in size and does not have a natural outlet at or below the existing 100-year flood elevation as determined by the 100-year, 10-day snowmelt runoff event.
- W. **National Pollutant Discharge Elimination System (NPDES)** - The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act, as amended (33 U.S.C. 1251 et seq. Section 1342 and 40 CFR parts 122, 123, 124 and 450). (MNR100001)
- X. **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.
- Y. **Non-Stormwater Discharge** - Any *discharge* to the storm drain system that is not composed entirely of *stormwater*.
- Z. **Ordinary High Water Level** - The boundary of public waters and *wetlands*, and shall be an elevation delineating 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. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- AA. **Operator** - The person (usually the general contractor), firm, governmental agency, or other entity designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The *permit* application must list the operator as a *permittee*. Subcontractors hired by and under supervision of the general contractor are not operators. (MNR100001)
- BB. **Owner** - The person, firm, governmental agency, or other entity possessing the title of the land on which the *construction activities*

will occur or, if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity. (MNR100001)

- CC. **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.
- DD. **Permanent Cover** - Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, concrete, perennial cover, or other landscaped material that will permanently arrest soil erosion. Permittees must establish a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) with a density of 70 percent of the native background vegetative cover on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products. (MNR100001)
- EE. **Permit** - Within the context of this Section a "permit" is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities.
- FF. **Permit Termination Conditions** - Permittees must complete all construction activity and must install permanent cover over all areas. Vegetative cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth. Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter. Permittees must clean the permanent stormwater treatment system of any accumulated sediment and must ensure the system meets all applicable requirements in Section 15 through 19 [of the MPCA Construction Stormwater General Permit] and is operating as designed. Permittees must remove all sediment from conveyance systems. Permittees must remove all temporary synthetic erosion prevention and sediment control BMPs. Permittees may leave BMPs designed to decompose on-site in place. For residential construction only, permit coverage terminates on individual lots if the structures are finished and temporary erosion prevention and downgradient perimeter control is complete, the residence sells to the homeowner, and the permittee distributes the MPCA's "Homeowner Fact Sheet" to the homeowner. For construction projects on agricultural land (e.g., pipelines across cropland), permittees must return the disturbed land to its preconstruction agricultural use. For projects that include Permanent Stormwater Treatment BMPs, the submittal of conformance certification per Section 12.05 Subd. 6.
- GG. **Permittee** - The persons, firm, governmental agency, or other entity identified as the owner and operator on the application submitted to the City of Alexandria and/or the MPCA and are responsible for compliance with the terms and conditions of this permit. (MNR040000)
- HH. **Phased Development** - Development phased to address areas within the development site with a higher potential of erosion by obtaining permanent cover in these areas before proceeding with other construction activity on the site.
- II. **Prohibited Discharge** - Any substance which, when discharged has potential to or does any of the following: (1) Interferes with state designated water uses; (2) Obstructs or causes damage to Waters of the State; (3) Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater; (4) Adds an unnatural surface film on the water; (5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel; (6) Degrades the quality of ground water; or (7) Harms human life, aquatic life, or terrestrial plant and wildlife. This includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.
- JJ. **Seasonally Saturated Soil** - The highest seasonal elevation in the soil in a reduced chemical state because of soil voids filled with water causing anaerobic conditions. Seasonally saturated soil is evidenced by the presence of redoximorphic features or other information determined by scientifically established methods or empirical field measurements. (MNR040000)

- KK. **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.
- LL. **Sedimentation** - The process or action of depositing *sediment*.
- MM. **Site Layout Staking** - The process of interpreting construction plans and marking the location of proposed new structures to ensure a project is built according to engineering design plans.
- NN. **Soil** - The unconsolidated mineral and organic material on the immediate surface 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.
- OO. **Stabilize, Stabilized, Stabilization** - The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre). (MNR100001)
- PP. **Steep Slope** - Slopes that are 1:3 (V:H) (33.3 percent) or steeper in grade. (MNR100001)
- QQ. **Storm Drain System** - The city-owned and private owned facilities by which *stormwater* is collected or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and wet *sedimentation basins*, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- RR. **Stormwater** - Precipitation runoff, *stormwater* runoff, snowmelt runoff, and any other surface runoff and drainage. (MNR100001)
- SS. **Stormwater Management Plan** - A plan for *stormwater discharge* that includes the submittals outlined in Section 12.05 Subd. 2 for a Category 2 Land Disturbance Activity or Section 12.05 Subd. 3 for a Category 3 Land Disturbance Activity.
- TT. **Stormwater Manual** - The most recent version of the Minnesota Pollution Control Agency (MPCA) *Minnesota Stormwater Manual*. This Manual is the compilation of design, performance, and review criteria approved by the by the City for *stormwater management practices*. See [https://stormwater.pca.state.mn.us/index.php?title=Main\\_Page](https://stormwater.pca.state.mn.us/index.php?title=Main_Page) .
- UU. **Storm Water Pollution Prevention Plan (SWPPP)** - A plan for *stormwater discharge* that includes all required content under in Section 5 [of the MPCA Construction Stormwater General Permit] that describes the *erosion prevention, sediment control* and waste control *BMPs* and permanent *stormwater* treatment systems. (MNR100001)
- VV. **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 surface* storage areas.
- WW. **Subdivision** - Any tract of land divided into building lots for private, public, commercial, industrial, etc. *development*.
- XX. **Surface Water or Waters** - All streams, lakes, ponds, marshes, *wetlands*, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that *surface waters* do not include *stormwater* treatment systems constructed from upland. This *permit* does not consider *stormwater* treatment systems constructed in *wetlands* and mitigated in accordance with Section 22 [of the MPCA Construction Stormwater General Permit] as *surface waters*. (MNR100001)
- YY. **Vegetated or Grassy Swale** - A vegetated earthen channel that conveys storm water, while treating the *stormwater* by biofiltration. Such swales remove pollutants by both filtration and infiltration.
- ZZ. **Waters of the State** - 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. (MNR040000)
- AAA. **Wet Sedimentation Basin** - Depressions constructed by excavation and embankment procedures to store excess runoff temporarily on a site and allow solids to settle. After a runoff event, overflow from the basin

is released at a controlled rate by an outlet device designed to release flows at various peak rates and elevations until the design elevation of the pool is reached. *Wet sedimentation basins* maintain a permanent pool of water between storm events. *Wet sedimentation basins* are located to collect *stormwater* inflows from adjacent drainage areas and are usually designed to control peak discharges from relatively large design storms.

