

ORDINANCE NO. 455

AN ORDINANCE AMENDING CHAPTER 52 OF THE SPRING LAKE PARK CITY CODE RELATING TO STORM AND SURFACE WATERS

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. The title of Chapter 52 shall be renamed to “Storm and Surface Waters.”

Section 2. A new subchapter, subtitled Watershed District Review and Approval, shall be added to read as follows:

Section 1. REQUIREMENT

Local property related activities that are regulated by the watershed district(s) exercising control over said property shall be reviewed and approved by the applicable watershed district(s) prior to local permit or final subdivision approval.

Section 3. A new subchapter, subtitled Private Surface Water Facility Maintenance, shall be added to Chapter 52 to read as follows:

Section 1. MAINTENANCE PLAN

(A) No private stormwater best management practice (BMP) shall be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals.

Section 2. MAINTENANCE OF EXISTING BMPs

(A) The City requires that existing stormwater BMPs be maintained as follows:

(1) *Private Stormwater BMPs.* All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with their original design.

(2) *Ponds, Stormwater Wetlands and other non-structural BMPs.* Settled materials from ponds, sumps, grit chambers and other BMPs, including settled solids, shall be removed and disposed of as needed to maintain BMP function. Brush, shrubs and trees shall be removed from ponds and non-structural BMPs where they interfere with the BMP function as originally designed.

(3) *Infiltration, Filtration, Underground Storage and other structural BMPs.* Annual inspections, removal of litter, debris, sediment and replacement of mulch, vegetation and eroded areas is required to maintained the function as originally designed.

(B) *Inspection.* The City shall inspect, or require the inspection of, all stormwater BMPs during construction, during the first year of operation and at least once every five years thereafter.

Section 3. ENFORCEMENT.

(A) *Notice of violation.* Whenever the city finds that BMP maintenance has not been provided to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person/entity.

(B) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(C) If the invoice sent to the responsible person/entity for abatement and/or restoration is not paid within 30 days after date of invoice, the city may draw the amount of the invoice from any financial guarantees the city may hold from the responsible person/entity or may assess the property from which the offense originated pursuant to M.S. § 429.101.

Section 4. A new subchapter, entitled Wetland and Public Water Management, shall be added to Chapter 52 to read as follows:

Section 1. Regulation and Review

(A) Land disturbance and/or drainage alterations that impact or have the potential to impact wetland areas and/or public waters within the City are subject to review by the acting local government unit (LGU) for the location of potential impacts. LGUs in Spring Lake Park are Coon Creek Watershed District (CCWD) and Rice Creek Watershed District (RCWD), as defined in the City's Local Surface Water Management Plan, as amended from time to time. Coordination should occur with the LGU having jurisdiction over the applicable wetland(s) to be impacted or potentially impacted.

Section 5. Effective Date. This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of _____, 2019.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk