

CHAPTER 18

STORM WATER DRAINAGE UTILITY

Section 18.010 Storm Water Drainage Utility

Section 18.020 Erosion and Sediment Control

SECTION 18.010 STORM WATER DRAINAGE UTILITY

Subd. 1. Establishment. There is hereby established a public utility which shall be known as the Storm Water Drainage Utility in and for the City of Eagle Lake. The storm sewer water drainage utility shall be operated as a public utility pursuant to the City Code and applicable statutes. The revenues there from shall be derived subject to provisions if this section and Chapter 444, Minnesota Statutes.

Subd. 2. Fixed Fees and Charges. Storm water drainage shall be established as follows:

- A. A residential unit surcharge shall be considered one metered unit.
- B. A duplex unit surcharge shall be considered two meter units.
- C. The storm water drainage utility rate shall be established by Resolution of the Eagle Lake City Council included in the City Fee Schedule.
- D. Each water/sewer connection will be considered a storm water connection.
- E. Each mobile home/ lot is considered a residential unit.

Subd. 3. Penalty for Late Payment. A penalty charge of past due amount will be added for each month or part thereof that a storm water drainage utility surcharge remains unpaid. The fee will be included in the "City Fee Schedule".

Subd. 4. Past Due. Any consumer who has an unpaid utility bill at the end of the day on the 25th of each month shall be considered past due. All past due accounts shall have applied the late fee amount that is set by resolution by the City Council from time to time. All past due accounts shall be sent a past due reminder indicating the amount past due with the late fee charge applied.

Late fees for utility bills shall be the greater of \$5.00 or 5% of the outstanding utility bill balance.
(Adopted by City Council on October 6, 2014)

Subd. 5. Delinquent. Accounts 30 days or more past due shall be considered delinquent and shall receive a disconnection of water service notice, sent by both regular and certified United States Postal Service mail, allowing them 14 days to pay in full. If accounts are not paid in full within the 14 days, water service will be disconnected, and a reconnection fee will be imposed. Water service will not be reconnected until account is paid in full including the reconnection fee which will be determined by the "Fee Schedule" adopted by resolution of the City Council.

Subd. 6. Assessment. On or before October 1 of each year, any utility billing which includes water, sewer, refuse, and storm water drainage not paid within the time limits above specified

timeline may have service discontinued to the dwelling. The City Council may then assess such charges against property benefited as a special assessment, pursuant to the provisions of Minnesota Statutes, Chapter 429, for certification to the County Auditor and collection together with current property taxes for the following year.

Subd 7. Dishonored Checks and Payments. A service charge, not to exceed \$30.00, will be imposed immediately on any dishonored check by the payee or holder of the check or rejected Automated Clearing House (ACH) transactions by the payee or holder of the check or account, regardless of mailing a notice of dishonor.

Dishonored check holders will be notified by regular United States Postal Service mail of the dishonored check or rejected Automated Clearing House (ACH) transactions. If the dishonored check or payment is not paid within 30 days after mailing of notice of dishonor, additional penalties may be imposed. This can be as much as the amount of the check plus a civil penalty up to \$100.00 or the value of the check, whichever is greater. If a dishonored check or payment is issued to bring an account current following a notice of disconnection of service, water service shall be disconnected immediately, without prior notice.

The service charge and reconnection charge, plus the balance on the account shall be required to be paid in full, by cashier's check, money order, or cash payment prior to reconnecting service. If a resident issues two (2) dishonored checks or two (2) rejected Automated Clearing House (ACH) transactions within a six (6) month period, all future utility bills must be paid in cash or by cashier's check or money order. Re-establishing the use of checks or Automated Clearing House (ACH) transactions will be determined by the City Administrator.

SECTION 18.020 EROSION AND SEDIMENT CONTROL

Subd. 1. Purpose. The purpose of this ordinance is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source stormwater pollution, soil erosion and sedimentation from entering surface waters.

Subd. 2. Scope. Any person, business entity, state agency, or political subdivision proposing a land disturbance activity resulting in one acre or more within the City of Eagle Lake shall apply to the City of Eagle Lake for the approval of the project-specific Storm Water Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the City of Eagle Lake and conforms to the standards set forth herein.