BBB. **Wetland** - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and 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*; and
- 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.  
(MNR100001)

**Section 12.03 Management of Site Vegetation.** Any landowner shall provide for the installation and maintenance of vegetation on their property in accordance with the following criteria, regardless as to whether or not an *Erosion and Sediment Control Plan Sketch*, a *Stormwater Management Plan*, or an Alexandria Construction Stormwater Permit has been approved or is necessary under this Section. Failure to comply with this section shall constitute a violation and subject the landowner to the enforcement provisions, penalties and noncompliance actions outlined in Section 12.07 Subd. 3.

- A. **Use of Impervious Surfaces:** No person shall apply items included in the definition of "*prohibited discharge*" on *impervious surfaces* or within *stormwater* drainage systems with impervious liners or conduits.
- B. **Unimproved Land Areas:** Except for driveways, sidewalks, patios, areas occupied by structures, landscaped areas, or areas that have been otherwise improved, all areas shall be covered by plants or vegetative growth.
- C. **Use of Pervious Surfaces:** No person shall deposit grass clippings, leaves, or other vegetative materials, with the exception of normal mowing or weed control, within *surface waters*, or within *wetland buffer* areas. No person shall deposit items included in the definition of "*prohibited discharge*" except as noted above.

**Section 12.04 Stormwater Management Plans and Permits.**

**Required.** An *Erosion and Sediment Control Plan Sketch* or *Stormwater Management Plan* and an Alexandria Construction Stormwater Permit shall be required, and all construction site *erosion* and *sediment* control provisions of the *permit* shall apply to all *land disturbing activities* associated with *construction activity*, as defined in Section 12.02 E. All *land disturbing activities* must meet the filing or approval requirements of other regulatory bodies. No land shall be disturbed nor shall any building *permit*, *subdivision* approval, or *permit* to allow *land disturbing activities* shall be issued until approval of a plan.

1. Every applicant for a Category 1 Land Disturbing Activity *permit* that involves disturbing up to  $\frac{1}{2}$  acre of land, *subdivision* approval, or other *permit* must submit an *Erosion and Sediment Control Plan Sketch* to the City.
2. Every applicant for a Category 2 Land Disturbing Activity must submit a *Stormwater Management Plan* to the City.
3. Every applicant for a Category 3 Land Disturbing Activity must submit a *Stormwater Management Plan* to the City.
4. No land shall be disturbed nor shall any building *permit*, *subdivision* approval, or *permit* to allow *land disturbing activities* shall be issued until approval of a plan.
5. All Category 3 Land Disturbing Activity plans shall be

consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and plans. All *stormwater* mitigation and management technologies shall be consistent with the most recent version of the Minnesota Pollution Control Agency (MPCA) Construction Stormwater General Permit and the Minnesota *Stormwater Manual*. The Minnesota *Stormwater Manual* is the compilation of design, performance, and review criteria approved by the City for *stormwater* management practices.

**Section 12.05 Stormwater Management Plan Submittal Requirements.**

**Subd. 1. Category 1 Land Disturbing Activity.** Category 1 projects shall be developed at a minimum, meeting the conditions of the current MPCA NPDES Construction Stormwater General Permit MNR100001 sections 8, 9, 10, 12, and in compliance with an *Erosion and Sediment Control Plan Sketch* that includes the following:

- A. A clearly legible and complete Alexandria Construction Stormwater Permit application and required information shall be submitted to the City.
- B. Location and type of perimeter erosion control.
- C. Temporary construction site vehicle exit location and material that it will be constructed of.
- D. Location and type of other *erosion prevention* and *sediment control BMPs*.
- E. Location and type of inlet protection for all storm sewer inlets downstream of the site within one block or as directed by City Engineer.
- F. Spot elevations (using an assumed datum) at:
  1. Street edge at center of driveway, or other appropriate benchmark.
  2. Existing ground within 10' radius of lot corners.
  3. Existing ground defining areas of steeper than 3:1 slopes.
- G. Plan elevations for *structure* (using an assumed datum) at:
  1. Garage Floor, if applicable.
  2. Top of House Foundation, if applicable.
  3. Basement Floor, if applicable.
  4. *Construction activity disturbance area*.
- H. Standard illustrations (details) of proper installation of *erosion prevention* and *sediment control BMPs*.

The Following Notes Must be Placed on Plan Sketch and Adhered to as Applicable:

- A. The street shall be swept clean before the end of each day of active construction, when *sediment* is tracked onto the street.
- B. Areas with slopes greater than 3:1 and areas adjacent to *wetlands/waterbodies* disturbed during construction shall be protected with temporary vegetation, mulching or other means as soon as practical.
- C. All *exposed soil areas* shall be *stabilized* as soon as practical.
- D. Unworked soils that remain exposed and not in use for longer than 14-days shall be seeded with temporary seed (grass, oats or wheat) in addition to being *stabilized*.
- E. No concrete washout shall occur on site unless it is done with an approved MPCA device or standard.
- F. Stockpiles shall be *stabilized* and surrounded with adequate perimeter control to prevent *sedimentation*.
- G. Inlet protection for all storm sewer inlets downstream and within one block of the site shall be installed and maintained.
- H. Site shall be kept clean at all times and refuse properly controlled.
- I. Temporary pumping shall not be permitted without use of an approved MPCA device or standard.
- J. Soil compaction shall be minimized.

