

## ORDINANCE NO. 2130

### AN ORDINANCE REVISING SURFACE WATER MANAGEMENT AND THEREBY AMENDING REVISED CITY CODE – 1982 CHAPTER 8-1200 BY REVISING SECTIONS 8-1202, 8-1204, 8-1207, 8-1208, 8-1209, 8-1212, 8-1213, 8-1214 8-1217, 8-1219, 8-1220, 8-1223, 8-1224 AND ADDING 8-1225

**The City of Coon Rapids does ordain:**

Section 1. Revised City Code – 1982 Section 8-1202 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1202 – Statutory Authorization.

This Chapter is adopted pursuant to Minnesota Statutes Section 462.351 (1990). This Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapters 8410, 8420 and 70510.0210.

This ordinance is intended to meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes 2009, Section 115.03 subdivision 5c.

Section 2. Revised City Code – 1982 Section 8-1204 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1204 - Applicability.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water management plan to the City's Community Development Department. No subdivision approval, or grading permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this Chapter.

Every applicant for subdivision approval or a grading permit to allow wetland disturbing activities must submit a wetland assessment report to the City's Engineering Division. No subdivision approval or grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provision of this Chapter and the Minnesota Wetland Conservation Act. This Chapter applies to all land, public or private, located within the City of Coon Rapids.

Every applicant for a building permit, subdivision approval, or a grading permit to allow land disturbing activities must adhere to erosion control measure standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas", the City's Engineering Design Guidelines or as approved by the City of Coon Rapids.

Section 3. Revised City Code – 1982 Section 8-1207 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1207 - Incorporation by Reference.

The following are incorporated into this Chapter by reference:

- (1) The Minnesota Wetland Conservation Act is incorporated into this Chapter by reference.
- (2) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended. The NPDES general construction permit is incorporated into this Chapter by reference.
- (3) The City's Engineering Design Guidelines. The guidelines shall serve as the official guide for storm water principles, methods, and practices for proposed development activities. The City's Engineering Design Guidelines is incorporated into this Chapter by reference.

Section 4. Revised City Code – 1982 Section 8-1208 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1208 - Storm Water Management Plan Approval Procedures. Unless otherwise exempted by this ordinance, [A] a written application for storm water management plan approval, along with the proposed storm water management plan and maintenance agreement, shall be filed with the Community Development Department and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance, as well as the requirements within the City's Engineering Design Guidelines; the Maintenance Agreement shall be prepared to meet the requirements of Section 8-1219 of this ordinance. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the City's Community Development Department.

Five sets of clearly legible blue or black lined copies of all drawings and required information shall be submitted to the Community Development Department.

Storm water management and grading plan drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one inch equals 100 feet.

Section 5. Revised City Code – 1982 Section 8-1209 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1209 - Storm Water Management Plan. At a minimum, the Storm Water Management Plan shall meet the criteria as described in the City's Engineering Design Guidelines. The Storm Water Management Plan shall contain the following information:

(1) Existing Site Map. A map of existing site conditions showing the site and immediately adjacent areas, including:

- ~~[(a) — The names, addresses, telephone numbers, and fax numbers of the applicant, owner, developer, surveyor, engineer and contact person;~~
- ~~(b) — The section, township and range, north point, date and scale of drawing and number of sheets;~~
- ~~(c) — Plat names and block, lot and outlot boundaries for adjacent platted properties and full property identification numbers for adjacent unplatted properties;~~
- ~~(d) — Location and indication of demolition, relocation, or abandonment of existing structures, driveways, septic systems, alternate septic systems, and wells;~~
- ~~(e) — Existing underground and overhead utilities, easements and rights-of-way;~~
- ~~(f) — Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet;~~
- ~~(g) — A delineation of all streams, rivers, public waters, and wetlands located on and immediately adjacent to the site, including depth of 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;~~
- ~~(h) — Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm waters collect;~~
- ~~(i) — A description of the soils at the site, including a map indicating soil types within the 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 describing any remedial steps to be taken by the developer to render the soils suitable;~~
- ~~(j) — Vegetative cover, such as brush, grass, and trees, and clearly delineating any vegetation proposed for removal; and~~
- ~~(k) — The 10 year and 100 year floodplains, flood fringes and flood ways.~~

~~[(2) — Site Construction Plan. A site construction plan shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be 1 to 100. Drawing sheets shall be 22 by 34 inches. A site construction plan shall include:~~