Subd. 3. Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words must and shall are mandatory and not permissive.

A. Best Management Practices (BMPs). 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 designated area-wide planning agencies.

- B. City.** Any City of Eagle Lake official with authority such as but not limited to Administration, city council, City Engineer (or designated staff), Law Enforcement and Public Works Officials.
- C. Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan and one activity is contingent on the other activity. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating the land disturbing activities may occur.
- D. Developer.** Any person, business entity, state agency, or political subdivision thereof engaged in a land disturbance activity. Developer is a Permittee(s).
- E. Erosion.** Any process that wears away the surface of the land by the action of water, wind, ice or gravity.
- F. Erosion Prevention.** Measures employed to prevent erosion.
- G. Final Stabilization.** All soil disturbing activities at the site have been completed and a uniform perennial live vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.
- H. Land Disturbance Activity.** Any land change resulting in one acre (or more) 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 construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:
 - 1. Minor land disturbance activities such as home gardens, tilling, planting, or harvesting of agricultural and horticultural crops.
 - 2. Utility repairs and routine maintenance work, that results in less than one acre of land disturbance that is not part of a Common Plan of Development.
 - 3. Emergency work to protect life, or property and emergency repairs. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.
- I. National Pollutant Discharge Elimination System (NPDES).** The 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.

- J. Operator.** The person designated by the Owner, who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The Operator includes all contractors, sub-contractors, vendors, and suppliers that are contracted by the primary subcontractor to perform work tasks associated with the land disturbing activity. The Operator is a Permittee(s).
- K. Owner.** The person or party possessing the title of the property on which the land disturbing activities will occur; or if the land disturbing activities is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the land disturbing activities. The Owner is a Permittee(s).
- L. Permittee(s).** A person or persons, firm, or governmental agency or other institution that signs the application submitted and is responsible for compliance with the terms and conditions of this permit.
- M. Sediment.** The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.
- N. Sediment Control.** Methods employed to prevent sediment from leaving the site.
- O. Sedimentation.** The process or action of depositing sediment.
- P. Stabilized, Stabilize, Stabilization.** The exposed ground surface has been temporarily or permanently covered by appropriate materials that prevent erosion from occurring. Grass seeding is not stabilization until growing and fully established (70% aerial coverage).
- Q. Stormwater.** Precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.
- R. Storm Water Pollution Prevention Plan (SWPPP).** A plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site non-point pollution.
- S. Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- T. Wetland or Wetlands.** 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.

Subd. 4. Erosion Prevention and Sediment Control Plan. All plans shall be consistent with the current State of Minnesota's General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollution Discharge Elimination System/State Disposal System Program requirements, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Ditch Authorities, Soil and Water Conservation Districts, or other regulatory bodies.

A. Required. Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities of one acre (or more) within the city shall submit an erosion prevention and sediment control plan to the City of Eagle Lake. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

B. General Criteria for Erosion and Sediment Control Plan. An erosion and sediment control plan shall be required for any land disturbing activity of one acre (or more) and shall meet the following criteria:

1. Project storm sewers from sedimentation.
2. Prevent erosion and sediment damage to adjacent properties and other designated areas.
3. Protect paved roads from vehicle tracking.
4. Engineer the construction of steep slopes.
5. Stabilize all exposed soils and soil stockpiles.
6. Stabilize all waterways and outlets.
7. When working in or crossing water bodies, take precautions to contain sediment and adhere to applicable permit conditions.
8. Maintain all temporary and permanent erosion and sediment control practices to be fully functional at all times.
9. Establish permanent live perennial vegetation.
10. Dispose of synthetic (non-biodegradable) temporary erosion and sediment control measures following final stabilization.
11. Maintain the project SWPPP for the duration of the project until final stabilization.