- K. All temporary synthetic *BMPs* to be removed upon permanent stabilization.

In some cases, the City Engineer may apply stricter standards.

**Subd. 2. Category 2 Land Disturbing Activity.** Category 2 projects shall be developed at a minimum, meeting the conditions of the current MPCA NPDES Construction Stormwater General Permit MNR100001 sections 8, 9, 10, 12, and in compliance with a *Stormwater Management Plan* that includes the following:

- A. A clearly legible and complete Alexandria Construction Stormwater Permit application and required information shall be submitted to the City.
- B. Drawings prepared to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation.
- C. Names, addresses and phone numbers of the land surveyor, and engineer, if any.
- D. Project description including property boundaries, areas to be disturbed, and the nature and purpose of the land disturbing activity and the amount of grading involved.
- E. Spot elevations of proposed grades in relation to existing grades on the subject property and adjacent properties.
- F. Existing site conditions including topography, vegetation and drainage arrows.
- G. Areas where finished slope will be steeper than 3:1.
- H. Critical *erosion* areas including areas on the site that have potential for *erosion* problems.
- I. *Erosion* and *sediment* control devices and methods to be used to control *erosion* on the site, both during and after the *construction activity* process.
- J. Location of and type of storm drain inlet protection for all storm sewer inlets downstream of the site within one block or as directed by City Engineer, *wetlands*, *wet sediment basins* and lakes.
- K. Location of material stockpiles.
- L. Plan for temporary site *stabilization*.
- M. Permanent *stabilization* including how the site will be *stabilized* after construction is completed, including specifications.
- N. Temporary construction site vehicle exit location and material that it will be constructed of.
- O. Adjacent areas including neighboring streams, roads, residential areas, etc. which might be affected by the land disturbing activity.
- P. Project schedule including a projected timeframe for completion of all site activities.
- Q. Phasing of construction including the nature and purpose of the land disturbing activity, utilities, and building construction.
- R. Provisions for the removal of temporary synthetic *erosion prevention* and *sediment control BMPs* upon establishment of permanent vegetation.
- S. Surveyed Elevations (using North American Vertical Datum of 1988) at:
  - 1. Benchmark.
  - 2. Street edge at center of driveway.
  - 3. Existing ground within 10' radius of lot corners.
  - 4. Existing ground defining areas of steeper than 3:1 slopes.
- T. Plan elevations for *structure* (using North American Vertical Datum of 1988) at:
  - 1. Garage Floor, if applicable.
  - 2. Top of House Foundation, if applicable.
  - 3. Basement Floor, if applicable.
  - 4. *Construction activity disturbance* area.
- U. Standard illustrations (details) of proper installation of *erosion prevention* and *sediment control BMPs*.

In some cases, the City Engineer may apply stricter standards.

**Subd. 3. Category 3 Land Disturbing Activity.** Category 3 projects shall be developed at a minimum, meeting the conditions of the current MPCA NPDES Construction Stormwater General Permit MNR100001 and in compliance with a *Stormwater Management Plan* that includes the following:

- A. A clearly legible and complete Alexandria Construction Stormwater Permit application and required information shall be submitted



to the City.

B. MPCA Construction Stormwater General Permit MNR100001 Section 5 content.

C. Identification and description including:

1. Project name.
2. Project type (residential, commercial, industrial, road construction, or other).
3. Project location.
4. Parcel identification number (legal description).
5. Copies of *permits* or *permit* applications required by any other governmental entity or agencies including mitigation measures required as a result of any review for the project (e.g. *wetland* mitigation, EAW, EIS, archaeology survey, etc.).

D. Existing Conditions - A complete site plan and specifications, signed by a person who is certified to design the plan shall be drawn to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

1. Property lines and lot dimensions.
2. Existing zoning classifications for land within and abutting the development, including shoreland, floodway, flood fringe, or general floodplain, and other natural resource overlay districts.
3. Show *ordinary high water* marks of all navigable waters, 100-year flood elevations and delineated *wetland* boundaries, if any. If not available, appropriate flood zone determination or *wetland* delineation, or both, may be required at the applicant's expense.
4. Map of infiltration rates, depth to bedrock, and depth to seasonal high water table.
5. *Steep slopes* where areas of 33% or more.
6. Bluff areas meeting the current definition of the MnDNR.
7. Wooded area and tree survey as defined by the zoning authority.
8. Agricultural Land preservation area(s), County Biological Survey sites, or other officially designated natural resource.
9. Hydrologic calculations for volume runoff, velocities, and peak flow rates by watershed, for the 2-yr, 10-yr, and 100-yr 24-hour storm events. These shall include: pre-existing peak flow rates, assumed runoff curve numbers, time of concentration used in calculations, and the 100-year flood elevation with and without the floodway if a flood insurance study has been done by the National Flood Insurance Program.

E. Bankfull discharge rate (1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site *discharges* directly to the waterway.