- ~~(a) — The section, township and range, north point, date, revision number, scale of drawing, and number of sheets;~~
- ~~(b) — Signature and Minnesota registration number of the professional land surveyor or professional engineer under whose supervision the plan was prepared;~~
- ~~(c) — Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;~~
- ~~(d) — Locations and dimensions of all temporary soil or dirt stockpiles;~~
- ~~(e) — Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Chapter;~~

- ~~(f) — Schedule of anticipated starting and completion dates of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter;~~
- ~~(g) — Provisions for maintenance of the construction site erosion control measures during construction;~~
- ~~(h) — Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;~~
- ~~(i) — Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;~~
- ~~(j) — All lot corner elevations and bench marks utilized;~~
- ~~(k) — The proposed footprint and intended use of any structures or driveways to be constructed on the site;~~
- ~~(l) — A delineation of all streams, rivers, ponds, public waters, and wetlands located on and immediately adjacent to the site, including depth of 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, the U.S. Fish and Wildlife Service, and/or the United States Army Corps of Engineers;~~
- ~~(m) — Emergency overflow routes from all low points, elevation of high point along overflow route, and directional flow arrows;~~
- ~~(n) — A drainage plan of the developed site delineating 10-year and 100-year design drainage area/watershed and hydrologic/hydraulic calculations verifying location and capacity of all overland drainage routes;~~
- ~~(o) — Location and dimensions of all permanent storm water facilities and calculations demonstrating that design standards in this Chapter are met. [Revised 2/15/11, Ordinance 2065]~~
- ~~(p) — Access routes for maintenance to all inlets, outlets, manholes, and lift stations at ponding areas proposed;~~
- ~~(q) — A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used;~~
- ~~(r) — 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;~~
- ~~(s) — Locations and dimensions of all permanent erosion control measures;~~
- ~~(t) — Location of any proposed septic system; and~~
- ~~(u) — Any other information pertinent to the particular project which in the opinion of the applicant or the City is necessary for the review of the project. ]~~

- (1) Plan Details;
- (2) Topography;

- (3) Elevation Information;
- (4) Temporary Erosion Control Best Management Practices;
- (5) Final Stabilization; and
- (6) Tree Preservation.

Section 6. Revised City Code – 1982 Section 8-1212 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1212 [~~Approval Standards. No storm water management plan which fails to meet the standards contained in this Section shall be approved by the City Council.~~] Approval Requirements. Every applicant for a building permit, subdivision approval, or permit to allow land disturbing activity shall submit an Erosion Control Plan and a Storm Water Management Plan to the City. The Erosion Control Plan and Storm Water Management Plan shall meet the submittal criteria for the plans of the City's Engineering Design Standards prior to starting construction.

~~[(1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site, or receiving channels, or a wetland.]~~

~~[(2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.]~~

~~[(3) Tracking. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.~~

~~[(4) Drain Inlet Protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA Publication "Protecting Water Quality in Urban Areas."]~~

~~[(5) Site Erosion Control. The following criteria 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 resultant runoff rated of less than 0.5 ft./sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and 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 subsection i and ii or i and iii below:~~

~~— i) all disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.~~

~~— ii) 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~~

~~basins 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 a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.~~

~~—iii) For sites with less than 10 acres disturbed at one time, silt fence, straw bales, or equivalent control measures shall be placed along all sideslope and downslope 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, straw bales, or equivalent control measures must include a maintenance and inspection schedule~~

~~—(d) Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope 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, the piles 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 seven days, and storm drain inlets must be protected with straw bale or other appropriate filtering barriers.]~~

Section 7. Revised City Code – 1982 Section 8-1213 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1213 Storm Water Management Criteria for Permanent Facilities.

(1) Unless determined by the City to be exempt or granted a waiver, all site designs shall establish storm water management facilities to control the peak flow rates and pollutants of storm water discharge associated with specified design storms and runoff volumes, as detailed in the City's Engineering Design Guidelines.

~~[(1)] (2)[An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, 10-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated and channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by the City or one or more persons, including the applicant.~~

~~[(2)] (3)~~ The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

~~[(3)] (4)~~ The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

- (a) natural infiltration of precipitation on-site;
- (b) flow attenuation by use of open vegetated swales and natural depressions;

- (c) storm water retention facilities; and
- (d) storm water detention facilities.

~~[(4)]~~ (5) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (3) above. Justification shall be provided by the applicant for the method selected.

