

**ORDINANCE NO. 2015-28**

**AN ORDINANCE AMENDING AND REORGANIZING CHAPTERS 1, 11, 12, 15, 16, 19, AND 21 OF THE CITY CODE PERTAINING TO THE CITY'S STORM UTILITY, STORMWATER, AND WATER RESOURCES REGULATIONS AND CODES.**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 1 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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**CHAPTER 1**

**INTERPRETATION AND ENFORCEMENT OF THE CITY CODE**

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**ARTICLE I. GENERAL PROVISIONS**

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**SEC. 1.06. ENFORCEMENT OF ORDINANCES AND LAWS.**

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(b) The following City employees are authorized to issue citations for violations of the City Code:

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(8) City Engineer, Water Resources Manager, and Water Resources Civil Engineer.

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**ARTICLE II. CIVIL HEARING PROCESS**

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**SEC. 1.11. CITY CODE PROVISIONS THAT ARE ADMINISTRATIVE OFFENSES.**

A violation of the following provisions of the City Code shall be an administrative offense that may be subject to the administrative mediation and hearing process of this Article.

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(35) [~~RESERVED.~~] Chapter 15, Article VIII, Plumbing, Division D. Wells;

(36) [~~Chapter 15, Article VIII, Plumbing, Division D. Wells]~~ Chapter 16, Article II, Stormwater Management;

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Section 2. That Chapter 11 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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## CHAPTER 11

### WATER, WASTEWATER, [STORMWATER] AND RECYCLING

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#### ARTICLE IV. [STORM WATER] RESERVED

##### SEC. 11.42. [ESTABLISHMENT OF STORMWATER DRAINAGE UTILITY.] RESERVED.

[Pursuant to Minnesota Statutes, Section 444.075, the City establishes a storm water drainage utility and authorizes the imposition of just and reasonable charges for the use and availability of storm sewer facilities.]

##### SEC. 11.43. [DEFINITIONS.] RESERVED.

**[Pollutant loading]**— the amount of total suspended solids delivered to the storm water drainage system, measured in pounds per acre per year, that is generated from a given land use.

**Total suspended solids (TSS)**— the sum of all suspended matter, described by the dry weight of the suspended matter found in a specific volume of water (milligrams per liter, for example).]

##### SEC. 11.44. [FINDINGS AND DETERMINATIONS.] RESERVED.

- (a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm sewer system ("the system"). This Article is adopted in the further exercise of such authority and for the same purposes.
- (b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this Article.
- (c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected volume of storm water runoff from the various parcels of land within the City during a standard rainfall event. For the purposes of this Article, a standard rainfall event is defined as the one-year storm of one-day duration. In addition, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected pollutant loading from the various parcels of land within the City.
- (d) Assigning costs and making charges based upon expected typical storm water runoff volume and pollutant loading cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Article undertake to establish a reasonable and practical methodology for making such charges.]

##### SEC. 11.44.01. [CONNECTION PERMITS.] RESERVED.

- (a) **Permit.** A permit shall be obtained to connect to the storm sewer system. The fee for such permit shall be as detailed in Article IV of this Chapter. No permit shall be issued except to a licensed installer.]

##### SEC. 11.45. [RATES AND CHARGES.] RESERVED.

- (a) **Residential equivalent factor.** Rates and charges for the use and availability of the system shall be determined through the use of a "Residential Equivalent Factor" ("REF"). A REF has been developed for the storm water runoff volume (Volume REF), the storm water runoff pollutant loading (Quality REF) and a composite that is used for the final utility fee calculation (Utility REF).

For the purposes of this Article, the Volume REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the City during a standard rainfall event. The Quality REF is defined as the ratio of the pollutant loading (measured as total suspended solids) coming from land subjected to a particular use, to the pollutant loading coming from land subjected to typical single-family residential use within the City. The Utility REF is defined as the ratio of the sum of the volume and quality portions of the total annual storm water drainage utility fee for a given land use classification (as computed using the Volume REF and the Quality REF for that land use classification), to the sum of the volume and quality portions of the total annual storm water drainage utility fee for the single-family residential land use classification (as computed using the Volume REF and the Quality REF for the single-family residential land use classification).

The Utility REF for each of the land use classifications will be revised at such time in the future when there is a shift in the percentage of utility expenditures related to storm water runoff volume and storm water runoff quality treatment. The revision shall be determined by the Director of Public Works, who shall notify the City Council of the action.

- (b) **Storm water drainage charges.** In determining charges the City Council shall by resolution establish a basic system rate to be charged against one acre of land having a Utility REF of one. The charge to be made against each parcel of land shall then be determined by multiplying the Utility REF for the parcel's land use classification times the parcel's acreage times the basic system rate. The Volume, Quality and Utility REF's for the following land uses within the City and the billing classifications for such land uses are as follows:

| <b>CLASSIFICATION</b> | <b>LAND USES</b>   | <b>Volume REF</b> | <b>Quality REF</b> | <b>Utility REF</b> |
|-----------------------|--|-------------------|--------------------|--------------------|
| 1                     | Cemeteries, Parks, Golf Courses                                  | 0.41              | 0.50               | 0.43               |
| 2                     | Single-family and Duplex Residential                             | 1.00              | 1.00               | 1.00               |
| 3                     | Public and Private Schools and Institutional Uses                | 1.36              | 3.05               | 1.67               |
| 4                     | Multiple-family Residential and Place(s) of Assembly for Worship | 2.18              | 3.21               | 2.37               |
| 5                     | Commercial and Industrial  | 3.79              | 6.10               | 4.22               |

For the purposes of calculating storm water drainage charges, all developed single-family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre per unit. Double bungalows or duplexes shall be considered to be two units.

The change in rates shall take effect on July 1, 1996.]

**SEC. 11.46. [OTHER LAND USES.] RESERVED.**

[Other land uses not listed in the foregoing table shall be classified by the Director of Public Works by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event and the pollutant loading. An appeal from the Director of Public Work's determination of the property classification may be made to the City Council.]

**SEC. 11.47. [ADJUSTMENT OF CHARGES.] RESERVED.**

[The City Council may by resolution adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event or a pollutant loading substantially different from that being used for the parcel or parcels. Such adjustment or credit shall be made by the Director of Public Works and shall not be made effective retroactively. An appeal from the Director of Public Work's determination may be made to the City Council.]

**SEC. 11.48. [PUBLIC HEARING AND NOTICE.] RESERVED.**

[The City shall hold a hearing prior to determining whether to build, construct, enlarge or improve storm sewer facilities financed in whole or in part by the imposition of storm sewer drainage charges.

Notice of such hearing shall be published in the official City newspaper at least ten days prior to the date of hearing. Owners of all property adjoining a proposed improvement shall be mailed or served with a notice at least ten days in advance of the hearing. However, failure to give mailed notice or any defects in the notice shall not invalidate the proceedings.]

**SEC. 11.49. ~~[EXEMPTIONS.]~~ RESERVED.**

~~[Public street rights-of-way are exempt from storm water drainage charges.]~~

**SEC. 11.50. ~~[PAYMENT OF CHARGE.]~~ RESERVED.**

~~[Storm water bills shall be mailed, to the designated billing address for the fee title owner of the real property served by the storm water drainage utility or the owner's duly authorized property manager and shall specify the charges.]~~

**SEC. 11.51. ~~[DELINQUENT ACCOUNTS.]~~ RESERVED.**

- ~~[(a) **Payment Options.** Owners must pay the total amount set forth in the bill on or before the due date listed on the bill. Failure to make payment by the due date listed on the bill will result in a late fee assessment of five percent (5%) of the total amount due and owing.~~
- ~~[(b) **Delinquent Storm Water Accounts.** Accounts shall be considered delinquent when any portion of the balance due exceeds thirty (30) days past due and no arrangements for payment have been agreed to by both the Utilities Division and the owner or the owner's duly authorized property manager. It shall be the duty of the Utility Division to endeavor to promptly collect delinquent accounts.~~
- ~~[(c) **Assessment of Delinquent Accounts.** All delinquent accounts shall be certified to the City Assessor who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment shall include the amount of the delinquent account and the administrative charge due under subdivision (d), together with interest thereon at the maximum lawful rate. This assessment roll shall be delivered to the City Council for adoption on or before October first of each year.~~
- ~~[(d) **Administrative Assessment Charge.** An administrative charge of \$25.00 shall be due upon the mailing or electronic transmittal of the notice of the proposed assessment.~~
- ~~[(e) **Security Deposit.** The provisions of Section 11.07 of this Chapter relating to the requirement, use and release of a security shall apply to delinquent storm water accounts.]~~

**SEC. 11.51.01. ~~[RECALCULATION OF CHARGES.]~~ RESERVED.**

~~[If a property owner or person responsible for paying the storm water drainage charge questions the correctness of such a charge, such person may have the determination of the charge recomputed by written request to the Director of Public Works. Such request shall be made within thirty (30) days of the mailing or electronic transmittal of the billing in question.]~~

**SEC. ~~[11.51.02. SEVERABILITY.]~~ RESERVED.**

~~[In the event that any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid by a court of competent jurisdiction, the invalidity shall extend only to the section, subsection, sentence, clause or phrase affected, and shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.]~~

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Section 3. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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## CHAPTER 12

### PUBLIC PEACE AND SAFETY

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#### ARTICLE II. NUISANCE CONDUCT AND CONDITIONS Division A. Public Nuisance Property Conditions

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##### SEC. 12.03. PROPERTY CONDITIONS CONSTITUTING A PUBLIC NUISANCE.