F. Proposed Conditions - A complete site plan and specifications, signed by the person who designed the plan shall be drawn to scale appropriate to the site of the project and suitable for the review to be performed, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

1. Project map - A map indicating site boundaries and areas not to be disturbed.
2. Property lines and lot dimensions of plat.
3. The dimensions and setbacks of all buildings and easements.
4. Identify all drain tiles that would affect the project site. If not available, appropriate flood zone determination or *wetland* delineation, or both, may be required at the applicant's expense.
5. Location and engineered designs for structural *stormwater* management practices including *stormwater* treatment devices that remove oil and floatable material (e.g., basin outlets with submerged entrances).
6. Normal water level, high water level, and emergency overflow elevations for the site.
7. Floodway and flood fringe boundary, if available.
8. Any other information pertinent to the particular project that, in the opinion of the City, is necessary for the review of the project.

G. All proposed *stormwater* practices, hydrologic models, and design methodologies shall be reviewed by the City and certified for compliance by the City in accordance with their plans and specifications.

H. A pre-construction meeting, preferably at the construction activity site, including the operator/general contractor, the site grading contractor, the City of Alexandria Stormwater Inspector shall take place prior to start of construction.

In some cases, the City Engineer may apply stricter standards.

**Subd. 4. Permit Transfer.** A permit runs with the property it covers, until the permit termination conditions are met, and is transferable to new landowners in its entirety or by parcel, with each parcel being subject to the permit and any conditions that apply to that parcel. In the event land under such a permit is transferred or conveyed in fee, such transfer or conveyance must be reported in writing to the City and the new landowner within 7 days of the transfer. This section refers to City-issued permits and does not release the permittee or owner from transfer requirements of a NPDES permit.

**Subd. 5. Construction Site Layout Staking.** All Permanent Stormwater Treatment System BMP work shall be site layout staked utilizing GPS coordinates prior to site grading.

**Subd. 6. Conformance Certification.** All Permanent Stormwater Treatment System BMP work shall be as-built and certified by developer's engineer to be in conformance with the approved Stormwater Management Plan and submitted to the city.

**Subd. 7. Permit Termination.** The permit terminates when Permit Termination Conditions are met.

#### **Section 12.06 Erosion and Sediment Control Plan Sketch and Stormwater Management Plan Review Procedures.**

**Subd. 1. Review Timeframe.** The City will complete a review of the plan within twenty (20) days of receiving the plan from the developer.

**Subd. 2. Meeting Requirements.** If the City determines that the plan meets the requirements of this Ordinance, the City shall issue a Construction Stormwater Permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

**Subd. 3. Not Meeting Requirements.** If the City determines that the plan does not meet the requirements of this Ordinance, the City shall not issue a Construction Stormwater Permit for the land disturbance activity. The plan must be resubmitted for approval before the land disturbance activity begins. All land use and building permits shall be suspended until the developer has an approved plan.

**Subd. 4. Amendments.** The applicant must amend the plan as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:

- A. A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters.
- B. Inspections indicate the plan is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances.
- C. The plan is not achieving the general objectives of controlling pollutants or is not consistent with the terms and conditions of the permit.

#### **Section 12.07 Stormwater Management Plan Inspections and Enforcement.**

**Subd. 1. Inspections.** The City will conduct random inspections to ensure that the plan is properly installed and maintained. In all cases the inspectors will attempt to work with the builder or developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, the City shall impose reinspection fees and may issue construction stop work orders until erosion and sediment control measures meet the requirements of this Ordinance. An inspection must follow before work can commence. Inspections are required as follows:

- A. Before any land disturbing activity begins.
- B. For residential construction, at the time of footing, framing

- and final inspections.
- C. At the completion of the project.
- D. Prior to the release of any financial securities, if applicable.
- E. Random inspections during the course of the project to ensure compliance with the *Erosion and Sediment Control Plan Sketch* or *Stormwater Management Plan*.

**Subd. 2. Notification of Failure of the Erosion and Sediment Control Plan Sketch or Stormwater Management Plan.** The City shall notify the permit holder of the failure of the plan's measures.

- A. **Initial contact.** The initial contact will be to the *applicant* listed on the application and/or the plan as contacts. Except during an emergency action, forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City 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 *applicant* or *permittee* and the City has been unable to establish contact, the City may proceed with corrective work. There are conditions when time is of the essence in controlling *erosion*. During such a condition the City may take immediate action, and then notify the *applicant* as soon as possible.
- B. **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 City, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the *permit* holder does not repair the damage caused by the *erosion*, the City may do the remedial work required. When restoration to *Waters of the State* are required, the *applicant* shall be required to work with the appropriate agency to ensure that the work is done properly.
- C. **Erosion into streets or surface waters.** If eroded soils (including tracked soils from construction activities) enters streets or *surface waters*, cleanup and repair shall be immediate. The *applicant* shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

**Subd. 3. Failure to do Corrective Work.** When an *applicant* fails to conform to any provision of this policy within the time stipulated, the City may take the following actions.

- A. Issue a stop work order, withhold the scheduling of inspections and/or the issuance of a certificate of occupancy.
- B. Correct the deficiency or hire a contractor to correct the deficiency. The issuance of a *permit* constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in *erosion* control.
- C. Require reimbursement to the City for all costs incurred in correcting *stormwater* pollution control deficiencies. If payment is not made within thirty (30) days after the City invoice date, the City will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the *permit*, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.
- D. *Owner* and *operator* are responsible for any fines, penalties and non-compliance fees that may be assessed as the result of failure to do corrective work. For city owned projects the *operator* is exclusively responsible for any fines, penalties and non-compliance fees that may be assessed as the result of failure to do corrective work.

**Subd. 4. Right of Entry and Inspection.**

- A. **Powers.** The applicant shall allow the City of Alexandria and their authorized representatives, upon presentation of credentials to:
  1. Enter upon the *permitted* site for the purpose of obtaining

- information, examination of records, conducting investigations or surveys.
2. Bring such equipment upon the *permitted development* as is necessary to conduct such surveys and investigations.
  3. 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*.
  4. Inspect the *stormwater* pollution control measures.
  5. Sample and monitor any items or activities pertaining to *stormwater* pollution control measures.

