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CHAPTER IV - BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400: Building code

400.01. State building code.

Subdivision 1. Code adopted. The Minnesota state building code, Minnesota Statutes, sections 326B.101 to 326B.194, including all of the amendments, rules and regulations established, adopted, amended, and published from time to time by the Minnesota commissioner of labor and industry, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota state building code is hereby incorporated into this section as if fully set out herein.

Subd. 2. Administration and enforcement. The application, administration and enforcement of the building code shall be in accordance with Minnesota Rules Chapter 1300. The city building official designated by the city council will be responsible for the administration and enforcement of the building code within the corporate limits of the city. The designated city building official must be certified by the State of Minnesota pursuant to Minnesota Statutes, section 326B.133. The building official will be responsible for all aspects of code administration, including the issuance of all building permits and the inspection of all manufactured home installations.

Subd. 3. Violation and penalties. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building structure in the city contrary to or in violation of any provision of the building code embodied in this section. Each day during which a violation of the building code is committed, continued or permitted constitutes a separate offense. The violation of this section constitutes a misdemeanor and will be punished in accordance with Minnesota Statutes, section 609.03.

Subd. 4. Interpretation. The provisions of this section are intended to be the minimum requirements for the construction, repair, alteration or moving of buildings and structures in the city. This section will not abrogate or annul any existing easements, restrictions, covenants or applicable statutes or regulations.

Subd. 5. Electrical. In accordance with Minnesota Statutes, section 326B.36, the commissioner of the Minnesota department of labor and industry shall be the responsible authority for administration of the electrical code, including issuing permits and conducting inspections.

[Revised 5-18-15, Ordinance 428]

400.03. Building permit.

Subdivision 1. Permit required. No person, firm, or corporation may erect, alter, construct, enlarge, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or any portion of it, without a proper building permit

issued by the city. No building permit or other permit pertaining to the use of land or buildings will be issued unless such building is designed and arranged to conform to the provisions of the state building code and the zoning chapter.

Subd. 2. Survey required.

- (a) Every application for a building permit, excluding interior remodels, re-roofs, re-siding and general maintenance, must be accompanied by a certified site survey at a scale and in quantities deemed necessary by the zoning administrator. The zoning administrator may waive the survey requirement for decks and pools of any size, additions with a footprint no larger than 400 square feet in area, detached accessory structures no larger than 400 square feet in area, and any addition which does not change the existing footprint of the structure. A waiver may be granted if the applicant provides a prior certified site survey of the property which includes hardcover calculations and submits a scaled drawing of the proposed improvement indicating existing improvements, property lines, accurate distances, wetlands/waterbodies, easements and other information that would typically be indicated on a survey. The zoning administrator may require a new certified site survey despite the applicant meeting the above criteria if the proposed improvement appears to encroach on a setback, exceed the hardcover limitation, violate any other city standard or if there has been a substantial change or addition to the site since the previous survey.

Because the survey will be used to determine whether an application is in conformance with city code, it is the responsibility of the applicant to ensure information provided on the survey, including existing and proposed topography, corresponds to submitted building plans. An issued building permit authorizes only land alterations identified on a survey. Surveys must include all information deemed necessary by the zoning administrator to provide for the enforcement of this chapter and the zoning ordinance.

- (b) Applicants for all new principal residential structures must provide to the city an as-built foundation survey upon completion of work to the foundation.

- (c) The as-built foundation survey must certify both the final setbacks of the structure being built and the elevations at which the new structure exists. Failure to provide a foundation survey upon foundation completion will result in the builder continuing with construction at the builder's own risk. Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building into conformance if not built to approved plans. The foundation survey will be on-site before the framing inspection is done and approved by

the building official.

- (d) Applicants for all new principal residential structures must provide to the city an as-built grading survey upon completion of work. The as-built grading survey must certify the final topography of the site and verify the drainage patterns existing upon completion of work. The city reserves the right to withhold the certificate of occupancy for a dwelling until final grading addresses all problems that may be detrimental to adjacent properties.
- (e) Any person aggrieved by a decision of the zoning administrator regarding the requirement for a survey under this subd. 2 may appeal that decision to the board of appeals and adjustments under section 505.05, subd. 3 of the city code.

Subd. 3. Denial of permit for effect on drainage.

- (a) No building permit will be issued where the relative elevations of the proposed building grade and the established road grade will conflict in such manner as to cause damage by altering the drainage or flow of surface waters to the road or nearby roads or to the adjacent or nearby premises.
- (b) The city may deny a permit for the construction of a dwelling upon ground which is too low, too steep, or otherwise improperly situated for proper drainage.
- (c) In the course of the construction, alteration, repair or moving of any building or structure, no obstruction, diversion, bridging or confining of the existing channel or any natural waterway through which surface water naturally flows upon and across land will be made without the approval of the city and unless there is compliance with the requirements of this chapter and other applicable ordinances or regulations.

Subd. 4. Permit and inspection fees. Permit and inspection fees will be as authorized in Minnesota Rules Chapter 1300.0120. The method of establishing permit fees and the fee amount will be determined by the city council. The fee schedule will be established by a special ordinance.