The following property conditions are declared to be nuisances affecting public peace, welfare and safety ("Public Nuisance"):

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- (12) The intentional or negligent discharge of items including but not limited to refuse, leaves, grass clippings, soils, solvents, antifreeze, oil, gas, fireplace ashes, paint, swimming pool water or cement reinsate into a street, storm sewer system, or water resource such as a wetland, creek, pond or lake. This includes illegal discharge or discard of any item on to any land within the City limits.

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- (34) Grading, filling, excavating, storing, stockpiling, or disposing of earth material or performing other land disturbing or land filling activity without first implementing approved measures to prevent/control erosion effecting neighboring properties, drainage, and/or water resources.

- (35) Failure to adequately maintain stormwater Best Management Practices that function as part of a permanent stormwater management facility.

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Section 4. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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## CHAPTER 15

### BUILDINGS AND STRUCTURES

#### ARTICLE I. BUILDING CODE

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##### SEC. 15.02. STORMWATER MANAGEMENT, EROSION CONTROL, AND WETLANDS.

No [building] permit [shall] will be approved or issued until there has been compliance with the provisions of Chapter 16 of this Code concerning stormwater management, erosion control, and wetlands protection.

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##### SEC. 15.08. RESTRICTIONS TO BUILDINGS ON LOW LANDS.

- (a) ~~[No building shall be erected on lands which are subject to flooding during the spring season or in the time of excessive rains resulting in flooded basements, yards and driveways, and no building permit shall be issued for such buildings unless the tract of land or lot upon which such building is to be erected shall be first filled in and brought up to grade which will obviate such flooded conditions and/or the level of the first floor of such dwelling shall be placed at such a height as to preclude the flooding of the basement and/or of the building.]~~ The low floor elevation of all new and reconstructed structures must be constructed at a minimum of two feet above the 100-year flood

elevation where flood elevations have been established. Within landlocked basins, the low floor elevations of all new and reconstructed structures must be constructed at an elevation one foot above the surface overflow elevation or the calculated high water level from back-to-back 100-year, 24-hour storm events or the 100-year, 10-day snowmelt, whichever is higher.

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**SEC. 15.12. ~~[CONSTRUCTION OF MULTIPLE-FAMILY DWELLINGS.]~~GRADING PERMIT.**

~~[Prior to the issuance of a building permit the applicant for such permit shall file a grading and drainage plan which shall be designed and certified by a registered engineer or registered surveyor. The plan must clearly indicate the elevations of proposed buildings, including garages, driveways and streets and the proposed drainage on the lot or parcel, its effect on adjacent properties and shall clearly indicate the place of final disposal of storm waters.]~~

- (a) **Where required.** A grading permit is required prior to any land disturbing activity if the combined volume of excavation, filling, and other movement of earth material on a site is equal to or greater than 50 cubic yards or the area disturbed is greater than or equal to 5,000 square feet. Activities requiring a grading permit may be a component of a parking lot, foundation, or building permit, and in these cases, a separate grading permit is not required. The provisions of this section apply to a grading permit that is a component of another permit except as stated otherwise.
- (b) **Exemptions.** A grading permit will not be required for the following:
- (1) Activity conducted in the public right-of-way under a right-of-way permit obtained through the requirements of city code chapter 17 that specifically authorizes the activity;
  - (2) Excavation and filling of cemetery graves;
  - (3) Maintenance or reconstruction of the facilities of public parks and playgrounds including work required for the protection, repair, replacement, or reconstruction of any existing public paths, trails, sidewalks, public improvement, or public or private utility, and the stockpiling of material for these maintenance and reconstruction activities;
  - (4) Grading done as part of a city, county, or state public works or transportation project; or
  - (5) Underground storage tank removal and replacement that is subject to regulation by a state or federal agency.
- (c) **Application requirements.** The following information must be submitted with each application for a grading permit or other permit meeting the thresholds requiring a grading permit:
- (1) A completed application that lists the volume in cubic yards or the area in square feet to be disturbed;
  - (2) A general vicinity map and legal description of the site;
  - (3) An erosion and sediment control plan and an erosion control surety as set forth in city code chapter 16;
  - (4) A site plan drawn to a clearly indicated and commonly accepted engineering scale showing:
    - (A) Existing and proposed contours at not more than 2-foot contour intervals;
    - (B) Location of existing buildings and structures, easements, utilities, and other surface and above-ground improvements on the site and adjacent land within 100 feet of proposed activity;
    - (C) Location of existing and planned temporary and permanent drainage control facilities, existing and proposed drainage discharge points, watercourses, drainage patterns, environmentally critical areas, and areas of standing water;
    - (D) Approximate location, type, and size of trees and other vegetation on the site;
    - (E) Location and amount of temporary stockpiles and excavations;
    - (F) Designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and
    - (G) Areas where equipment traffic will be permitted and excluded.
  - (5) A stormwater management plan that meets the requirements of city code chapter 16 and the Comprehensive Surface Water Management Plan; and
  - (6) If applicable, a wetland delineation and replacement plan as described in city code chapter 16.
- (d) **Other permits required.** It is the property owner and/or grading contractor's responsibility to determine if other agency permits are required to complete the grading activity. Other permits may

include but are not limited to: watershed district or management organizations, Department of Natural Resources, U.S. Army Corps of Engineers, Minnesota Department of Transportation, and Hennepin County.

**SEC. 15.13. CONSTRUCTION OR MODIFICATION OF PARKING AREAS.**

- (a) **Where required.** A parking lot permit is required prior to constructing, enlarging, replacing or resurfacing a parking area or changing the parking space or drive aisle dimensions of a parking area.
- (b) **Exemptions.** ~~[except that]~~A parking lot permit is not required for patching of up to 20 percent of a parking surface [does not require a parking lot permit]. All patching within a two year period is considered one project for the purposes of determining compliance with the 20 percent limit.
- (c) **Reviews.** The proposed parking lot will be reviewed for compliance with city, state and federal requirements including but not limited to stormwater management, wetlands protection (see City Code ~~[Section]~~chapter 16[.58]), accessibility to the physically disabled, parking space and drive aisle dimensions and lighting. Modifications to any parking space and drive aisle dimensions requires approval by the City Engineer or designee. Modification in the public right of way requires a separate right of way permit.
- (d) **Stormwater management.** Stormwater management pursuant to the requirements of city code chapter 16 and the Comprehensive Surface Water Management Plan is required when at least 50 cubic yards or 5,000 square feet of subgrade is disturbed.
- (e) **Lighting code compliance.** Removal or replacement of less than 50 percent of the parking lot surface on a site within a two year period requires that portion of the parking area to be brought into compliance with lighting standards (see City Code Section 21.301.07). Removal or replacement of 50 percent or more of the parking lot surface on a site within a two year time period requires all parking lot surface on the site to be brought into compliance with lighting standards. Removing parking lot surface material down to the stone base constitutes removal.
- (~~[b]~~f) **Surfacing.** The requirements for off-street parking areas and driveways are set forth in Section 21.301.06 of this Code. The requirements for driveway approaches are set forth in Chapter 17, ~~[Article]~~Article I of this Code.

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Section 5. That Chapter 16 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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**CHAPTER 16**

**STORMWATER MANAGEMENT, [EXCAVATION, ENVIRONMENTAL ANALYSIS,]  
STORM UTILITY, AND WETLANDS [PERTAINING TO LAND DEVELOPMENT]**

**ARTICLE I. [STORMWATER MANAGEMENT]GENERAL PROVISIONS**

**SEC. 16.01. FINDINGS AND PURPOSE.**

~~[The purpose of this Article of the City Code is]~~This ordinance is enacted to establish standards for the regulation of stormwater management, illicit discharge detection and elimination, [and] erosion control, and wetland protection in the City of Bloomington and to establish a stormwater utility in order to protect the health, safety, and welfare of the general public. The principle objectives of this chapter of city code are:

- (1) To provide stormwater management, illicit discharge detection and elimination, erosion control, and wetland protection consistent with and supplemental to the goals and strategies of the local surface water management plan and the city's Storm Water Pollution Prevention Program (SWPPP); and

- (2) To allow the assessment of just and reasonable charges for the use and availability of stormwater management facilities.