**Section 12.08 Development Agreement.** A development agreement regarding *stormwater* management may be required for any project that requires a *Stormwater Management Plan*. The agreement shall guarantee the performance of the work described and delineated on the approved plan. In addition, the agreement will describe the City's inspection policy. Should the *applicant* fail to meet any of the terms of the development agreement, the City may proceed with any of the actions listed on Section 12.07 Subd. 3.

**Section 12.09 Construction Activities.** Construction operations must at a minimum meet the conditions of the current MPCA NPDES Construction Stormwater General Permit MNR100001 sections 8, 9, 10, 12, and 14.

**Section 12.10 Stormwater Management Criteria for Permanent Stormwater Treatment Systems.** All permanent stormwater treatment system plans must be submitted to the City engineer prior to the start of *construction activity*. Designers are expected to follow the requirements of this section to meet the volume control, water quality, and water quantity requirements of the City of Alexandria. Designs should meet the *stormwater* design standard of these ordinances and the Minnesota *Stormwater Manual*. Deviations from the recommended guidance will require detailed written explanation with discretion given by the City. Permanent Stormwater Treatment Systems included as part of the final design for a permanent development shall be addressed in the *Stormwater Management Plan* and shall meet the following criteria:

The following table shall be used for the calculation of peak rates using the Rational Method:

Cover Type	Runoff Coefficient
Single-family Residential	0.400
Multi-family Residential	0.500
Commercial	0.700
Industrial	0.700
Parks, Open Space	0.196
Ponds, Wetlands	1.000

**Subd. 1. Rate Control Requirements:** Future discharge rates from new development and redevelopment, resulting in one-half acre or more of net impervious area or one acre or more of disturbed land, will not exceed existing discharge rates for the 2-year, 10-year, and 100-year critical storm events in accordance to the Atlas14 data.

**Subd. 2. Design of Permanent Stormwater Treatment Systems:** The design of permanent *stormwater* treatment systems shall accommodate a 100-year critical duration rainfall event, with this storage being provided above the normal outlet elevation.

**Subd. 3. Design of Lateral and Collector Systems:** Lateral and collector systems shall be designed to accommodate a 10-year return frequency storm event. These systems shall be defined as storm sewer that collects and conveys runoff from catch basins or other inlets from a localized drainage area to a trunk system or basin facility.

**Subd. 4. Design of Trunk Systems:** Trunk systems shall be designed to convey the anticipated 100-year critical event *stormwater* flow rate. A trunk system shall be defined as the main channel of the *stormwater* system that receives water from multiple laterals or collectors or serves as an outlet and downstream conveyance system for a *stormwater* storage facility.

**Subd. 5. Overland Overflow:** An overland overflow should be provided for all lateral, collector, and trunk systems to accommodate the 100-year critical duration rainfall event and prevent structural inundation should an obstruction occur in these systems.

**Subd. 6. Clogging Factor:** For collection systems not designed to meet rate control standards (e.g. catch basins) a clogging factor of 50% will be utilized

in sizing intake structures.

**Subd. 7. Rate Control Diameter:** No orifice having a diameter less than 4" is allowed in the design of rate control structures within the City. If a lower discharge rate is required a weir may be used to meet the requirements.

**Subd. 8. Emergency Spillway:** An emergency spillway must be provided to pass storms in excess of the pond hydraulic design, generally referenced to the 100-year peak flood event. The spillway must be stabilized to prevent erosion and designed in accordance with applicable dam safety requirements (NRCS Pond Standard 378 and Mn/DNR dam safety guidelines). The emergency spillway must be located so that downstream structures will not be impacted by spillway discharges. If the spillway crosses the maintenance access, materials meeting the appropriate load requirements must be selected.

**Subd. 9. Natural Features of Site:** The *applicant* shall give consideration to reducing the need for permanent stormwater treatment systems by incorporating the use of natural topography and land cover such as *wetlands*, ponds, natural vegetated swales and depressions as they exist before development to the degree that they can accommodate the additional water flow without compromising the integrity or quality of these natural features.

**Subd. 10. Landlocked Basins:** Areas with *landlocked basins* shall be modeled to accommodate a back-to-back 100-year, 24-hour rainfall event and the 100-year, 10-day runoff event. The highest water elevation in the basin from this analysis shall be the 100- year high water level.

**Subd. 11. Landlock Basin Outlets:** Outlets for *landlocked* areas will be allowed provided the outlet complies with *wetland* and floodplain regulations and the basin provides storage below the outlet for either 1) the back-to-back 100-year, 24-hour event or 2) the 100-year, 10-day runoff event; whichever is greater. In addition, there must be no negative downstream impacts resulting from the outlet.

**Subd. 12. Flood Protection:**

- A. Residential, non-residential and other structures shall ordinarily be elevated on fill so that the basement, or first floor if there is no basement, is one (1) foot above the Regulatory Flood Protection Elevation.
- B. For areas outside of a floodplain, the lowest floor of a structure, not including boathouse, piers and docks, must be three (3) feet above the highest known water level. In the case where the high water level is unknown, the elevation of the line of permanent shoreland vegetation should be used as the high water elevation.
- C. No structure, fill, deposits, obstruction, storage of materials, equipment, or other uses may be allowed in the floodplain that reduces the floodwater storage capacity of the floodplain or increases flood height. Compensating floodwater storage area shall be provided for any obstruction which decreases flood storage. This compensating volume shall be equal to or greater than the total volume of the obstruction. Additional detail is provided in the City's floodplain district.
- D. A plan review by the City is required for any project that is within the 100-year floodplain, upland flood storage area, or changes the timing, storage, or carrying capacity of any tributaries in the 100-year floodplain.
- E. All areas at or below the 100-year floodplain area on private property will be covered by a drainage and utility easement or outlot dedicated to the City upon development or redevelopment.