Subd. 5. Surcharge. In addition to the permit fee required by subd. 4 above, the building permit applicant will be assessed a surcharge, which is to be remitted to the Minnesota department of labor and industry as prescribed in Minnesota Statutes, section 326B.148.

Subd. 6. Unauthorized work. If the building official finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order. The stop work order will be issued pursuant to Minnesota Rules Chapter 1300.0170.

Subd.7. Special inspection. Any special inspections, testing, or verification as required by the building code will be at the owner's or applicant's expense.

Subd. 8. Building Permits and Completion of Exterior Work. A municipality may by ordinance adopt an official control that requires exterior work authorized by a building permit issued in accordance with the State Building Code, to be completed within a specified number of days following the issuance of the building permit. The local regulation may not require completion of exterior work earlier than 180 days following the issuance of the permit.

Subd. 9. Permit Expiration. If a permit expires pursuant to MN Rules Chapter 1300 as stated on the permit application, a new permit may be re-issued for a period of six months following expiration, provided 1) that no changes have or will take place in the plans or specifications of the project, 2) that no code change has taken place, 3) that the permit renewal fee set forth in the city's fee schedule has been paid, and 4) that no more than 12 months has elapsed since abandonment or suspension of work. After that time, a new permit must be obtained.

400.05. Plumbing Plan Review.

Subdivision 1. Review required. Prior to installation of a system of plumbing other than for a single-family dwelling with independent plumbing service, complete plumbing plans and specifications, together with any additional information that the commissioner may require, shall be submitted on a form and in the manner prescribed by the commissioner of the department of labor and industry. No construction shall proceed except in accordance with the approved plans. Any alteration or extension of any existing plumbing system shall be subject to these same requirements.

[Revised 5-18-15, Ordinance 428]

400.07. Certificates of occupancy.

Subdivision 1. Certificate required. No person, firm, or corporation may use, occupy, or maintain any building, or structure, or any portion thereof, without a proper certificate of occupancy. The certificate of occupancy shall be issued in accordance with Minnesota Rules Chapter 1300.0220.

Subd. 2. Temporary occupancy. The building official may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the portion or portions may be occupied safely. Temporary certificates of occupancy may be issued for a period not to exceed 60 days. Fees for temporary certificates of occupancy shall be determined by ordinance. If a permanent certificate of occupancy is not issued by the expiration date of a temporary certificate of occupancy,

any resident or occupant of the subject structure shall be required to vacate the structure until such time as a validly issued permanent certificate of occupancy is obtained.

Subd. 3. Revocation. The building official may issue a written suspension or revocation of a certificate of occupancy issued under this section if the certificate is issued in error or on the basis of incorrect information supplied, or if the building or use of the building, structure, or portion of the building or structure is in violation of any ordinance or regulation or a provision of the code.

400.09. Agricultural buildings.

Subdivision 1. Applicability of the building code. The building code does not apply to agricultural buildings, except as specified in Minnesota Statutes, section 326B.121.

Subd. 2. Agricultural building defined. For the purposes of this section an "agricultural building" is defined as a structure on agricultural land, as defined in Minnesota Statutes, section 273.13, subdivision 23, designed, constructed, or used exclusively to house farm implements, livestock or agricultural produce or products used by the owner, lessee, and sub-lessee, of the building and members of their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products. Private and commercial indoor riding arenas or commercial stables are not agricultural buildings.

400.11. Unsafe buildings.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life or health, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified by ordinance, state statutes or regulation, are unsafe buildings. All such unsafe buildings must be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in the building code, or Minnesota Statutes, sections 463.15 to 4463.26 or other applicable statutes, regulations, or codes.

400.13. Numbering of houses and buildings.

Subdivision 1. Numbers required. The owner or occupant of a house or commercial building in the city must place on the front of each such house or commercial building suitable house or building numbers in accordance with Minnesota State Fire Code, section 505. The numbers must be large enough to be read from the street upon which the house or commercial building is located. If any house or commercial building is too remote from the fronting road or street to be plainly visible from the fronting road or street, a sign or post with visible and legible approved numbers or addresses, or a range of numbers or addresses from lowest to highest, shall be placed at the driveway entrance in such a manner that the numbers or addresses are visible from either direction of travel on said road or street. In addition, if there are multiple driveways

branching from the main driveway, each subordinate driveway shall be marked in a similar manner.

Subd. 2. Duties of building official; enforcement. The building official must enforce this subsection. The building official must give the owner or occupant of any house or commercial building that does not conform with this subsection 10 days' written notice within which to comply with the terms of this subsection.

Subd. 3. Temporary Street Address. When a new house or building is under construction, until such a time as permanent house or building numbers or other numbering in accordance with 400.13 is in place, a temporary sign shall be placed at all driveways and subordinate driveways indicating the address of each house and building.

Section 410 – Moving buildings

410.01. Definitions.

The following words, terms and phrases, when used in this section, will have the following meaning:

Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional assembly, educational or recreational purposes.

Removal location means any location in the city to which a building may properly be moved and on which such building may be properly located after the move.