**SEC. 16.02. ~~[DEFINITIONS.]STATE STATUTES INCORPORATED BY REFERENCE.~~**

~~[The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:~~

~~**Comprehensive Surface Water Management Plan** – The adopted citywide plan to guide the administration and implementation of water resource activities within the City of Bloomington, as required by the Metropolitan Surface Water Management Act (Chapter 103B) and Board of Water and Soil Resources Rules 8410.~~

~~**Impervious surface** – A surface that has been compacted or covered with a layer of material, or is likely to become compacted from expected use, so that it is highly resistant to infiltration by water.~~

~~**Issuing Authority** – The City Manager or his designated representative.]~~

~~For the purpose of prescribing regulations governing stormwater management, [and] water resources, a stormwater utility, and wetlands, the City of Bloomington hereby adopts the following rules and statutes as they may be amended from time to time:~~

- ~~(1) Minnesota Statutes, Chapter 103B, Water Planning and Project Implementation,~~
- ~~(2) Minnesota Administrative Rules, Chapter 8410, Local Water Management,~~
- ~~(3) Minnesota Statutes, Chapter 103G, Waters of the State, and~~
- ~~(4) Minnesota Statutes, Section 444.075, Waterworks Systems: Storm, Sanitary Sewer Systems.~~

**SEC. 16.03. ~~[STATE STATUTES INCORPORATED BY REFERENCE.]DEFINITIONS~~**

~~[For the purpose of prescribing regulations governing stormwater management, and water resources, the City of Bloomington hereby adopts the following rules and statutes as they may be amended from time to time:~~

- ~~(1) Minnesota Statutes, Chapter 103B, Water Planning and Project Implementation~~
- ~~(2) Minnesota Administrative Rules, Chapter 8410, Local Water Management]~~

~~The following words and terms when used in this chapter will have the following meanings unless the context clearly indicates otherwise:~~

~~**Aeration Equipment** –Electrical or mechanical equipment used to place oxygen into contact with water or mixing water with atmospheric oxygen.~~

~~**Comprehensive Surface Water Management Plan** – The adopted citywide plan to guide the administration and implementation of water resource activities within the City of Bloomington, as required by the Metropolitan Surface Water Management Act (Chapter 103B) and the Board of Water and Soil Resources Rules 8410.~~

~~**Floating Fountain** – A free floating structure that is tethered, anchored, or otherwise secured to prevent movement from which an artificially produced jet of water arises.~~

~~**Illicit Discharge** – Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 16.10 this city code.~~

~~**Illicit Connection** – An illicit connection is defined as either of the following:~~

- ~~1. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process 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 an authorized enforcement agency; or~~
- ~~2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.~~

~~**Impervious Surface** – A surface that has been compacted or covered with a layer of material, or is likely to become compacted from expected use, so that it is highly resistant to infiltration by water.~~

~~**Issuing Authority** – The City Engineer or his/her designated representative.~~

**Pollutant** – A pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into the water.

**Pollutant Loading** – The amount of pollutant delivered to the storm water drainage system, measured in pounds per acre per year, that is generated from a given land use.

**Private/Institutional Property** – Private property refers to property owned by a person or group and kept for their exclusive use. Institutional property, for the purposes of chapter 16, article III of this ordinance, will be defined as property owned by a governmental unit that is developed and used for active governmental purposes. Examples of Institutional properties, as defined in chapter 16, article III of this ordinance, include but are not limited to: Creekside Community Center, Public Health Building, Veterans Services Building, Bloomington Ice Garden, Dwan and Hyland Greens Golf Courses, Public Schools, Water Treatment Plant, Hennepin County Hazardous Waste Disposal, Salt and Sand Storage Building, Utility Storage Building, Old Town Hall Museum, Civic Plaza, Western Maintenance Facility, and Metropolitan Council Park and Rides.

**Private Stormwater Pond** – A body of standing water wholly located within a single private/institutional property or multiple adjoining properties that provides water quality protection and/or flood protection, either natural or man-made, that is part of the infrastructure for land use management.

**Public Stormwater Pond** – A body of standing water that provides water quality protection and/or flood protection, either natural or man-made, is a part of the infrastructure for land use management, is wholly or partially located on property which is dedicated to the use of the public, and is not considered private property by the definition of private property as defined in chapter 16, article III of this ordinance.

**Qualified Professional** – A person whose training and experience qualifies him/her to make water quality recommendations. Qualified professionals include, but are not limited to: registered engineers, hydrologists, scientists, vendors, or technically trained individuals functioning under the direct supervision of a qualified professional.

**Representative** – An agent, deputy, or substitute who is acting or speaking in the place or on behalf of another or others.

**Total Suspended Solids (TSS)** – The sum of all suspended matter, described by the dry weight of the suspended matter found in a specific volume of water (milligrams per liter, for example).

#### **SEC. 16.04. [STORMWATER MANAGEMENT.], INSPECTIONS AND ENFORCEMENT.**

[In the development, improvement or alteration of land, the natural direction, quantity, and quality of drainage shall not be changed unless plans for the development are submitted to the City Engineer and unless the change is in conformance with the City's Comprehensive Surface Water Management Plan and Storm Water Pollution Prevention Program. All plans and provisions for complying with this Article of the City Code shall be submitted to the City Engineer for approval.]

- (a) **Inspections.** The Issuing Authority is hereby authorized to make inspections as are reasonably necessary to enforce any provision of this ordinance, or whenever the Issuing Authority has cause to believe that there exists, or potentially exists, in or upon any premises any conditions which constitutes a violation of this ordinance.
- (b) **Citations.** The Issuing Authority is hereby authorized to issue written notices or citations for the purpose of enforcing the provisions of this ordinance.

#### **SEC. 16.05. [EROSION AND SEDIMENT CONTROL.], PENALTIES AND SEVERABILITY.**

- (a) **Erosion and sediment control.** Prior to the issuance of a building or grading permit for any development, improvement, or alteration of land, a plan for erosion and sediment control shall be presented with the site plan. The erosion and sediment control plan shall implement the methods and best management practices described in the Minnesota Pollution Control Agency's manual "Protecting Water Quality in Urban Areas" or "Minnesota Storm Water Manual" and must be in conformance with the City's Storm Water Pollution Prevention Program. The erosion and sediment control plan shall specify the measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover. These control measures shall be maintained in good working order until site stabilization occurs. In areas which are especially susceptible to erosion hazard or sedimentation damage, such as steep slopes, erosive soils or close proximity to environmentally sensitive areas, the Issuing Authority may require additional measures or best

management practices to ensure protection of resources.]A violation of or failure to comply with this ordinance will be considered a misdemeanor under Minnesota law. Civil penalties will be subject to assessment pursuant to Section 12.15 of the city charter and Section 1.19 of this city code. However, nothing in this ordinance will be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil, and injunctive actions.

- (b) ~~[Erosion and sediment control surety. The Issuing Authority shall require a surety in the form of a performance bond, letter of credit or cashier's check to be filed pursuant to Section 15.11 of this Code. The surety amount shall be for the contractor bid for installing erosion control devices, maintaining erosion control devices, stabilizing the site, and removing erosion control devices once vegetation has been established and the site is stabilized, or \$5,000, whichever is greater.]In accordance with Section 1.06 of this city code, City Enforcement Officers have authority to issue ordinance civil administrative citations of tags pursuant to Section 2.99 of this city code for violations of this chapter relating to illicit discharge, grading, and erosion control. Each day of violation of this ordinance will constitute a separate offense.~~
- (c) If any division, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have adopted the ordinance in each division, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more divisions, sections, subsections, sentences, clauses, or phrases be declared invalid.

~~[SEC. 16.05.01. RESERVED.~~

~~SEC. 16.05.02. RESERVED.]~~

## ARTICLE II. STORMWATER MANAGEMENT

### SEC. 16.06. ~~[EROSION CONTROL ON STEEP SLOPES.]ADOPTION OF A LOCAL COMPREHENSIVE SURFACE WATER MANAGEMENT PLAN.~~

~~[To protect areas with steep slopes from erosion caused by surface runoff due to development, all new development must comply with the requirements of Section 19.57.01, which apply all properties in Single Family R-1 and R-1A and Large Lot Single Family Residential RS-1 zoning districts with twelve percent or greater slope shown in a final plat or otherwise approved by the City Council after May 1, 1993.]The City Council adopts a Local Comprehensive Surface Water Management Plan which has been prepared to meet local watershed management planning requirements of the Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B, and Board of Water and Soil Resources Rules 8410.~~

### SEC. 16.07. ~~[RESERVED.]STORMWATER MANAGEMENT.~~

In the development, improvement, or alteration of land, the natural direction, quantity, and quality of drainage must not be changed unless plans for the development are submitted to the Issuing Authority and unless the change is in conformance with the city's Comprehensive Surface Water Management Plan and Storm Water Pollution Prevention Program. All plans and provisions for complying with this article of the city code must be submitted to the Issuing Authority for approval.