**Subd. 13. Water Quality Treatment Standards:** Permanent stormwater treatment systems must be designed to remove 80% of Total Suspended Solids (TSS) on an average annual basis. Treatment can be provided in on-site or regional systems and through infiltration systems, filtration systems, *wet sedimentation basins*, regional *wet sedimentation basin*, or a combination of *BMPs* that will meet these requirements. This requirement is anticipated to result in 40-60% Total Phosphorus (TP) removal. The *stormwater discharges* of TSS and TP shall result in no net increase from pre-project conditions for new development projects. The *stormwater discharges* of TSS and TP shall result in a net reduction from pre-project conditions for redevelopment projects. Where TSS and/or TP reduction requirements cannot be met on the site of the original

construction, the *applicant* will be required to locate alternative sites where TSS and/or TP treatment standards can be achieved. Mitigation project locations are chosen in the following order of preference:

*Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.*

*Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity.*

*Locations in the next adjacent DNR catchment area up- stream.*

*Locations anywhere within the City of Alexandria.*

Mitigation projects shall involve the establishment new structural *stormwater BMPs* or the retrofit of existing structural *stormwater BMPs*, or the use of a properly designed regional structural *stormwater BMP*. Previously required routine maintenance of structural *stormwater BMPs* cannot be considered mitigation. Mitigation projects must be finished within 24 months after the original *construction activity* begins. A maintenance agreement specifying the responsible party for long- term maintenance shall be identified. Payments will not be accepted in lieu of the construction project meeting the TSS and TP treatment standards.

**Subd. 14. Infiltration Systems:**

- A. Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions. If *permittees* utilize an infiltration system to meet the requirements of this *permit*, they must incorporate the design parameters in item 16.3 through 16.6 and item 16.8 through 16.21 [of the MPCA Construction Stormwater General Permit].
- B. *Permittees* must design infiltration systems to provide a water quality volume (calculated as an instantaneous volume) of Section 12.10, Subd 1. Rate Control Requirements, or Section 12.10, Subd 1. Rate Control Requirements minus the volume of *stormwater* treated by another system on the site, from the net increase of *impervious surfaces* created by the project.

**Subd. 15. Filtration Systems:**

- A. Filtration options include, but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters. If *applicants* utilize a filtration system to meet the permanent *stormwater* treatment requirements of this *permit*, they must incorporate the design parameters in item 17.3 through 17.5 and item 17.7 through 16.11 [of the MPCA Construction Stormwater General Permit].
- B. *Permittees* must design filtration systems to treat a water quality volume (calculated as an instantaneous volume) of Section 12.10, Subd 1. Rate Control Requirements, or Section 12.10, Subd 1. Rate Control Requirements minus the volume of *stormwater* treated by another system on the site, from the net increase of *impervious surfaces* created by the project.

**Subd. 16. Wet Sedimentation Basin:**

- A. If infiltration systems or filtration systems are prohibited or not feasible, a *wet sedimentation basin* shall be used to meet water quality and rate control requirements.
- B. *Permittees* using a *wet sedimentation basin* to meet the permanent *stormwater* treatment requirements of this *permit* must incorporate the design parameters in item 18.3 and item 18.5 through 18.10 [of the MPCA Construction Stormwater General Permit].
- C. *Permittees* must design the basin to provide live storage for a water quality volume (calculated as an instantaneous volume) of Section 12.10, Subd 1. Rate Control Requirements, or Section 12.10, Subd 1. Rate Control Requirements minus the volume of *stormwater* treated by another system on the site, from the net increase in *impervious surfaces* created by the project.
- D. If the drainage area is within one of the following sub watersheds that drains directly to a wetland: Connie, North Wetlands, SE Wetlands, SW Wetlands, the permanent pool volume must allow for 1,800 cubic feet for each acre that drains to the pool, as well

as 5.66 cfs discharge per acre of surface area.

**Subd. 17. Regional Wet Sedimentation Basins:** When the entire water quality volume cannot be retained onsite, permittees can use or create regional wet sedimentation basins provided they are constructed basins, not a natural wetland or water body, (wetlands used as regional basins must be mitigated for). The owner must ensure the regional basin conforms to all requirements for a wet sedimentation basin as described in Section 12.11 Subd. 17 A through C and must be large enough to account for the entire area that drains to the regional basin. Permittees must verify that the regional basin will discharge at no more than 5.66 cfs per acre of surface area of the basin and must provide a live storage volume of one inch times all the impervious area draining to the basin. Permittees cannot significantly degrade waterways between the project and the regional basin. The owner must obtain written authorization from the applicable LGU or private entity that owns and maintains the regional basin.

**Subd. 18. Outlet and Inlet Pipes:**

- A. Inlet pipes of stormwater basins shall be extended to the basin normal water level whenever possible.
- B. Outfalls with velocities greater than 4 fps into channels requires energy dissipation or stilling basins.
- C. In the case of discharge from pipes, riprap shall be provided on all pipe outlets per current MnDOT Standard Specifications for Construction and Riprap at Outlets Standard Plates. Riprap shall be placed over a suitably graded filter material or filter fabric to ensure that soil particles do not migrate through the riprap and reduce its stability.

**Subd. 19. Limitations and Restrictions for Permanent Stormwater Management:** The City may limit or restrict the construction of permanent management facilities based on the following criteria.