410.03. Interpretation.

It is not intended by this section to interfere with and abrogate or annul any easement, covenant or other agreement between parties; provided, however, that when this section imposes a greater or heavier restriction than is imposed or required by any other ordinance, rule, regulation or by easements, covenants, or agreements, the provisions of this section will control.

410.05. Permit.

Subdivision 1. Required. No person will move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the city.

Subd. 2. Permit application.

- (a) A person seeking issuance of a permit under this section will file an application for such permit with the city.
- (b) The application will be made in writing upon forms provided by the city, and will be filed in the office of the city clerk.
- (c) The application will set forth the following:
 - (1) A description of the building, proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and photographs, showing ground and street elevations;
 - (2) A legal description of the premises from which the building is to be moved;
 - (3) A legal description of the premises to which it is proposed such building be removed, if located in the city;
 - (4) The portion of the premises to be occupied by the building when moved if located in the city;
 - (5) The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - (6) Proposed moving date and hours;
 - (7) Any additional information which the city will find necessary to make a fair determination of whether a permit should be issued.
- (d) The application will be made at least 30 days prior to the proposed moving date.
- (e) The owner of the building to be moved will file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any other charges against the same are paid in full.
- (f) The applicant will file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building.

Subd. 3. Standards for issuance.

- (a) The city will refuse to issue a permit under this section if the city finds:
 - (1) That there has not been compliance with any application requirement or any fee or deposit requirement;
 - (2) That the building is too large to move without endangering persons or property in the city;

- (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- (6) That zoning or other ordinances of the city would be violated by the building in its removal location;

- (7) That for any reason persons or property in the city would be endangered by the moving of the building;
 - (8) That the building to be moved is not worth at least 75 percent of the cost of a similar new building as determined by the building inspector;
 - (9) That the building in its removal location would fail to comply in any respect with any provision of any ordinance of the city or, in the alternative, that proper assurance of such compliance have, or have not been given;
 - (10) That the building is in variance with either the established or the expected pattern of building development with the neighborhood to which the building is to be moved. The findings of a comparative study of age, bulk, architectural style and quality of construction of both the building to be moved and the buildings either existing or expected in the neighborhood will be the criteria by which the building inspector will determine the degree of variance.
- (b) No permit will be issued to any person who is not licensed as a building mover by that state.
 - (c) Where the removal location of any building is known by the building inspector to be subject to any restrictive covenants of record, the inspector will not issue a permit under the provisions of this section until the inspector is satisfied that all of the terms and conditions of the covenants have been complied with.
 - (d) No such permit will be issued until the building inspector is satisfied that the building proposed to be removed will, in its removed location, conform to the general character and to the type of architecture of the neighborhood.
 - (e) The building inspector will inspect the building wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met.

Subd. 4. Fees, deposits.

- (a) The application for the permit required by this section will be accompanied by a permit fee in the amount established by special ordinance plus a sufficient sum, as estimated by the city, to cover all other charges required under the terms of this section or any other ordinance of the city.
- (b) Every applicant or permittee will pay, in addition to all other required fees, an additional fee in the amount established by special ordinance for travel by the building inspector in making any inspection under the provisions of

this section or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with a fee in the amount established by resolution for the building inspector for the time spent in connection with such inspection.

- (c) Upon receipt of an application it will be the duty of the building inspector to procure an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials to be used in making such removals or replacements. Prior to issuance of the permit, the building inspector will require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expenses.
- (d) The permittee will be liable for any expense, damage or costs in excess of deposited sums of money, and the city attorney will prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such damages, costs or expenses.
- (e) The building inspector will deposit all fees and deposits, with the city in the same manner as all other receipts to the city are deposited. Upon the building inspector's refusal to issue a permit, the building inspector will return to the applicant all deposits. Permit fees filed with the application will not be returned.
- (f) After the building has been removed, the building inspector will furnish the city treasurer with a written statement of all expenses incurred in removing and replacing all property belonging to the city and of all material used in the making of the removal and replacement together with a statement of the damages caused to or inflicted upon property belonging to the city; provided, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee will not be liable for the cost of removing the same. The city finance officer/treasurer will authorize the building inspector to return to the applicant all deposits after the deduction of a sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application will not be returned.

410.07. Notice to city of revised moving time.

A permittee under this section will notify the city in writing of a desired change in moving date and hours as proposed in the permit application..

410.09. Designation of streets for removal.

The building inspector will procure from the city engineer, a list of designated streets,

railroad crossings and bridges over which the building may be moved. The building inspector will have the list approved by the chief of police and will reproduce the list upon the permit required by this section in writing. In making their determinations, the city engineer and the chief of police will act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

A permittee under this section will move a building only over streets designated for such use in the written permit.

410.11. Display of lights.

A permittee under this section will cause red lights to be displayed on every side of the building during the night time and red flags during the daytime while building is being moved or standing on the street, in such manner as to warn the public of the obstruction and will where necessary erect and maintain barricades across the streets in such matter as to protect the public from damage or injury by reason of the removal of the building.