### SEC. 16.08. ~~[RESERVED.]EROSION AND SEDIMENT CONTROL.~~

- (a) ~~Erosion and sediment control. Prior to the issuance of a grading, parking lot, foundation, or building permit for any development, improvement, or alteration of land, a plan for erosion and sediment control must be presented with the site plan. The erosion and sediment control plan must implement the methods and best management practices in conformance with the city's Stormwater Pollution Prevention Program. The erosion and sediment control plan must specify the measures to be used before, during, and after construction until the soils and slopes are stabilized by permanent cover. These control measures must be maintained in good working order until site stabilization occurs. In areas which are especially susceptible to erosion hazard or sedimentation~~

damage, such as steep slopes, erosive soils, or those areas in close proximity to environmentally sensitive areas, the Issuing Authority may require additional measures or best management practices to ensure protection of resources.

- (b) **Erosion and sediment control surety.** The Issuing Authority will require a surety in the form of a performance bond or cashier's check to be filed pursuant to Section 15.11 of this Code. The surety amount will be as follows:

| <b><u>Disturbed Area (acres)</u></b> | <b><u>Surety amount</u></b>   |
|--------------------------------------|---|
| <u>0.00-0.50</u>                     | <u>\$5,000</u>  |
| <u>0.51-0.75</u>                     | <u>\$8,000</u>  |
| <u>0.76-1.00</u>                     | <u>\$11,000</u>   |
| <u>Greater than one acre</u>         | <u>\$0.25 per square foot of disturbed area rounded to the nearest \$1,000 (maximum \$25,000)</u> |
|                                      |   |

- (c) **Erosion control on steep slopes.** To protect areas with steep slopes from erosion caused by surface runoff due to development, all new development must comply with the requirements of Section 19.57.01.

**SEC. 16.09. [RESERVED.]GRADING PERMIT.**

A grading permit, obtained from the Building and Inspections Division pursuant to Section 15.12, is required prior to any land disturbing activity in the combined volume of excavation, filling, and other movement of earth material on a site is equal to or greater than 50 cubic yards, or the area disturbed is greater than 5,000 square feet. Activities requiring a grading permit may be a component of a parking lot, foundation, or other building permit, and in these cases, a separate grading permit is not required.

**SEC. 16.10. [RESERVED.]ILLICIT DISCHARGE DETECTION AND ELIMINATION.**

No person will throw, dump, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, drain, or otherwise discharge into the stormwater management system any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: 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.
  - a. Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may not be discharged directly to the storm drainage system. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the city.
- (2) Discharges or flow from firefighting, and other discharges specified by the city as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing, however this activity requires a verbal notification to the city prior to the time of the test.
- (4) The prohibition will not apply to any non-storm water discharge permitted under a National Pollutant Discharge Elimination System ( NPDES) permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

~~[SEC. 16.11. RESERVED.]~~

~~SEC. 16.12. RESERVED.~~

~~SEC. 16.13. RESERVED.]~~

### ARTICLE III. STORMWATER POND AERATION PERMIT

~~[SEC. 16.14. PURPOSE.]~~

~~The purpose of this Article of the City Code is to authorize the issuance of permits for stormwater pond aeration in the City of Bloomington in order to protect the health, safety, and welfare of the general public.~~

~~SEC. 16.15. DEFINITIONS.~~

~~**Aeration Equipment** – Electrical or mechanical equipment used to place oxygen into contact with water by mixing water with atmospheric oxygen.~~

~~**Floating Fountain** – A free floating structure that is tethered, anchored, or otherwise secured to prevent movement from which an artificially produced jet of water arises.~~

~~**Private/Institutional Property** – Private property refers to property owned by a person or group and kept for their exclusive use. Institutional property, for the purposes of Chapter 16, Article II of this ordinance, shall be defined as a property owned by a governmental unit that is developed and used for active governmental purposes. Examples of Institutional properties, as defined in Chapter 16, Article II of this ordinance, include but are not limited to: Creekside Community Center, Public Health Building, Veterans Services Building, Bloomington Ice Garden, Dwan and Hyland Greens Golf Courses, Public Schools, Water Treatment Plant, Hennepin County Hazardous Waste Disposal, Salt and Sand Storage Building, Utility Storage Building, Old Town Hall Museum, Civic Plaza, Western Maintenance Facility, and Metropolitan Council Park and Rides.~~

~~**Private Stormwater Pond** – A body of standing water wholly located within a single private/institutional property or multiple adjoining properties that provides water quality protection and/or flood protection, either natural or man-made, that is part of the infrastructure for land use management.~~

~~**Public Stormwater Pond** – A body of standing water that provides water quality protection and/or flood protection, either natural or man-made, is a part of the infrastructure for land use management, is wholly or partially located on property which is dedicated to the use of the public, and is not considered private property by the definition of private property as defined in Chapter 16, Article II of this ordinance.~~

~~**Qualified Professional** – A person whose training and experience qualifies him/her to make water quality recommendations. Qualified professionals include, but are not limited to: registered engineers, hydrologists, scientists, vendors, or technically trained individuals functioning under the direct supervision of a qualified professional.~~

~~**Representative** – An agent, deputy, or substitute who is acting or speaking in the place or on behalf of another or others.~~

~~**Stormwater Pond** – A body of standing water that provides water quality protection and/or flood protection, either natural or man-made, that is part of the infrastructure for land use management.]~~

**SEC. 16.[16]11. STORMWATER POND AERATION PERMIT REQUIRED.**

- (a) **Required.** A Stormwater Pond Aeration permit is required to install, alter or relocate stormwater pond aeration equipment on public stormwater ponds as defined in Chapter 16[, Article II of this ordinance] and as described in the Stormwater Pond Aeration Policy and Procedure document. Only removable aeration equipment may be installed. Aeration equipment is permitted from April 1 through October 15. Permanently installed aeration equipment and winter aeration are prohibited. Aeration equipment [shall] must be located and operated in a manner where it does not cause a nuisance to other abutting property owners. The [City Engineer] Issuing Authority may limit any lighting and the height and width of spray on fountain type aeration equipment. Only one permit [shall] will be issued for a stormwater pond. Stormwater ponds operating aeration systems other

than what is listed on the approved permit ~~shall~~ will be prohibited and any existing stormwater pond aeration permits may be revoked.

(b) **Application.**

(1) Application for a permit under this Article ~~shall~~ must be made in writing to the Engineering Division and ~~shall~~ must be on a form provided by the Engineering Division. All Stormwater Pond Aeration permits ~~shall~~ will be issued by the ~~[City Engineer or the City Engineer's designee]~~ Issuing Authority.

(2) The application ~~shall~~ must be accompanied with the following:

(A) Completed application form, including signatures from 100% of the abutting property owners and signed agreement included with the application form.

(B) Aeration system specifications, including sizing criteria, type and details of the equipment and power supply details provided by a qualified professional.

(C) Documentation indicating the installer is a qualified professional and will properly install all equipment.

(D) Removal and maintenance documentation.

(c) **Expiration.** If installation, alteration or relocation of the aeration equipment for which a stormwater pond aeration permit was issued has not commenced within one hundred eighty (180) days from the date of its issuance, or if work authorized by the stormwater pond aeration permit is suspended or abandoned for a period over one hundred eighty (180) days, the permit ~~shall~~ will expire by operation of law and ~~shall~~ will no longer be of any force or effect and a new permit ~~shall~~ must be obtained. The Director of Public Works may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event ~~shall~~ will the continuance exceed a period of sixty (60) days.

(d) **Renewal.** The Stormwater Pond Aeration Permit requires an annual renewal. If any property owner adjacent to the stormwater pond opposes aeration at any time, the permit will not be renewed and the stormwater aeration equipment must be removed.

(e) **Exemptions.** The following are exemptions to the requirements of this Article:

(1) Stormwater pond locations where a DNR permit already exists for aeration year round do not require a City of Bloomington Stormwater Pond Aeration Permit and are allowed to aerate year round, per the DNR permit.

(2) Public agencies with a Pond or Lake Management Plan or other master plan, such as a Park or Natural Resource Master Plan, are not required to obtain a City of Bloomington Stormwater Pond Aeration Permit for stormwater pond aeration on public property.

(3) Private stormwater ponds as defined in Chapter 16~~, Article II of this ordinance~~ are not required to obtain a City of Bloomington Stormwater Pond Aeration Permit for stormwater pond aeration.

**SEC. 16.~~17~~12. OTHER PERMITS REQUIRED.**

(a) **Electrical Permit.** An electrical permit pursuant to this Code ~~shall~~ will be required and the electrical works ~~shall~~ must be done by a licensed electrician.

(b) **Department of Natural Resources Aeration Permit.** It is the responsibility of the applicant to contact the Department of Natural Resources (DNR) to determine if a permit is needed and obtain all required permits prior to the installation, alteration, or relocation of the aeration equipment.

(c) **Watershed District Permit.** Depending on the Watershed District for which the stormwater pond is located, a permit may be required. It is the responsibility of the applicant to contact the correct Watershed District, determine if a permit is needed and obtain all required permits prior to installation, alteration, or relocation of the aeration equipment.

(d) **Other Approvals.** Federal, state, and local units of government, including but not limited to, the U.S. Army Corps of Engineers, water management organizations, and Hennepin County, may require a permit. It is the responsibility of the applicant to contact the proper entities, determine if a permit is needed, and obtain all required permits prior to installation, alteration, or relocation of the aeration equipment.