- A. For areas where infiltration is prohibited the applicant must consider alternative volume reduction BMPs and the water quality volume must be treated by a wet sedimentation basin, filtration system, regional basin or similar method prior to the release of stormwater to surface water.
- B. For linear projects with lack of right-of-way, easements or other permissions from property owners to install treatment systems that are capable of treating the total water quality volume on site, the project must maximize treatment through other methods or combination of methods before runoff is released to nearby surface waters. Alternative treatment options include: grassed swales, filtration systems, smaller basins, or grit chambers. In all circumstances, a reasonable attempt must be made to obtain right-of-way during the project planning and all attempts of infeasibility must be recorded.

**Subd. 20. Exceptions for Permanent Stormwater Management:** The City may authorize reduced volume control for the following situations:

- A. If the project meets one of the limitations outlined in Section 12.10 Subd. 19.
- B. If the applicant implements to the maximum extent possible other volume reduction practices, besides infiltration, on the site but may not meet the requirements for post-construction stormwater management.

**Subd. 21. Drainage and Utility Easements:** New stormwater management lateral and collector systems, trunk systems, permanent stormwater treatment systems, and vegetated swales constructed as part of private development shall be covered by drainage and utility easements or outlots that are dedicated to the City. Maintenance responsibilities for these areas will be spelled out in a Developer's Agreement. All maintenance agreements must be approved by the City and recorded at the Douglas County Recorder's office prior to final plan approval. At a minimum, the maintenance agreement will describe the following inspection and maintenance obligations:

- A. No private stormwater facilities may be approved unless a maintenance plan is provided that defines how access will be provided, who will conduct the maintenance, the type of maintenance and the maintenance intervals. At a minimum, all private stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance goals for which they were originally designed and as executed in

- the *stormwater* facilities maintenance agreement.
- B. The party who is permanently responsible for maintenance of the structural and nonstructural measures.
- C. Pass responsibilities for such maintenance to successors in title.
- D. Allow the City and its representatives the right of entry for the purposes of inspecting all permanent *stormwater* treatment systems.
- E. Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent *stormwater* management system.
- F. The agreement shall also stipulate that if site configuration or structural *stormwater BMPs* change, causing decreased structural *stormwater BMP* effectiveness, new or improved *BMPs* shall be installed.
- G. Access to all *stormwater* facilities must be inspected annually and maintained as necessary. The *applicant* shall obtain all necessary easement or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the City of Alexandria.

**Subd. 22. Skimmers:** The City requires skimmers or other devices, with the intent to remove floatables, in the construction of new *wet sedimentation basin* outlets and the addition of skimmers to existing systems whenever feasible and practical. The designs shall provide for skimmers that extend a minimum of four inches below the water surface and minimize the velocities of water passing under the skimmer to less than 0.5 feet per second for rainfall events having a 99% frequency. Wood skimmers are not allowed.

**Subd. 23. Habitat and Aesthetic Enhancement:** The City encourages the design of *stormwater* treatment features that provide an opportunity to enhance the habitat and aesthetics of the area. This includes providing upland buffers around permanent *stormwater* treatment systems, seeding the area with *native vegetation*, and designing the slopes equal to or flatter than 4:1.

**Subd. 24. Combination of Practices:** A combination of successive practices may be used to achieve the applicable minimum control requirements specified.

**Section 12.11 Buffer Protection for Wetlands.** For all *development* which changes land use or requires platting, a minimum 10- foot *buffer* of *native vegetation* is required around *wetlands*. Public trails and management of noxious weeds are allowed within the *buffer*. Planting of non-native species is not allowed within the *buffer*.

## **Section 12.12 Stormwater and Urban Runoff Pollution Control.**

### **Subd. 1. Illegal Disposal**

- A. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in Alexandria, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.
- B. No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource *buffer*, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

### **Subd. 2. Illicit Discharges and Connection.**

- A. No person shall throw, drain, or otherwise *discharge*, cause, or allow others under its control to throw, drain, or otherwise *discharge* any pollutants or waters containing pollutants, other than *stormwater* to the municipal storm water system. The following *discharges* are exempt from *discharge* prohibitions established by this ordinance:
  - 1. Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, *discharges*



- from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water;
2. *Discharges* or flow from firefighting, and other *discharges* authorized by the City in writing that are necessary to protect public health and safety;
  3. *Discharges* associated with dye testing, however this activity requires verbal notification to the City prior to the time of the test;
  4. The prohibition shall not apply to any *non-stormwater discharge* permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the *permit*, waiver, or order and other applicable laws and regulations, and further provided that written approval has been granted for any *discharges* to the storm drain system.
- B. No person shall use any *illicit connection* to intentionally convey non-storm water to the municipal storm water system.
1. This prohibition expressly includes, without limitation, *illicit connections* made in the past, regardless of whether the connection was permissible under the law or practices applicable or prevailing at the time of the connection.
  2. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm drain system, or allows such connection to continue.
- C. The City shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.
1. The owner or party responsible shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to *discharge stormwater*, and the performance of any additional duties as defined by state and federal law. Any temporary or permanent obstruction to safe and easy access to the area to be inspected or sampled shall be promptly removed by the discharger at the request of the City and shall not be replaced.
  2. If the enforcement officer has been refused access to any part of the premises from which the nuisance is occurring, and the enforcement officer is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect, test, examine or sample as part of a routine program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of an administrative search warrant from any court of competent jurisdiction.
  3. The City may require the discharger to install monitoring equipment or other such devices as are necessary in the opinion of the City to conduct monitoring or sampling of the premise's *stormwater discharge*. The monitoring equipment must be maintained by the discharger in a safe and proper operating condition at all times. All devices used to measure *stormwater* flow and quality must be calibrated to ensure their accuracy.
- D. Upon finding that a person has violated a prohibition of this section, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
1. The performance of monitoring, analysis, and reporting;
  2. The elimination of *illicit connections* or *illicit discharges*;
  3. The violating *discharges*, practices, or operations must cease and desist;
  4. The abatement or remediation of *stormwater* pollution or contamination of hazards and the restoration of any affected premises;
  5. Payment of a fine to cover administrative and remediation costs; and
  6. The implementation of source control or treatment *BMPs*.