C. Contents of Plan. The erosion and sediment control plan shall include the minimum Stormwater Pollution Prevention Plan (SWPPP) requirements of the State of Minnesota's NPDES Construction Stormwater Permit, including, but not limited to the following:

1. Project description: the nature and purpose of the land disturbing activity.
2. Project schedule: A projected timeline for completion of all site activities.
3. Existing site conditions: elevations, vegetation, utilities and drainage.
4. Adjacent areas: properties, bodies of water, roads, etc., which may be affected by the land disturbing activity.
5. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site before, during and after the construction process.
6. Best Management Practices for dewatering activities and criteria for temporary sediment basins.
7. Management of solid and hazardous waste.
8. Maintenance and Record Keeping: methods and schedule of regular inspections and repair of erosion and sediment control structures. Documentation and site inspections and records of rainfall events.
9. Permanent and Final Stabilization: how the site will be stabilized after construction is completed.
10. NPDES Construction Stormwater Permit. Any construction activity that disturbs one or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the City.

Subd. 5. Review of Plan. The City shall complete a review of the erosion and sediment control plan within fourteen (14) calendar days of receiving the plan from the permittee(s).

- A. Permit Required.** If the City determines that the plan meets the requirements of the ordinance, the City shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.
- B. Denial.** If the City determines that the plan does not meet the requirements of the ordinance, the City shall not issue a permit for the land disturbance activity.
- C. City Inspections and Enforcement.** The City shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases the inspectors will attempt to work with the permittee(s) to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the City until erosion and sediment control measures meet the requirements of the ordinance. An inspection may be needed before work can commence. Inspections are required as follows:

1. After sediment and perimeter control BMPs are installed and before any land disturbing activity begins.
2. As necessary or required during construction and/or prior to specific construction phases or stages.
3. At the completion of construction activities on the project site.

The City reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

Subd. 6. Modification of Plan. The permittee(s) must amend the erosion and sediment control plan and SWPPP as necessary to include added requirements such as additional or modified best management practices designed to correct problems identified during specific phases of construction and current weather conditions. All amendments to the plan and SWPPP must be made immediately available for inspection by City staff upon request.

Subd. 7. Remedial Action. The City may take remedial action if any of the conditions listed below exist. The permittee(s) shall reimburse the City for all direct costs incurred in the process of remedial work including attorney's fees.

- A. Abandonment. The permittee(s) ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- B. Failure to Implement Plan. The permittee(s) fails to conform to the erosion and sediment control plan as approved by the City.

Subd. 8. Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the permittee(s) to take any necessary action.

Subd. 9. Notification of Failure of the Plan. The City shall notify the permittee(s) of the failure of the erosion prevention and sediment control plan's measures.

- A. Initial contact. The initial contact will be with the party or parties listed on the application and/or the plan's contacts. Twenty-four (24) hours after notification by the City, at its discretion the City may begin corrective work as necessary. The City shall first attempt to provide notification in writing. If initial notification is verbal, it shall immediately be followed by a written notification. It is the responsibility of the permit holder to have a designated person available at all times for purposes of notification within the above stated twenty-four-hour period.
- B. Erosion off-site. If sediment breaches the perimeter of the site, the permittee(s) shall immediately develop and implement a cleanup and restoration plan within twenty-four (24)

hours of obtaining the adjoining property owner's permission. If after making a good-faith effort to notify the adjoining property owner, the permittee(s) has been unable to establish contact, the responsible party may proceed with corrective work. If in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agency to ensure that the work is done properly.

- C. Erosion into streets, wetlands or water bodies. If eroded soil (including tracked soils from construction activities) enters streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
- D. Failure to do corrective work. When an applicant fails to conform to any provision of this ordinance within the time stipulated, the City may take the following actions but are not limited to:
 - 1. Issuing a stop-work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy.
 - 2. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
 - 3. Correct the deficiency or hire a contractor to correct the deficiency.
 - 4. Require reimbursement to the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after the City incurs costs, the City will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

Subd. 10. Enforcement. Violation and misdemeanor. Every person or legal entity who violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failures thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful by a code adopted by reference in this chapter, and upon conviction thereof, shall be punished as a misdemeanor.

Subd. 11. Severability. The provisions of this ordinance are severable, and if any provisions of this ordinance or application of any provision of this ordinance to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Subd. 12. Abrogation and Greater Restrictions. It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance

imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(Section 18.020 adopted by City Council on May July 2, 2018)