410.13. Police escort.

A permittee under this section will pay the expense of a traffic officer, ordered by the chief of police, to accompany the movement of the building to protect the public from injury at the rate established by resolution.

410.15. Clearing old premises.

A permittee under this section will remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition. If the permittee fails to do so, the city will proceed to do the work necessary to leaving the original premises in a safe and sanitary condition at the expense of the permittee.

410.17. Maximum period of street occupancy.

A permittee under this section will remove the building from the city streets after four days of such occupancy, unless an extension is granted by the building inspector.

410.19. Occupancy of building moved.

The building to be placed upon the removal location will be completed for occupancy within 90 days after the date of the permit.

410.21. Notice to city of damages to city property.

A permittee under this section will notify the building inspector in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred at the rate established by resolution.

410.23. Enforcement.

The building inspector, the police department and the city engineer will enforce and carry out the requirements of this section.

410.25. Compliance with other laws.

A permittee under this section will comply with the building code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the city.

Section 415 – Excavations

415.01. Permit.

Subdivision 1. Required. It will be unlawful for any person to remove, fill, or use for fill, dredge, store, or excavate rock, sand, gravel, dirt or similar material within the limits of the city; to fill or reclaim any land by depositing such material or by grading of existing land so as to elevate or alter the existing grade; or to build, alter, or repair any seawall, retaining wall, to rip-rap or to otherwise change the grade or shore of lakeshore property unless exempted by subdivision 2; to undertake any of the above-described activities within 100 feet of the floodplain or a wetland without a permit issued by the council.

Subd. 2. Exceptions. The requirements of subdivision 1 are not intended to govern the following:

- (a) The fill or excavation of less than ten cubic yards of material within (i) a shoreland district on or over steep slopes; or, (ii) within shore or bluff impact zones sloping towards protected waters.
- (b) The dredging in the beds, banks or shores of any public water in the limits of the city which have first secured a permit from the Minnehaha Creek Watershed District or the Pioneer Sarah Watershed District.
- (c) Disturbance of an area of less than 5,000 square feet; and involves the fill, grading, excavation, or storing of less than 50 cubic yards of soil or earth material.
- (d) Normal and customary grading in the area of a newly constructed building if the certificate of occupancy for said building is not older than one year. Such grading and earth moving will need to have been approved by the city at the time of issuance of the building permit, providing that a plan showing property drainage and protection of adjoining property has been submitted. Changes to the proposed grading approved by the building permit will require city approval.
- (e) Normal and customary grading in connection with the construction of a driveway independent of the amount of material involved which does not significantly affect existing drainage or low-lying land on the property or adjacent properties.
- (f) Activities associated with public road construction and maintenance.
- (g) Activities associated with the furtherance of agricultural operations.
- (h) Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket if the finished slope does not

exceed three feet horizontal to one foot vertical, the landward extent of the rip-rap is within ten feet of the ordinary high water level and the height of the rip-rap does not exceed four feet.

Subd. 3. Application and fee. An application for such permit will be accompanied by a drawing made by a registered surveyor showing the location of the proposed excavation or storage and will state the amount of material which is to be removed, excavated or stored, filled or graded, and such other information deemed necessary by the city. Applications will be filed with the city and will be accompanied by a fee in the amount determined by resolution.

Subd. 4. Administrative permit. Administrative permits may be issued if the zoning administrator determines the project in compliance for the following activity:

Normal and customary landscaping or grading, independent of the amount of material involved, which does not significantly affect existing drainage or low-lying land on the property owner or adjoining property owners.

Administrative permits will be issued ten days after notification to property owner within 500 feet of the property boundaries, and if no objection to the above described activity is raised. Such permits will allow up to one year from the date of issuance for completion of the grading activities.

Subd. 5. Issuance. The city will refer permit applications, or administrative permits about which objections have been raised to the planning commission for review. The petitioner or petitioner's representative will appear before the planning commission in order to answer questions concerning the application. Opportunity will be given to any person to be heard for or against the granting of the permit. After such investigation and hearing, the planning commission will make its report to the council recommending or not recommending the application for such permit.

Subd. 6. Review criteria. Grading or filling in any type of wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

- (a) Sediment and pollutant trapping and retention;
- (b) Storage of surface runoff to prevent or reduce flood damage;
- (c) Fish and wildlife habitat;
- (d) Recreational use;
- (e) Shoreline or bank stabilization; and
- (f) Noteworthiness, including special qualities such as historic significance,

critical habitat for endangered plants and animals, or others.

** This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.*

415.03. Other regulations.

Granting of permits under this section is subject to other regulations and prohibitions of other ordinances, and other applicable statutes, ordinances or regulations of other governmental bodies having jurisdiction.

415.05. Shoreland alterations.

Shoreland alterations will comply with standards established in 505.29, subd. 13.