**~~SEC. 16.18. PENALTY.~~**

~~A violation of this Article shall be considered a misdemeanor under Minnesota law.~~

**~~SEC. 16.19. SEVERABILITY.~~**

~~If any division, section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this Article. The City Council hereby declares that it would have adopted the Article in each division, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more divisions, sections, subsections, sentences, clauses, or phrases be declared invalid.~~

**~~SEC. 16.20. RESERVED.~~**

**~~ARTICLE III. EXCAVATIONS, OPEN PITS AND IMPOUNDING OF WATERS~~**

**~~SEC. 16.21. DEFINITIONS.~~**

~~The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:~~

~~**Excavations**—Any artificial excavation of the earth, within the City dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter, or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction or any installation erected or to be erected, built or placed thereon contemporaneously with, or immediately following such excavation and covering or to cover such excavation when completed, are excepted if a permit has been issued for such construction or installation. Excavations not exceeding 50 square feet of surface area or two feet in depth are excepted.~~

~~**Impounded water**—Any water kept on public or private property within said City in such a manner that more than 500 gallons of water are above the natural surface of the surrounding ground. The word "water" or "waters" as used in the preceding sentence, shall be deemed to include any and all liquid substances.~~

**~~SEC. 16.22. PERMITS REQUIRED.~~**

~~No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him any open pit or excavation, or any impounded water, without first making an application for, and obtaining from the City Council a permit therefor.~~

**~~SEC. 16.23. PERMIT, APPLICATION, ISSUANCE, FEE.~~**

~~(a) Application for such permit shall be made in such form, and the applicant shall furnish such information as shall be required by the City Council, and among other things shall state:~~

- ~~(1) His true name and address;~~
- ~~(2) A full description of the location of the land where the pit or excavation is or is to be, or where the impounded waters are or are to be maintained, and also a full description of the location on such land of the pit, excavation or impounded waters;~~
- ~~(3) The purpose of the pit or excavation, or the quantity of water impounded;~~
- ~~(4) The highway street or streets, or other public ways in the City upon and along which any material for removal is to be hauled or carried; and~~
- ~~(5) The estimated time when building or removing will begin and be completed.~~

~~(b) Such application shall be filed with the City Clerk at least five days before being acted upon by the City Council, unless the Council shall unanimously consent to act thereon within a shorter time, in which case action may be taken whenever the Council may see fit. A fee of \$25.00 shall accompany each application, to be kept by the City; however, if the City Council, after action duly taken, refuses to issue a permit, such fee shall be immediately returned to the applicant.~~

**SEC. 16.24. FILING OF MAP, PLAT.**

The City Council may require a map or plat of the proposed pit or excavation to be made and filed with the application, before acting on the same, showing the confines or limits thereof, together with the proposed depth thereof at different parts thereof. A similar map or plat may be required in regard to the proposed container for the impounded waters.

**SEC. 16.25. CONDITIONS OF PERMIT.**

The City Council as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit issues, or the owner or user of the property on which the open pit or excavation or impounded waters are located, to:

- (1) Properly fence any pit or excavation;
- (2) Slope the banks, and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks;
- (3) Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the Council shall determine;
- (4) Keep any pit, excavation, or impounded waters within the limits for which the particular permit is granted;
- (5) Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Council shall order and direct; and
- (6) Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability, and maintain such container in safe and proper condition.

**SEC. 16.26. BOND MAY BE REQUIRED.**

The City Council may require either the applicant or the owner or user of the property on which the open pit or excavation or impounded waters are located, to post a bond, in such form and sum as the Council shall determine, with sufficient surety running to the City, conditioned to pay the City the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials for any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the City Engineer; and conditioned further to comply with all the requirements of this Article and the particular permit, and to pay any expense the City may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

**SEC. 16.27. VIOLATION - NEGLIGENCE.**

Any person who shall refuse, neglect or fail to comply with any requirement made of him under the provisions of Section 16.25 of this Chapter, as promptly as same can reasonably be done, shall be guilty of a violation of this Article and in addition thereto, the failure to comply with such an order, after notice, and the maintaining thereafter of a pit, excavation, or container of impounded waters shall be prima facie evidence of negligence, in any action by any person thereafter injured or damaged as to person or property thereby.

**SEC. 16.28. CITY COUNCIL MAY HAVE WORK DONE.**

The City Council may, for failure of any person to comply with any requirements made of him in writing under the provisions of Section 16.25 of this Chapter, as promptly as same can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the pit, excavation or impounded waters are situated; or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and his supervisors, if a bond exists.

**SEC. 16.29. VIOLATIONS.**

Each day of violation of this Article shall constitute a separate offense.

## **~~ARTICLE IV. EXCAVATIONS AND CONSTRUCTION ON PUBLIC LAND AND EASEMENTS~~**

### **~~SEC. 16.30. SHORT TITLE.~~**

~~This Article shall be known and may be cited as the "Street Excavation Ordinance of the City of Bloomington."~~

### **~~SEC. 16.31. DEFINITIONS.~~**

~~The following words and terms, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:~~

~~**Applicant**—Any person making written application to the City Engineer for an excavation permit hereunder.~~

~~**Engineer**—The City Engineer of the City of Bloomington.~~

~~**Excavation work**—The excavation and other work permitted under an excavation permit and required to be performed under this Article.~~

~~**Permittee**—Any person who has been granted and has in full force and effect an excavation permit issued hereunder.~~

~~**Public Grounds**—Any land owned by the City for park, open space, or other public purpose.~~

~~**Public Way**—Any street, highway, sidewalk, alley, avenue, or other public right-of-way or public easements of any kind in the City of Bloomington.~~

### **~~SEC. 16.32. EXCAVATION PERMIT.~~**

- ~~(a) It shall be unlawful for any person other than authorized City employees to dig up, break, excavate, tunnel, drill, bore, undermine or in any manner break up any public way or public ground or to make or cause to be made any excavation in or under the surface of any public way or public ground, or to place, deposit or leave upon any public way or public ground any earth or excavated material obstructing or tending to interfere with the free use of the public way or public ground unless such person shall first have obtained an excavation permit therefor from the Engineer as herein provided.~~
- ~~(b) No permit is required of the owner for gardening or sodding otherwise allowed in the boulevard area adjacent to the paved portion of public streets or for gardening or sodding in areas where the easement is for underground purposes.~~

### **~~SEC. 16.33. APPLICATION.~~**

~~No excavation permit shall be issued unless a written application for the issuance of an excavation permit, on forms provided for that purpose, is submitted to the Engineer. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of the commencement and date of completion of the excavation, and other data as may be reasonably required by the Engineer. If required by the Engineer, the application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Engineer.~~

### **~~SEC. 16.34. PERMIT FEE.~~**

~~Upon approval of the application for the excavation permit by the Engineer, the applicant shall pay a fee to the City to cover reasonable costs for the issuance of the excavation permit and inspection required. The permit fee shall be \$25.00 per excavation site for the first 660 lineal feet or less of excavation at the site, plus \$25.00 for each additional 660 lineal feet of excavation, or portion thereof, at the site.~~

### **~~SEC. 16.35. EXCAVATION PLACARD.~~**

~~The Engineer shall provide each permittee, at the time the permit is issued, a suitable placard which shall state the permittee's name, the permit number and the date of expiration. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the~~

excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the permit number or the date of expiration.

#### **~~SEC. 16.36. SURETY BOND.~~**

- ~~(a) Before an excavation permit is issued the applicant shall deposit with the City Clerk a surety bond in the amount of \$5,000.00 in favor of the City. The required surety bond must be:
  - ~~(1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.~~
  - ~~(2) Satisfactory to the City Attorney in form and substance.~~
  - ~~(3) Conditioned that the applicant will faithfully comply with all the terms and conditions of this Article; all rules, regulations and requirements pursuant thereto and as required by the Engineer and all reasonable requirements of the Engineer including payment of the charge for street or other restoration work as set forth in the rules and regulations.~~
  - ~~(4) Conditioned that the applicant will secure and hold the City and its officers harmless against any and all claims, judgments, or other costs arising from the excavation permit or for which the City, the City Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee.~~~~
- ~~(b) Recovery on such surety bond for any injury or accident shall not exhaust the bond but shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given.~~
- ~~(c) In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City giving written notice to the permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the permittee and his surety.~~
- ~~(d) An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified herein and in other respects as specified herein but applicable as to all excavation work in public ways or public grounds by the permittee during the term of one year from said date.~~

#### **~~SEC. 16.37. EXEMPTION FROM SURETY BOND.~~**

~~The surety bond provisions of this Article shall not apply to a duly licensed and bonded plumber or to any public utility permitted to operate within the City limits, by franchise or otherwise, for the purpose of supplying gas, electric, or telephone service or for any excavation which is made under a contract awarded by the City or made by the City.~~