**Subd. 3. Good Housekeeping Provisions.** Any owner or occupant of property within Alexandria shall comply with the following good housekeeping requirements:

- A. No person shall leave, deposit, *discharge*, dump, or otherwise expose any chemical or septic waste in an area where *discharge* to streets or storm drain system may occur. This section shall apply to both actual and potential *discharges*.
- B. For pools, water should be allowed to sit seven days to allow for chlorine to evaporate before *discharge*. If fungicides have been used, water must be tested and approved for *discharge* to the wastewater treatment plant.
- C. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of *paved surface* areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in City codes.
- D. Every person owning or occupying premises through which a watercourse passes, shall keep and maintain that part of the watercourse within the premises free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or occupant shall maintain existing privately owned *structures* within or adjacent to a watercourse so that such *structures* will not become a hazard to the use, function, or physical integrity of the watercourse.

**Subd. 4. Storage of Materials, Machinery, and Equipment.** Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or *discharges*.

**Subd. 5. Storage and Transferring of Salt.** Salt storage and transferring areas at commercial, institutional, and non-NPDES permitted industrial facilities must be covered or indoors, located on an *impervious surface*, and *BMPs* to reduce exposure when transferring salt within the salt storage and transferring area.

**Subd. 6. Removal of Debris and Residue.** Debris and residue shall be removed and disposed of properly, as noted below:

- A. All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and disposed of properly. However, parking lots are not required to be swept for one month following a day on which precipitation of one-half inch or more occurs.
- B. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through community collection program or at any other appropriate disposal site and shall not be placed in a trash container.

**Subd. 7. Removal of Pet Waste.** No person, being the owner or in charge or control of any pet, except a seeing-eye/guide dog shall allow or permit such pet to defecate upon any public property or any private property, other than the property of owner or person in charge or control of such pet, unless permission of the owner of such property is granted or unless the owner or person in charge or control of such pet immediately removes all feces deposited by such pet and disposes of the same in a sanitary manner, in which latter event such pollution shall be considered abated.

**Subd. 8. Notification of Spills.**

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal *discharges* or pollutants discharging into *stormwater*, the storm drain system, or *Waters of the State*, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person must immediately notify emergency response agencies of the occurrence via emergency dispatch services (911). In the event of a release of nonhazardous materials, said person shall notify the City no

later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the personal or phone notice. If the *discharge* of prohibited materials originates from an industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the *discharge* and the actions taken to prevent its recurrence. Such records must be retained for at least three years.

**Section 12.13 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.

**Section 12.14 Abrogation and Greater Restrictions.** It is 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 12.15 Enforcement.** The City shall be responsible for enforcing this Ordinance.

**Section 12.16 Penalties.**

- A. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. In the event that the owner fails to correct the situation within the given time period, the City may correct it and collect all such costs together with reasonable attorney fees, or in the alternative, by certifying said costs of correction as any other special assessment upon the land from which said correction of said violation was made.
- C. 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 separate violation exists shall constitute a separate offense.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, MINNESOTA HEREBY ORDAINS:

Section I: That Ordinance 722 (Storm Water Management Ordinance) be replaced with the new Storm Water Management Ordinance as outlined above, in the Alexandria City Code.


Section II: This Ordinance shall be in full force and effect from and after its passage and publication.

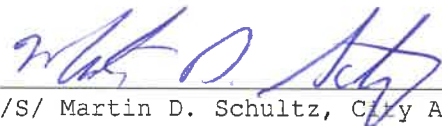
**ADOPTED** by the City Council of the City of Alexandria, Minnesota, this 26<sup>th</sup> day of April, 2021, by the following vote:

YES: Franzen, Thalman, Allen, Benson, Wiener

NO: None

ABSENT: None

  
/S/ Bobbie K. Osterberg, Mayor

ATTEST:   
/S/ Martin D. Schultz, City Administrator

**ORDINANCE NO. 851  
2<sup>ND</sup> SERIES**

**BY REFERENCE  
AN ORDINANCE AMENDING CHAPTER 12**

**AN ORDINANCE AMENDING ORDINANCE NO. 722, 2<sup>ND</sup> SERIES, TO REPLACE THE  
EXISTING CHAPTER 12 (STORM WATER MANAGEMENT ORDINANCE) OF THE  
ALEXANDRIA CITY CODE IN ITS ENTIRETY WITH A NEW STORM WATER  
MANAGEMENT ORDINANCE**

**WHEREAS**, the City Council of the City of Alexandria desires to amend Chapter 12 of the Alexandria City Code relating to Storm Water Management, and

**WHEREAS**, the publication of the complete text of this ordinance is not economically feasible.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, MINNESOTA,  
HEREBY ORDAINS:**

Section I: That Chapter 12 of the City Code relating to Storm Water Management be amended in its entirety. Because it is not economically feasible to publish the entire text of the ordinance, the ordinance is published by reference, but the full copy of the ordinance is on file in the Office of the City Administrator and copies are available to any interested persons during the regular office hours of the City Administrator.


Section II. This Ordinance shall be in full force and effect from and after its passage and publication by reference.

**ADOPTED** by the City Council of the City of Alexandria this 26<sup>th</sup> day of April, 2021, by the following vote:

YES: Franzen, Thalman, Allen, Benson, Wiener

NO: None

ABSENT: None

  
Bobbie K. Osterberg, Mayor

ATTEST:   
Martin D. Schultz, City Administrator