~~[(5) For new development or redevelopment activities that disturb one acre or more of land, the following is required:~~

~~(a) infiltration of the storm water runoff volume generated from a one-inch rainfall event over all impervious on site, for sites where Hydrologic Group A and B soils are predominant;~~

~~(b) storm water detention facilities or equivalent water quality improvements shall be provided, for sites that are not subject to the infiltration requirement under subsection (5)(a). [Revised 2/15/11, Ordinance 2065]]~~

Section 8. Revised City Code – 1982 Section 8-1214 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1214 Design Standards. Permanent storm water facilities constructed in the City of Coon Rapids shall be designed according to the most current technology as reflected in the MPCA publications “Protecting Water Quality in Urban Areas” ~~[and] the~~ “Minnesota Storm Water Manual,” and ~~[shall contain, at a minimum, the following design factors:]~~ the City’s Engineering Design Guidelines.

~~[(1) Storm Water Retention/Infiltration Facilities shall:~~

~~(a) be capable of storing and infiltrating runoff from one inch of precipitation over all impervious surfaces on site within 48 hours;~~

~~(b) have pre-treatment provided for storm water runoff prior to entering storm water retention/infiltration facility to reduce sediment and maintenance;~~

~~(c) not be allowed in the following locations:~~

~~(i) within one year travel zone of a public well as determined by the wellhead protection plan; or~~

~~(ii) where known soil contamination is present; or~~

~~(iii) where less than three feet of separation between the infiltration facility and the seasonally high groundwater elevation or bedrock elevation can be provided; or~~

~~(iv) where other conditions identified by the City Engineer may make infiltration undesirable. [Revised 2/15/11, Ordinance 2065]~~

~~(2) Storm Water Detention Facilities shall provide:~~

~~(a) a permanent pond surface area equal to two percent of the impervious area draining to the pond, or one percent of the entire area draining to the pond, whichever amount is greater;~~

~~(b) an average permanent pool depth of four to 10 feet;~~

~~(c) a permanent pool length to width ratio of 3:1;~~

~~(d) a minimum protective shelf extending 10 feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;~~

~~(e) a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations; [Revised 2/15/11, Ordinance 2065]~~

~~(f) for new development the ability to limit peak flows in each subwatershed to those that existed before the development for the 10 year storm event. All calculations and~~

hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;[Revised 2/15/11, Ordinance 2065]

(g) ~~all storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.~~

Section 9. Revised City Code – 1982 Section 8-1217 is hereby amended as

follows: (deletions in brackets, additions double underlined)

8-1217 Catch Basins. Any newly installed and rehabilitated catch basins ~~[shall]~~ may be provided with a sump area for the collection of coarse-grained material. City staff shall review the design of catch basins on a case-by-case basis. An appropriate maintenance plan shall be developed and reviewed by City staff prior to construction. Such basins shall be cleaned when they are half filled with material.

Section 10. Revised City Code – 1982 Section 8-1219 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1219~~[Inspection and Maintenance.]~~ Storm Water Management Facilities Maintenance Plan and Agreement.

(1) All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. ~~[All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The City may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water waste management facilities.[Revised 02/11/15, Ordinance 2065]]~~ The Responsible Party shall enter into a Maintenance Agreement with the City that documents all responsibilities for operation and maintenance of all permanent storm water management facilities. Such responsibility shall be documented in a maintenance plan and executed through a Maintenance Agreement. The Maintenance Agreement shall be executed and recorded against the parcel. The storm water Maintenance Agreement shall be in a form approved by the City and shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

- (a) Designate the Responsible Party who is permanently responsible for maintenance of the structural and nonstructural measures;
- (b) Pass responsibilities for such maintenance to successors in title;
- (c) Allow the City and its representatives the right-of-entry for the purposes of inspecting all permanent storm water management facilities;
- (d) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the responsible party of the permanent storm water management facility;
- (e) Include a maintenance plan that contains, but is not limited to the following:



- (i) Identification of all structural permanent storm water facility;
- (ii) A schedule for regular inspection, monitoring, and maintenance of each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff;
- (iii) Identification of the Responsible Party for conducting the inspection, monitoring and maintenance for each practice; and
- (iv) Include a schedule and format for reporting compliance with the maintenance agreement to the City.
- (f) The issuance of a permit constitutes a right-of-entry for the community or its contractor to enter upon the construction site. The applicant shall allow the community and their authorized representatives, upon presentation of credentials, to:
  - (i) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;
  - (ii) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations;
  - (iii) 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 permit;
  - (iv) Inspect the storm water pollution control measures;
  - (v) Sample and monitor any items or activities pertaining to storm water pollution control measures; and
  - (vi) Correct deficiencies in storm water and erosion and sediment control measures.

(2) Inspection of Storm Water Management Facilities. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water management practices.