#### **~~SEC. 16.38. ENGINEER.~~**

- ~~(a) All work done pursuant to an excavation permit issued under the provisions of this Article shall be performed under the direction and to the satisfaction of the Engineer or his duly authorized agent.~~
- ~~(b) The Engineer shall prepare such regulations with respect to excavations within any public way or public ground, and shall modify them with respect to particular work, as the Engineer shall deem necessary or advisable to protect the public from injury, to prevent damage to public or private property, and to minimize interference with the public use of public ways or public grounds.~~
- ~~(c) Regulations promulgated by the Engineer shall be approved by the Council after notice of hearing and hearing and a copy of said regulations shall be given to each permittee upon issuance of the excavation permit.~~
- ~~(d) Regulations promulgated by the Engineer may include:
  - ~~(1) Requirement that all public utilities be notified by the permittee of permittee's intent to make an excavation giving notice of time, place and purpose of such excavation.~~
  - ~~(2) Requirement that the permittee shall have the duty of determining the location and depth of all existing underground facilities.~~
  - ~~(3) Manner and method of backfilling the excavation and procedure to be followed in compacting backfilled material.~~
  - ~~(4) Specifications as to material to be used in backfilling the excavation.~~~~

- ~~(5) Manner and method of making the excavation including procedures to safeguard and protect adjoining and adjacent property and existing underground and above-ground facilities.~~
- ~~(6) Requirements for restoration of surfaces.~~
- ~~(e) Special provisions shall be made simplifying procedures and supervision in respect to excavations by franchised utilities.~~

**~~SEC. 16.39. EMERGENCY ACTION.~~**

~~In the event of any emergency in which a main, conduit, or utility facility in or under any public way or public ground breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual the person owning or controlling such main, conduit, or utility facility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the engineer's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.~~

**~~SEC. 16.40. NON-COMPLETION OR discontinuance.~~**

~~Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to the general public. In the event that the work shall not be performed in accordance with the applicable regulations of the Engineer or in accordance with the provisions of this Article, or shall cease or be discontinued without due cause, the City may, after six hours' notice in writing to the holder of said permit of intent to do so, correct said work or fill the excavation, and repair the surface, and in any such event the entire cost to the City of such work shall be a liability of and shall be paid by the person to whom the permit was issued and his surety.~~

**~~SEC. 16.41. INSURANCE.~~**

~~A permittee, prior to the commencement of excavation work hereunder, shall furnish the engineer satisfactory evidence in writing that the permittee has in force, and will maintain in force during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than \$100,000.00 for any one person and \$300,000.00 for any one accident and property damage insurance of not less than \$100,000.00 duly issued by an insurance company authorized to do business in the State of Minnesota and on which policy the City is named as a co-insured.~~

**~~SEC. 16.42. INDEMNIFICATION.~~**

~~The permittee shall indemnify, keep and hold the City free and harmless from liability on account of injury or damage to persons or property arising or growing out of the permittee's negligence in making any excavation. In the event that suit shall be brought against the City, either independently or jointly with the permittee on account thereof, the permittee, upon notice to it by the City, shall defend the City in any suit at the cost of the permittee, and in the event of a final judgment being obtained against the City, either independently or jointly with the permittee, the permittee shall pay such judgment with all costs and hold the City harmless therefrom.~~

**~~SEC. 16.43. EXEMPTION FROM INSURANCE PROVISIONS.~~**

~~The provisions of this Article requiring evidence of public liability and property damage insurance shall not be applicable to any excavation work carried on by the utilities operating gas, electric or telephone facilities within the City.~~

**~~SEC. 16.44. REFUSAL OF PERMITS.~~**

~~If any person shall fail, refuse or neglect to comply with the provisions of this Article, or any rules or regulations of the Engineer, or any reasonable orders or directions of the Engineer in reference thereto, the Engineer may refuse to issue further permits to such person until such conditions or orders are complied with.~~

**SEC. 16.45. PENALTY.**

- (a) Violation of any provision of this Article shall be a misdemeanor.
- (b) In the event that any person shall make an excavation in any public way or public ground of the City without obtaining a permit therefor, the fee for such permit shall be doubled, in addition to other penalties provided in the Article.

**ARTICLE V. PREPARATION AND REVIEW OF ENVIRONMENTAL ANALYSIS**

**SEC. 16.46. APPLICATION.**

- (a) This ordinance shall apply to all projects which:
  - (1) are consistent with any applicable comprehensive plan;
  - (2) do not require a state permit; and
  - (3) the City Council determines that, because of the nature or location of the project, the project may have the potential for significant environmental effects; or
  - (4) are listed in a mandatory EAW or EIS category of the state environmental review by 6 MCAR SS 3.038 and 3.039, one copy of which is on file with the City Clerk.
- (b) This ordinance shall not apply to projects which are exempted from environmental review by 6 MCAR S 3.041 or to projects which the City Council determines are so complex or have potential environmental effects which are so significant that review should be completed under the state environmental review program, 6 MCAR SS 3.021-3.056.

**SEC. 16.47. PREPARATION.**

Prior to or together with any application for a permit or other form of approval for a project, the proposer of the project shall prepare an analysis of the project's environmental effects, reasonable alternatives to the project and measures for mitigating the adverse environmental effects. The analysis should not exceed 25 pages in length. The City Council shall review the information in the analysis and determine the adequacy of the document. The City Council shall use the standards of the state's environmental review program rules (6 MCAR S 3.031) in its determination of adequacy. If the City Council determines the document is inadequate, it shall return the document to the proposer to correct the inadequacies.

**SEC. 16.48. REVIEW.**

Upon filing the analysis with the City, the City shall publish notice in the official City newspaper that the analysis is available for review. A copy of the analysis shall be provided to any person upon request. A copy of the analysis shall also be provided to every local governmental unit within which the proposed project would be located and to the Environmental Quality Board (EQB). The EQB shall publish notice of the availability of the analysis in the EQB Monitor. Comments on the analysis shall be submitted to the City within 30 days following the publication of the notice of availability in the EQB Monitor. The City Council may hold a public hearing to receive comments on the analysis if it determines that a hearing is necessary and useful. The hearing may be combined with any other meeting or hearing for a permit or other approval for the project. Public notice of the hearing to receive comments on the analysis shall be published in the official City newspaper at least ten days before the hearing.

**SEC. 16.49. DECISION.**

In issuing any permits or granting any other required approvals for a project subject to review under this ordinance, the City Council shall consider the analysis and the comments received on it. The City Council shall, whenever practicable and consistent with other laws, require that mitigation measures identified in the analysis be incorporated in the project's design and construction.]

**ARTICLE [VI]IV. [RESERVED]STORMWATER UTILITY**

~~[SEC. 16.50. RESERVED.~~

~~SEC. 16.51. RESERVED.~~

~~SEC. 16.52. RESERVED.~~

~~SEC. 16.53. RESERVED.~~

~~SEC. 16.54. RESERVED.~~

~~SEC. 16.55. RESERVED.~~

~~SEC. 16.56. RESERVED.]~~

**SEC. 16.13. FINDINGS AND DETERMINATIONS.**

- (a) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system ("the system"). This Article is adopted in the further exercise of such authority and for the same purposes.
- (b) The system, as constructed, heretofore has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining and operating the system through the imposition of charges as provided in this Article.
- (c) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system cost, the topography of the city and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected volume of storm water runoff from the various parcels of land within the city during a standard rainfall event. For the purposes of this Article, a standard rainfall event is defined as the one-year storm of one-day duration. In addition, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected pollutant loading from the various parcels of land within the city.
- (d) Assigning costs and making charges based upon expected typical storm water runoff volume and pollutant loading cannot be done with mathematical precision but can only be accomplished within reasonable and practical limits. The provisions of this Article establish a reasonable and practical methodology for making such charges.

**SEC. 16.14. CONNECTION PERMITS.**

- (a) **Permit.** A permit must be obtained to connect to the storm sewer system. The fee for such permit will be as detailed in article VI, chapter 11. Permits can only be issued to licensed installers.

**SEC. 16.15. RATES AND CHARGES.**

- (a) **Residential equivalent factor.** Rates and charges for the use and availability of the system will be determined through the use of a "Residential Equivalent Factor" ("REF"). A REF has been developed for the storm water runoff volume (Volume REF), the storm water runoff pollutant loading (Quality REF) and a composite that is used for the final utility fee calculation (Utility REF). For the purposes of this Article, the Volume REF is defined as the ratio of the average volume of surface water runoff coming from one acre of land subjected to a particular use, to the average volume of runoff coming from one acre of land subjected to typical single-family residential use within the city during a standard rainfall event. The Quality REF is defined as the ratio of the

pollutant loading (measured as total suspended solids) coming from land subjected to a particular use, to the pollutant loading coming from land subjected to typical single-family residential use within the city. The Utility REF is defined as the ratio of the sum of the volume and quality portions of the total annual storm water drainage utility fee for a given land use classification (as computed using the Volume REF and the Quality REF for that land use classification), to the sum of the volume and quality portions of the total annual storm water drainage utility fee for the single-family residential land use classification (as computed using the Volume REF and the Quality REF for the single family residential land use classification).