Section 417 – Mining

417.01. Purpose.

Commercial mining, stripping, extracting and excavating activities are now being and for some time have been conducted in certain places in the city, in order to remove from the ground black dirt, sand, gravel and other minerals or substances existing on, in or under such places. Such acts are inherently accompanied by noise and dust, often create hazardous conditions, and usually result in lasting disfigurement of the places where they are carried on, and thus tend to interfere with the existing land uses in nearby areas, and to discourage further permanent development, and to diminish the public health, safety and general welfare. It is therefore desirable to regulate both existing operations and any further extension of such mining, stripping, extraction and excavation operations in the city, all by means of the power granted to the council pursuant to Minnesota Statutes, section 412.221, subdivisions 23, 24, and 32 and to regulate by ordinance public nuisances, noise or other disorder and uses of land in the city for various purposes, and to provide for the good order of the city and the general welfare of the public.

417.03. Places permitted.

Subdivision 1.

No person will commercially mine, strip, excavate or otherwise extract or remove black dirt, sand, gravel or other minerals or substances existing on, in or under any lands in the city, except in those areas designated as temporary excavation districts, and subject to the conditions and requirements prescribed in this section.

Subd. 2.

The following areas are hereby designated as temporary excavation districts:

- (a) That part of the southwest quarter of the southwest quarter lying north of the south 208.71 feet thereof and that part of the south 208.71 feet of the southwest quarter of the southwest quarter lying east of the west 208.71 feet thereof, except road, all in section 3, township 117 north, range 24 west;
- (b) The east $\frac{2}{3}$ of the northeast quarter of the southwest quarter and that part of the east $\frac{2}{3}$ of the southeast quarter of the southeast quarter lying north of road, all in section 22, township 117 north, range 24 west;
- (c) That part of lot 12, Auditor's Subdivision 292 lying south of the north 617.48 feet thereof and lying northerly of a line which is parallel with the south line of said lot 12 and running west from a point in the west line of lot 5, said addition, distant 625.5 feet southerly from the northwest corner thereof, all according to the recorded plat thereof.

- (d) Areas designated as temporary excavation districts may be expressly designated as such for a certain period of time, after which the area will cease forthwith to be so designated without further action or proceedings.
- (e) When any area has ceased to be designated as a temporary excavation district only the uses permitted by other applicable ordinances of this city will be lawful therein.

417.05. Termination of activities.

Whenever activities for which a permit is required by this section have not been continuously conducted in an area designated as a temporary excavation district for a period of not less than two years, such area will cease henceforth to be so designated, unless suspension of activities was caused by an act of God, labor dispute or war emergency.

417.07. Violations declared a nuisance.

Any mining, stripping, extracting or excavating activities conducted in violation of this section are declared to be a public nuisance, and may be abated pursuant to applicable ordinances of this city or by civil action for an injunction, brought by the city.

417.09. Inspections.

Every permittee under this section will at all times permit the city engineer or any authorized official to enter upon any premises where acts for which a permit is required by this section are being performed, for the purpose of making inspection to enforce this section.

417.11. Progress surveys.

Every permittee under this section will prepare and submit progress surveys of current ground elevations, upon the request of the council pursuant to the council's determination that conditions within a temporary excavation district require a survey of the progress of extraction activities therein.

417.13. Permit required.

No person will commercially mine, strip, excavate or otherwise extract or remove black dirt, sand, gravel or other minerals or substances existing on, in or under any lands in the city without first obtaining a permit from the council in the manner provided in this section.

417.15. Permit application.

Subdivision 1. Application form and content.

An application for the permit required by this division will be made in such form and the applicant will furnish such information as will be required by the planning commission and the council. Among other things, the information will include:

- (a) The true name and address of the applicant;
- (b) The period of time for which the permit is requested;
- (c) A legal description of the temporary excavation district in which the applicant intends to conduct the activities for which the permit is requested, or, if such activities are intended for less than the entire area so described, a full description of such area;
- (d) The estimated quantity of materials to be mined, stripped, excavated or removed from the area for which the permit is requested;
- (e) The current plans of the applicant for the present and further development of the area for which the permit is requested;
- (f) The locations of public road access and egress to and from the excavation district and the anticipated primary routing of all vehicles hauling extracted material;
- (g) A land survey of the existing topography in the area for which the proposed permit applies and an additional land survey of the proposed finished topography of such area after the completion of activities to be conducted pursuant to the requested permit. The required land surveys will be prepared by a registered land surveyor or engineer, will be drawn to a scale of not more than 100 feet to an inch, and will be drawn with contour intervals of not more than ten feet.

Subd. 2. Application fee.

Four copies of the application, together with an application fee in the amount established by resolution will be filed with the city administrator. The fee is nonrefundable.

Subd. 3. Review.

The council will consider the application officially filed with the city administrator after the planning commission has examined it and other material submitted in support of the application and has advised the council that the application is in proper form.

417.17. Permit issuance.

Subdivision 1. Public hearing.

After it has been determined that an application for the permit required by this section is in proper form, the city administrator will:

- (a) Set a public hearing before the planning commission on the application, which will be held, if possible, at the next regular meeting of the planning commission, but not earlier than 19 days after the filing of the application. Notice of the hearing will be published in the official city newspaper at least ten days prior to the hearing. The newspaper notice will include an easily understood description of the area described in the application. The cost of the notice will be paid for by the applicant in addition to the cash fee for other expenses;
- (b) Refer one copy of the application to the planning commission and one copy to the city engineer.