- (a) When any new storm water management facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer; the property owner shall grant to the City the right to enter the property at reasonable times

and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

(b) The Director of Public Works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of 6 years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

(3) Records of Installation and Maintenance Activities. The Responsible Party shall make records of the installation and of all maintenance and repairs of the storm water management facilities, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the storm water management facilities and at other reasonable times upon request.

(4) Failure to Maintain Practices. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the storm water management facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the City shall notify the Responsible Party in writing. Upon receipt of that notice, the Responsible Party shall have thirty days to perform maintenance and repair of the facility in an approved manner. After proper notice, the City may specially assess the owner(s) of the storm water management facility for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

Section 11. Revised City Code – 1982 Section 8-1220 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1220 Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the ~~[Director of Public Services]~~ Public Works Director. Detention facilities shall be designed in accordance with NURP wet detention basin design criteria. Plans, specification, and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Services.

Section 12. Revised City Code – 1982 Section 8-1223 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1223 Penalty. ~~[Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.]~~

(1) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (a) The name and address of the owner of Applicant;
- (b) The address when available or a description of the land upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- (f) A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of served notice of violation.

(2) Withholding Building Permit Inspections. The City may withhold building permit inspections if the person holding the site development permit does not respond to the notice of violation letter within the time period determined by the City and stated in the notice of violation.

(3) Stop Work Order. Persons receiving a stop work order will be required to halt all construction activities. This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

(4) Civil and Criminal Penalties.

(a) In addition to or as an alternative to any Civil penalty provided herein or by law, any person who through an intentional act violates the provisions of this ordinance or who willfully fails to comply with the requirements of this ordinance, a notice of violation, or a stop work order shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the intentional violation or willful noncompliance occurs or continues. A restitution award to the City for abatement or other remedial action taken by the City resulting from a violation or noncompliance may also include reasonable enforcement and prosecution costs, and it shall not limit a person's liability for damages in a civil action or proceeding for an amount greater than the restitution payment.

(b) When a criminal complaint is filed under this ordinance, the District Court may take any of the following actions if the prosecuting authority shows by a preponderance of the evidence that the action is necessary to prevent an ongoing violation or damage to storm water management facilities:

- (i) Enter a restraining order or injunction;
- (ii) Require execution of a satisfactory performance bond or place money in escrow; or
- (iii) Take any other reasonable action to halt a violation or mitigate ongoing and future damages.

(c) Before granting the remedies provided for in this subsection, the District Court shall hold a hearing, after notice to directly affected persons, giving them a

reasonable opportunity to respond. At the hearing the rules of evidence do not apply.

(5) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

Section 13. Revised City Code – 1982 Section 8-1224 is hereby amended as follows:

(deletions in brackets, additions double underlined)

8-1224 [~~Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.~~Revised 12/05/00, Ordinance 1719] Appeals. Any person aggrieved by the action of any official charged with the enforcement of this ordinance, as the result of the disapproval of a properly filed application for approval, issuance of a written notice of violation, or an alleged failure to properly enforce the ordinance in regard to a specific application, shall have the right to appeal the action to the City.

(1) The Applicant shall submit the appeal in writing and include supporting documentation.

(2) City staff shall make a decision on the appeal within 15 business days of receipt of a complete appeal application.

(3) The Applicant may appeal the decision of city staff to the city council. This appeal must be filed with the City within 30 days of City staff's decision.

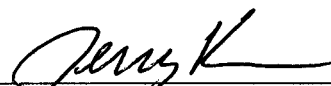
Section 14. Revised City Code – 1982 Section 8-1225 is hereby added as follows:

(deletions in brackets, additions double underlined)

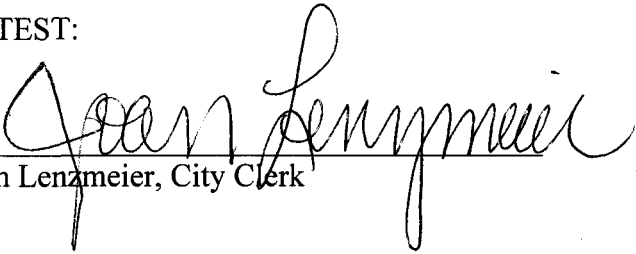
8-1225 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.[Revised 12/05/00, Ordinance 1719]

Introduced this 17<sup>th</sup> day of February, 2015.

Adopted this 17<sup>th</sup> day of March, 2015.

  
Jerry Koch, Mayor

ATTEST:

  
Joan Lenzmeier, City Clerk