The Utility REF for each of the land use classifications will be revised at such time in the future when there is a shift in the percentage of utility expenditures related to storm water runoff volume and storm water runoff quality treatment. The revision will be determined by the Director of Public Works, who will notify the City Council of the action.

- (b) **Storm water drainage charges.** In determining charges the City Council will by resolution establish a basic system rate to be charged against one acre of land having a Utility REF of one. The charge to be made against each parcel of land will then be determined by multiplying the Utility REF for the parcel's land use classification times the parcel's acreage times the basic system rate. The Volume, Quality and Utility REF's for the following land uses within the city and the billing classifications for such land uses are as follows:

| <u>CLASSIFICATION</u> | <u>LAND USES</u>  | <u>Volume REF</u> | <u>Quality REF</u> | <u>Utility REF</u> |
|-----------------------|---|-------------------|--------------------|--------------------|
| <u>1</u>              | <u>Cemeteries, Parks, Golf Courses</u>                                  | <u>0.41</u>       | <u>0.50</u>        | <u>0.43</u>        |
| <u>2</u>              | <u>Single-family and Duplex Residential</u>                             | <u>1.00</u>       | <u>1.00</u>        | <u>1.00</u>        |
| <u>3</u>              | <u>Public and Private Schools and Institutional Uses</u>                | <u>1.36</u>       | <u>3.05</u>        | <u>1.67</u>        |
| <u>4</u>              | <u>Multiple-family Residential and Place(s) of Assembly for Worship</u> | <u>2.18</u>       | <u>3.21</u>        | <u>2.37</u>        |
| <u>5</u>              | <u>Commercial and Industrial</u>  | <u>3.79</u>       | <u>6.10</u>        | <u>4.22</u>        |

For the purposes of calculating storm water drainage charges, all developed single-family and duplex parcels will be considered to have an acreage of one-third (1/3) acre per unit. Double bungalows or duplexes will be considered to be two units.

**SEC. 16.16. OTHER LAND USES.**

Other land uses not listed in the foregoing table will be classified by the Director of Public Works by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event and the pollutant loading. An appeal from the Director of Public Work's determination of the property classification may be made to the City Council.

**SEC. 16.17. ADJUSTMENT OF CHARGES.**

The City Council may by resolution adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event or a pollutant loading substantially different from that being used for the parcel or parcels. Such adjustment or credit will be made by the Director of Public Works and will not be made effective retroactively. An appeal from the Director of Public Work's determination may be made to the City Council.

**SEC. 16.18. EXEMPTIONS.**

Public rights-of-way are exempt from storm water drainage charges.

**SEC. 16.19. PAYMENT OF CHARGE.**

Storm water bills will be mailed, to the designated billing address for the fee title owner of the real property served by the storm water drainage utility or the owner's duly authorized property manager and will specify the charges.

#### **SEC. 16.20. DELINQUENT ACCOUNTS.**

- (a) **Payment Options.** Owners must pay the total amount set forth in the bill on or before the due date listed on the bill. Failure to make payment by the due date listed on the bill will result in a late fee assessment of five percent (5%) of the total amount due and owing.
- (b) **Delinquent Storm Water Accounts.** Accounts will be considered delinquent when any portion of the balance due exceeds thirty (30) days past due and no arrangements for payment have been agreed to by both the Utilities Division and the owner or the owner's duly authorized property manager. It will be the duty of the Utility Division to endeavor to promptly collect delinquent accounts.
- (c) **Assessment of Delinquent Accounts.** All delinquent accounts will be certified to the City Assessor who will prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment will include the amount of the delinquent account and the administrative charge due under subdivision (d), together with interest thereon at the maximum lawful rate. This assessment roll will be delivered to the City Council for adoption on or before October first of each year.
- (d) **Administrative Assessment Charge.** An administrative charge of \$25.00 will be due upon the mailing or electronic transmittal of the notice of the proposed assessment.
- (e) **Security Deposit.** The provisions of Section 11.07 relating to the requirement, use and release of a security will apply to delinquent storm water accounts.

#### **SEC. 16.21. RECALCULATION OF CHARGES.**

If a property owner or person responsible for paying the storm water drainage charge questions the correctness of such a charge, such person may have the determination of the charge recomputed by written request to the Director of Public Works. Such request will be made within thirty (30) days of the mailing or electronic transmittal of the billing in question.

### **ARTICLE [VII]V. WETLANDS**

#### **SEC. 16.[57]22. PURPOSE AND INTENT.**

The protection and replacement of wetlands within the state has been established as an environmental priority by the State Legislature [~~pursuant to Minnesota Statutes, Sections 103G.221–103G.2373 and other provisions~~].

Minnesota Statutes[~~, Sections 103G.221 – 103G.2373~~] generally prohibit the [~~burning,~~] draining, [~~and~~] filling, grading, excavating, burning, removal of healthy vegetation, or other alteration or destruction of functions of a wetland of any type or size [~~and the issuance of permits that allow such activities, with certain exceptions~~] without full mitigation so that there is no net loss of wetlands. The purpose and intent of this Article [VII] is to adopt an ordinance that will implement this statutory provision and related regulations, and to adopt a local comprehensive plan for the protection and management of wetlands.

The City of Bloomington has the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) as the Local Government Unit (LGU) within the legal boundaries of the City of Bloomington in accordance with Minnesota Rules, Chapter 8420.

#### **SEC. 16.[58]23. GENERAL RULE.**

- (a) No [~~burning, filling, or~~] draining or filling of wetlands may occur unless it involves an activity either exempted or with a replacement plan under the provisions of Minnesota Statutes, Sections 103G.221 - 103G.237[3]4.
- (b) No building permits, foundation permits, parking lot permits, grading permits, final development plans, or final site and building plans may be approved or issued until the following documentation has been provided to the city:
  - (1) [~~The following documentation has been provided to the City: identification of all wetlands on the site, using the currently approved Federal Manual for Identifying and Delineating~~

~~Jurisdictional Wetlands, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, and a description of any wetlands which are to be burned, filled, or drained pursuant to the development.]~~Submission and approval of a wetland delineation identifying all wetlands on the site utilizing the US Army Corps of Engineers Wetland Delineation Manual (January 1987) and any other requirements of Minnesota Rule 8420 for any wetlands which are to be drained, filled, or potentially altered pursuant to development.

The Issuing Authority may waive the requirement of such documentation in instances where it has determined from aerial photographs, the National Wetlands Inventory, on-site observations, or other pertinent information that the site contains no wetlands;

- (2) Submission and approval of a wetland ~~[mitigation and]~~ replacement plan has occurred, if ~~[burning, filling, or draining]~~ draining, filling, or altering of wetlands is proposed to occur. Such plan ~~[shall]~~ must comply with this Code, state law, and any regulations adopted pursuant thereto;
- (3) Payment has been made of a plan review fee in the amount of ~~[\$75.00]~~\$1,000 when a WCA wetland mitigation and replacement plan is required; and
- (4) All elements of any wetland ~~[mitigation and]~~ replacement plan have been implemented, or a performance bond ~~[-letter of credit,]~~ or other approved security sufficient in amount to guarantee implementation has been provided to the City.

#### **SEC. 16.~~[59]~~24. ADOPTION OF A LOCAL WETLAND PROTECTION AND MANAGEMENT PLAN.**

Pursuant to Minnesota Statutes Section 103G.2243, the City Council adopts a Local Wetland Protection and Management Plan, which has been prepared under the requirements of Minnesota Rules, Chapter 8420.

\*\*\*

Section 6. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

\*\*\*

## **CHAPTER 19**

### **ZONING**

\*\*\*

#### **ARTICLE V. PERFORMANCE STANDARDS**

\*\*\*

##### **SEC. 19.61.01. SELF-STORAGE FACILITY PERFORMANCE STANDARDS.**

\*\*\*

###### **(c) Site Design Requirements:**

\*\*\*

- (5) Site must meet the requirements of chapter 16 of the city code and the City's Comprehensive Surface Water Management Plan for [runoff quantity and quality. At a minimum, storm water runoff from the site must not exceed existing runoff rates. In addition, water quality treatment for the entire site must be provided with a minimum goal of removing 80 percent of the total suspended solids.]stormwater management, erosion control, and wetlands.

\*\*\*

**SEC. 19.63.04. PERFORMANCE STANDARDS FOR SOLID WASTE TRANSFER STATIONS, SOLID WASTE WEIGH STATIONS, HOUSEHOLD HAZARDOUS WASTE AND PERMANENT RECYCLING COLLECTION FACILITIES AND TEMPORARY RECYCLING EVENTS.**

\*\*\*

**(c) Solid Waste Transfer Stations.**

**(1) Site Design Requirements.**

\*\*\*

- (l) ~~[Post-development stormwater runoff rates shall be no greater than pre-development runoff rates and an on-site stormwater collection system to collect and treat such stormwater prior to release into the City's collection system shall be provided as approved by the City]~~ Site must meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands;

\*\*\*

**(e) Household Hazardous Waste and Permanent Recycling Collection Facilities.**

**(1) Site Design Requirements.**

\*\*\*

- (l) ~~[Post-development stormwater runoff rates shall be no greater than pre-development runoff rates and an on-site stormwater collection system to collect and treat such stormwater prior to release into the City's collection system shall be provided as approved by the City]~~ Site must meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan for stormwater management, erosion control, and wetlands;

\*\*\*

**ARTICLE IX. SHORE AREA REGULATIONS.**

\*\*\*

**SEC. 19.87.03. DEFINITIONS.**

The following words and terms when used in this Chapter shall have the ascribed meanings unless the context clearly indicates otherwise:

\*\*\*

**Water-oriented accessory structure** - an accessory structure which, because of its relationship to the public waterbody, reasonably needs to be located within the shore area. Excluded from the definition of a water-oriented accessory structure are stairways, stairway landings, pedestrian lifts, watercraft landing facilities, watercraft lift or storage facilities, backyard appurtenant structures, and utility sheds.

**TABLE 1**

| <b>Public Waterbody</b> | <b>Public Waterbody ID Number or Section/Township/Range Description</b> | <b>Public Waterbody Ordinary High Water Level (OHWL)</b> | <b>"Shore Area" - Distance from OHWL of Public Waterbody</b> | <b>"Shore Area Impact Zone" - Distance from OHWL of Public Waterbody</b> |
|-------------------------|---|--|--|--|
|-------------------------|---|--|--|--|

\*\*\*

|    |                       |                                       |         |             |
|----|-----------------------|---------------------------------------|---------|-------------|
| 3. | Lower Penn Lake 27-4P | <del>808.0</del> <u>807.0</u><br>feet | 75 feet | 37-1/2 feet |
|----|-----------------------|---------------------------------------|---------|-------------|

\*\*\*

\*\*\*

Section 7. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

\*\*\*

## CHAPTER 21

### ZONING AND LAND DEVELOPMENT

\*\*\*

#### ARTICLE III. DEVELOPMENT STANDARDS

\*\*\*

##### Division B. Use Standards

\*\*\*

#### SEC. 21.302.04. TWO-FAMILY DWELLINGS.

\*\*\*

##### (c) Standards.

\*\*\*

- (18) Stormwater. To mitigate the impacts of increased stormwater runoff rates and volume, two-family dwellings must meet the following stormwater standards:
- (A) Erosion and sediment control [plans] must ~~[be approved by the City Engineer prior to issuance of a building permit]~~meet the requirements of chapter 16;
  - (B) Impervious surface area must not exceed 45 percent of the two-family dwelling site area; and
  - (C) If impervious surface area exceeds 35 percent of the two-family dwelling site area, stormwater management plans meeting the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan must be approved by the City Engineer or designee prior to issuance of a grading, foundation, or building permit. ~~[Such plans must demonstrate rate and volume control for runoff generated by impervious surface area beyond 35 percent of the two-family dwelling site area.]~~

\*\*\*

#### SEC. 21.302.08. TOWNHOUSE STANDARDS.

\*\*\*

##### (c) Standards.

\*\*\*

- (14) Stormwater. To mitigate the impacts of stormwater runoff rates and volume, townhouse developments must meet the following stormwater standards:
- (A) Erosion and sediment control [plans] must ~~[be approved by the City Engineer prior to issuance of a building permit]~~meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan; and
  - (B) Stormwater management plans must ~~[be approved by the City Engineer prior to issuance of a building permit]~~meet the requirements of chapter 16 of the city code and the city's Comprehensive Surface Water Management Plan.

\*\*\*

#### ARTICLE V. ADMINISTRATION AND NONCONFORMITY

##### Division A. Approvals and Permits

\*\*\*

#### SEC. 21.501.01. FINAL SITE AND BUILDING PLANS.

\*\*\*

(f) **Content.** Final site and building plan applications must include the following information, unless exempted by the Planning Manager:

\*\*\*

(3) Written documentation that includes:

\*\*\*

(G) Stormwater management plans and calculations that meet the requirements of city code chapter 16 and the Bloomington Comprehensive Surface Water Management Plan;

\*\*\*

(5) Plans, in a number of sets, sizes and formats specified by the Planning Manager, that include:

\*\*\*

(T) Wetland information, if applicable (see City Code [~~Section~~chapter 16[-58]);

\*\*\*

(6) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed development may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, stormwater management, wetland, and utility studies.

#### **SEC. 21.501.02. PRELIMINARY DEVELOPMENT PLANS.**

\*\*\*

(f) **Content.** Preliminary development plan applications must include the following information, unless exempted by the Planning Manager:

\*\*\*

(3) Written documentation that includes:

\*\*\*

(G) Preliminary stormwater management narrative describing the methods intended to be used to meet the requirements of city code chapter 16 and the Bloomington Comprehensive Surface Water Management Plan;

\*\*\*

(4) Plans, in a number of sets and in a format specified by the Planning Manager, that include:

\*\*\*

(N) Wetland information, if applicable (see City Code [~~Section~~chapter 16[-58]);

\*\*\*

5) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed development may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, stormwater management, wetland, and utility studies.

\*\*\*

#### **SEC. 21.501.03. FINAL DEVELOPMENT PLANS.**

\*\*\*

(g) **Content.** Final development plan applications must include the following information, unless exempted by the Planning Manager:

\*\*\*

(3) Written documentation that includes:

\*\*\*

(H) Stormwater management plans and calculations that meet the requirements of city code chapter 16 and the Bloomington Comprehensive Surface Water Management Plan;

\*\*\*

- (6) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed development may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, stormwater management, wetland, and utility studies.

\*\*\*

#### SEC. 21.501.04. CONDITIONAL USE PERMITS.

\*\*\*

- (j) **Content.** Conditional use permit applications must include the following information, unless exempted by the Planning Manager:

\*\*\*

- (6) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed use may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, stormwater management, wetland, and utility studies.

\*\*\*

#### SEC. 21.501.05. INTERIM USE PERMITS.

\*\*\*

- (i) **Content.** Interim use permit applications must include the following information, unless exempted by the Planning Manager:

\*\*\*

- (7) Any special studies requested. The Director of Public Works or the Director of Community Development may request special studies when there is evidence that the proposed use may negatively impact public infrastructure, the environment or adjacent land uses. Such studies may include but are not limited to traffic, environmental, stormwater management, wetland, and utility studies.

\*\*\*

#### SEC. 21.501.13. NEIGHBORHOOD UNIT DEVELOPMENTS.

- (d) **Procedures.**

\*\*\*

- (2) **Application Content.** Applications for an amendment to a Neighborhood Unit Development must consist of an application for a Conditional Use Permit and revised Final Site Plan for a Neighborhood Unit Development. If the amendment requires platting, a concurrent application for a preliminary plat in accordance with the requirements of Chapter 22 of this Code is required. The preliminary plat, together with the documents required by this Section, constitute the Final Site Plan. The Final Site Plan approved by the City Council will be the document controlling those aspects of site development regulated by this Section.

\*\*\*

- (B) **Final Site Plan.** In addition to documents required by Chapter 22 for application for approval of preliminary plats, the applicant must submit final site plans which include the following:

\*\*\*

- (iv) A drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Code, including the provisions of Chapters 16 and 22.

- (v) Identification of all wetlands on the site, using the 1989 Federal Manual For Identifying and Delineating Jurisdictional Wetlands, copies of documents completed in making the wetlands identification, qualifications of the person performing the identification, a description of any wetlands which are to be burned, filled, or drained pursuant to the development, and a wetland mitigation and replacement plan if burning, filling, or draining of wetlands is to occur. Such plan shall be submitted and implemented in accordance with the provisions of Chapters 16 and 22 of the City Code. The requirement of such documentation may be waived in instances where it is determined from aerial photographs, the national Wetlands Inventory, on-site observation, or other pertinent information that the site contains no wetlands.

\*\*\*

**SCHEDULE OF CIVIL FINES  
FOR ADMINISTRATIVE OFFENSES UNDER CHAPTER 1,  
ARTICLE II OF THE CITY CODE**

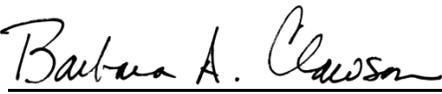
| <u>ADMINISTRATIVE OFFENSE</u>                  | <u>FINE</u>       |
|--|-------------------|
| * * *  |                   |
| <u>Water Resources Violations (Chapter 16)</u> |                   |
| <u>General:</u>                                |                   |
| <u>Minor Violations</u>                        | <u>\$250.00</u>   |
| <u>Major Violations</u>                        | <u>\$1,000.00</u> |
| <br><u>Specific:</u>                           |                   |
| <u>Illicit Discharge (16.10)</u>               | <u>\$500.00</u>   |

\*\*\*

Passed and adopted this 2nd day of November, 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Secretary to the Council

APPROVED:

  
\_\_\_\_\_  
City Attorney