Subd. 2. City engineer report.

The city engineer will submit his report to the planning commission before the hearing on the application. This report will be on the feasibility of the application, drainage problems and other engineering problems which might be encountered.

Subd. 3. Planning commission hearing.

The planning commission will conduct the hearing on the application and will make its report within 30 days after such hearing. The planning commission may approve an application subject to certain revisions and may designate one of its members to see that such revisions conform to the intent of the planning commission.

Subd. 4. Action by council.

The council will act on the application at its regular meeting following receipt of the report of the planning commission. If the application is not approved by the council, the reasons for such disapproval will be recorded in the minutes of the council and transmitted to the applicant and to the planning commission. Any reapplication or request for reconsideration will be in accordance with the provisions of this section.

Subd. 5. Payment of fees.

Before approval of the application for the permit required by this division the applicant will pay to the city all fees of the city engineer in connection with engineer's examination of the application and engineer's report thereon.

Subd. 6. Bond.

When required by the council, a permittee under this division will post a bond, executed by a corporate surety authorized to do business in the state, in such form and sum as the council will determine, and conditioned upon raising grades, elevations and topography of a temporary excavation district to the levels established in the finished topography survey submitted and approved pursuant to this section, and upon payment to the city of all fees, fines and penalties.

Subd. 7. Insurance.

Every person issued a permit under this section will file with the city administrator a liability insurance policy or certificate of such insurance issued by an insurance company authorized to do business in the state. Such policy or certificate will be approved by the city attorney. The policy or certificate will insure the person performing acts for which a permit is required by this division and the city in at least the sum of \$100,000 for injury to one person and \$250,000 for one accident and at least \$10,000 property damage or in such amounts as the council may determine. The policy will be kept in effect until the termination of a permit or such time as the area ceases to be designated as a temporary excavation district, whichever will first occur.

417.19. Permit denial, revocation.

For failure to comply with the requirements of this section, the council may withhold or revoke any permit proposed or issued pursuant to this section and may withhold approval of any land subdivision, rezoning plan or building permit requested for the area.

417.21. Finished topography.

Every permittee under this section will maintain grades and elevations fully consistent with the finished topography survey submitted with an application for permit pursuant to this section, and as approved by the council.

417.23. Sloped banks.

During excavation, every permittee under this section will maintain slope of all banks to the grade of two to one and otherwise properly guard and keep any mine or excavation in such condition as not to be dangerous from caving or sliding banks.

417.25. Drainage, fill.

Every permittee under this section will properly drain, fill in or level any mine or excavation, after it has been created, so as to make the same safe and healthful, as the council will determine.

417.27. Crushing activities.

Every permittee under this section will not crush gravel, rocks or other materials or substances unless provided for in the permit.

417.29. Fences.

Every permittee under this section will properly fence any mine or excavation.

417.31. Transportation of materials.

Every permittee under this section will use only those locations of public road access and egress and primary hauling routes as approved by the council.

Section 420 - Erosion and sediment control for land disturbing activities.

420.01. Purpose.

The purpose of this section is to promote, preserve and enhance the natural resources within the city and provide protection from adverse impacts caused by erosion and poor sediment control by regulating land disturbances or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbances, development activities, water quality and environmentally sensitive lands; and by requiring review standards and procedures.

420.03. Applicability.

Every applicant seeking a permit to allow land disturbing activities of one acre or greater shall submit a stormwater pollution prevention plan to the city engineer. No building permit, subdivision approval or development permit to allow land disturbing activities may be issued until approval of the stormwater pollution prevention plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this section.

420.05. Exemptions.

The provisions of this section do not apply to:

- (a) Any part of a subdivision if a plat for the subdivision has been approved by the city on or before the effective date of this section.
- (b) A lot for which a building permit has been approved on or before the effective date of this section.
- (c) Installation of fence, sign, telephone, cable television, electric poles and other kinds of posts or poles, utility lines or service connections to these utilities which result in creating under one acre of exposed soil.
- (d) Any activity that disturbs less than one acre of land.
- (e) Emergency work to protect life, limb or property.
- (f) Routine agricultural or silvicultural activity.

420.07. Definitions.

The following words and terms, wherever they occur in this section, are defined as follows:

Best management practices (BMPs) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or city.

Land disturbing activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land.

Dewatering means the removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site.

Energy dissipation means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

Erosion prevention means measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

Final stabilization means that either:

- (a) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;
- (b) For individual lots in residential construction by either: (a) the homebuilder completing final stabilization as specified above, or (b) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization; or

- (c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in (a) or (b) above.

General contractor means the party who signs the construction contract with the city to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor will be the party responsible for managing the project on behalf of the city.

Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

National pollutant discharge elimination system (NPDES) means the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345. In Minnesota, the Minnesota Pollution Control Agency is responsible for administering these requirements.

Normal wetted perimeter means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.

Operator means the person (usually the general contractor), designated by the city, who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP.

Owner means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

Permanent cover means final stabilization. Examples include grass, gravel, asphalt, and concrete.

Permittee means a person or persons, firm, or governmental agency or other institution that signs the application submitted to the MPCA and is responsible for compliance with the NPDES General Permit terms and conditions.

Saturated soil means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

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

Stabilized means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not considered stabilization.

Stormwater is defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

Stormwater pollution prevention plan means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will minimize soil erosion on a parcel of land and minimize off-site nonpoint pollution to the maximum extent practicable.

Surface water or waters means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

Temporary erosion protection means methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

Underground waters means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term ground water shall be synonymous with underground water.

Waters of the state (as defined in Minn. Stat. § 115.01, subd. 22) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Wetland or wetlands is defined in Minn. R. 7050.0130, subp. F and includes those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

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

420.09. Stormwater pollution prevention plan submittal procedures.

In accordance with section 420.03, a Stormwater Pollution Prevention Plan must be submitted with any permit application to the zoning administrator in accordance with the requirements and approval standards outlined in sections 420.11 and 420.13. Prior to applying for approval of a Stormwater Pollution Prevention Plan, an applicant may have the Stormwater Pollution Prevention Plan reviewed by the appropriate departments of the city. Also, prior to receiving the necessary permit, the applicant must sign an agreement with the city which waives the right to a contested case hearing for any assessments added to the property if failure to conduct the necessary work outlined in the approved Stormwater Pollution Prevention Plan and/or minimum requirements of this section are not conducted by the applicant during the project as outlined in section 420.21, subd. 4.

420.11 Stormwater pollution prevention plan requirements.

At a minimum, the Stormwater Pollution Prevention Plan shall contain the following information:

Subdivision 1. Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:

- (a) The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets.
- (b) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivision, towns and districts or other landmarks;

- (c) Existing topography with a contour interval no greater than two feet;
- (d) A delineation of all streams, rivers, public waters and wetlands located on, immediately adjacent, and within one-half mile downstream of the site or as requested by the city. The delineation should include depth of water, a description of vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
- (e) Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;
- (f) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
- (g) Vegetative cover and clearly delineating any vegetation proposed for removal; and
- (h) 100 year floodplain, flood fringes and floodways.

Subd. 2. Site construction plan.

- (a) Locations and dimensions of all proposed land disturbing activities;
- (b) Locations and dimensions of all temporary soil or dirt stockpiles;
- (c) Locations and dimensions of all construction site erosion control measures and BMPs necessary to meet the requirements of this section;
- (d) A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of erosion and sedimentation control measures; and permanent site stabilization measures; and
- (e) A detailed description of how erosion control, sediment control and soil stabilization measures implemented pursuant to the plan will be monitored, maintained and removed.

Subd. 3. Plan of final site conditions.

- (a) Finished grading shown at two foot contour intervals or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
- (b) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
- (c) A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
- (d) The proposed size, alignments and intended use of any structures to be erected on the site;
- (e) A clear delineation and tabulation of the change in impervious surface areas, including a description of the surfacing material to be used;
- (f) Copy of MPCA Permit Number for discharging stormwater from construction activity (MN R100001); and
- (g) Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

420.13. Stormwater pollution prevention plan approval standards.

No Stormwater Pollution Prevention Plan, which fails to meet the standards contained in this section shall be approved by the city.

Subdivision 1. Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion, scour, or flooding of the site or receiving channels or a wetland.

Subd. 2. Construction site waste.

- (a) Solid waste. Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.

- (b) Hazardous materials. Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment, to prevent spill, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- (c) Liquid waste. All other non stormwater discharges (concrete truck washout, vehicle washing, maintenance spills, etc.) conducted during the construction activity shall not be discharged to the municipal storm sewer, wetlands, natural drainageways, or waters of the state.

Subd. 3. Tracking. All construction entrances and exits must have appropriate rock construction entrance to minimize the sediment tracking onto the public or private street and/or stormwater conveyance system.

Subd. 4. Drain inlet protection. All storm drain inlets must be protected by appropriate BMPs during construction until all sources with potential for discharging to the inlet have been stabilized.

Subd. 5. Site erosion control. The following criteria (a through d) apply only to construction activities that result in runoff leaving the site.

- (a) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resulted runoff rates of less than 0.5 ft./sec. across the disturbed area for the one year storage. Diverted runoff shall be conveyed in a manner that will not cause erosion, scour, or flooding of the conveyance at receiving channels.
- (b) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- (c) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections (1) and (2), or (1) and (3) below.
 - (1) All exposed soil areas with a continuous positive slope within 200 lineal feet of a surface water, must have temporary erosion protection or permanent cover for the exposed soil areas year round, according to the following table of slopes and time frames:

<u>Type of slope</u>	<u>Time</u>
Steeper than 3:1	7 days
10:1 to 3:1	14 days
Flatter than 10:1	21 days

- (2) For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basin shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain an average depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion, scour, or flooding along the discharge channel or the receiving water.
- (3) For sites with less than 10 acres disturbed at one time, silt fences or equivalent control measures shall be placed along all sidesteps and downsides sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences or equivalent control measures must be properly maintained during construction activities.
- (d) Any organic storage piles containing more than 10 cubic yards of material should not be located with a downslide drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than three days, and the stormdrain inlets must be protected with an appropriate filtering barrier.

420.15. Stormwater pollution prevention plan review procedures.

Subdivision 1. Process.

Stormwater Pollution Prevention Plans meeting the requirements of sections 420.13 and 420.15 must be approved by the city engineer or designated representative in accordance with the standards of this section.

Subd. 2. Duration.

Plan approval will expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the city engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the city may grant one extension of not greater than one year. Receipt of any request for extension shall be acknowledged by the city engineer within 15 days. The city

engineer shall make a decision on the extension within 45 days of receipt. Any plan may be revised in the same manner as originally approved.

Subd. 3. Condition.

A Stormwater Pollution Prevention Plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements of this section are met. Conditions may limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering and require the conveyance to the city or other public entity of necessary lands or easements.

420.17. Maintenance requirements

Subdivision 1. The applicant shall be responsible at all times for the maintenance and proper operation of all erosion and sediment control measures. On any property on which land-disturbing activity has occurred pursuant to a permit issued under this section, the applicant shall, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control measures and soil stabilization measures every day work is performed on the site, and at least weekly, until land-disturbing activity has ceased. Thereafter, the applicant shall perform these responsibilities at least weekly until vegetative cover is established. The applicant shall maintain log of activities under this section for inspection by the city on request.

Subd. 2. If upon inspection, the city finds that any private stormwater management facilities or erosion control devices require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities, the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings, what actions are required to correct the situation, and a timetable by which such activities must be completed. Such parties shall have 15 days to reply to the city indicating their response to the notice. If the responsible party or parties do not complete the necessary activities stipulated by the city, the city council after notice and public hearing may order that such activities are completed by the city or its designated contractor and that all costs associated with such activities be certified by the city engineer to the city council. The amount so charged shall be a lien upon the properties benefiting from and utilizing the stormwater facilities maintained, repaired or replaced and shall be added to, and become, and form part of the taxes next to be assessed and levied upon such properties, and the council shall, by appropriate resolution, assess the costs above mentioned against said properties, and certify the same to the county auditor of Hennepin County, Minnesota. The same shall be collected and enforced in the same manner as the collection of real estate taxes.

420.19. Notification and inspection

The applicant or its authorized agent shall notify the city at the following points during the project:

- (a) On completing installation of perimeter erosion and sedimentation controls;
- (b) On completing land-disturbing activities and putting into place measures for final soil stabilization and revegetation;
- (c) When the site has been permanently stabilized and revegetated; and
- (d) When all temporary erosion and sedimentation controls have been removed from the site.

420.21. Right of entry and inspection; noncompliance procedures

Subdivision 1. Right of entry and inspection. The applicant shall allow the city and its authorized representatives, upon presentation of credentials to:

- (a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;
- (b) Bring such equipment on to the permitted development as is necessary to conduct such surveys and investigations;
- (c) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted site;
- (d) Inspect the Stormwater Pollution Prevention Plan measures required by the city; and
- (e) Sample and monitor any items or activities pertaining to any existing easements, covenants, or deed restrictions.

Subd. 2. Notice of noncompliance.

In the event work does not conform to the approved Stormwater Pollution Prevention Plan or requirements listed in the provisions of this section, the city engineer or authorized representative shall issue a written notice of noncompliance to the applicant detailing the corrective actions necessary for compliance. The applicant shall conduct the corrective actions within the time period determined by the city. If an imminent hazard exists, the city may require that the corrective work begin immediately.

Subd. 3. Stop inspection.

If corrective actions identified in the notice of noncompliance are not completed by the time period determined by the city, the city engineer or authorized representative shall stop all inspections required for land use or building permit approvals until all corrective actions identified in the notice of noncompliance are completed. The applicant shall notify the city engineer or authorized representative upon completion of the corrective action and the city shall resume inspections on the permitted property no later than the following business day.

Subd. 4. Special assessment.

If corrective action is not taken within 14 working days after the city stops all inspections required for land use or building permit approvals, the city may conduct the necessary work to bring the site into compliance with this section and the approved Stormwater Pollution Prevention Plan. The city may assess the cost of completing the necessary work against the affected property. As a condition of obtaining the Stormwater Pollution Prevention Plan permit, the owner shall waive notice of hearing and hearing on the special assessment to be levied by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights under Minnesota Statute 429.081 to challenge the amount or validity of assessment.

420.23. Enforcement.

Subdivision 1. Penalties.

Any person, firm, or corporation failing to comply with or violating any term of this section, shall be guilty of a misdemeanor. Each day that a violation exists shall constitute a separate offense. The city may also suspend any land use or building permits until the land owner has corrected the violation.

Subd. 2. Where this section imposes greater restrictions than other ordinances of the city or provisions of this code, this section shall prevail. All other ordinances of the city inconsistent with this section are hereby repealed to the extent of the inconsistency only.