

# **CHAPTER 18**

## **STORM WATER DRAINAGE UTILITY**

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## 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. (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 of holder of the check or rejected Automated Clearing House (ACH) transactions by the payee of 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**

(03-05-2018)

**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 is 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).

1. 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).
2. 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.
3. 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.
4. Sediment Control methods employed to prevent sediment from leaving the site.
5. Sedimentation the process or action of depositing sediment.
6. 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).
7. Stormwater precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.
8. 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.
9. 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.
10. 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:
  - C. Project storm sewers from sedimentation.
  - D. Prevent erosion and sediment damage to adjacent properties and other designated areas.
  - E. Protect paved roads from vehicle tracking.
  - F. Engineer the construction of steep slopes.
  - G. Stabilize all exposed soils and soil stockpiles.
  - H. Stabilize all waterways and outlets.
  - I. When working in or crossing water bodies, take precautions to contain sediment and adhere to applicable permit conditions.
  - J. Maintain all temporary and permanent erosion and sediment control practices to be fully functional at all times.
  - K. Establish permanent live perennial vegetation.
  - L. Dispose of synthetic (non-biodegradable) temporary erosion and sediment control measures following final stabilization.
  - M. Maintain the project SWPPP for the duration of the project until final stabilization.
  - N. 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 18.030 STORMWATER ILLICIT DISCHARGE AND CONNECTION

(07-02-2018)

### **Subd. 1. Purpose, Intent, and Applicability.**

- A. Purpose/Intent: The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Eagle Lake through the regulation of non-storm water discharges to the stormwater system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- B. Applicability: This ordinance shall apply to all water entering the stormwater system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**Subd. 2. 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. For the purposes of this ordinance, the following shall mean:

- A. "Authorized Enforcement Agency" the City of Eagle Lake, Blue Earth County, State of Minnesota, or United States Environmental Protection Agency.
- B. "Best Management Practices (BMPs)" schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- C. "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.
- D. "Hazardous Materials" Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- E. "Illegal or Illicit Discharge" Any direct or indirect non-storm water discharge to the stormwater system, MS4, or Waters of the State, except as exempted in Subd. 3.C of this ordinance.
- F. "Illicit Connection(s)" An illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormwater system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the stormwater system and any connections to the stormwater system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the stormwater system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- G. "Industrial Activity" Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- H. "MPCA" The Minnesota Pollution Control Agency.
- I. "Municipal Separate Storm Sewer System (MS4)" A stormwater conveyance or unified stormwater conveyance system (including without limitation roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or manmade channels or storm drains that are located within the corporate limits of Eagle Lake, Minnesota and are owned or operated by the City of Eagle Lake, Blue Earth County, State of Minnesota, or other public body.
- J. "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.
- K. "Non-Storm Water Discharge" Any discharge to the stormwater system that is not composed entirely of storm water.
- L. "Person or Discharger" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner's agent.
- M. "Pollutant" Any man-made or man-induced alteration of the chemical, physical, biological, thermal and/or radiological integrity of any Waters of the State or the MS4, which has the

potential to harm human life, aquatic life, terrestrial plant life and/or wildlife, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

- N. "Premises" Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- O. "Stormwater System" Public and Privately-owned facilities and systems by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- P. "Stormwater" Natural precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.
- Q. "Stormwater Pollution Prevention Plan (SWPPP)" A document(s) which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.
- R. "Wastewater" Any water or other liquid waste, other than uncontaminated stormwater, that has been used, such as for washing, flushing, or in a manufacturing process, and so contains waste products, discharged from a facility and collected in a sewer system and conveyed to a sewage treatment plant.
- 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 of Minnesota 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.
- U. "Mobile Cosmetic Cleaning" power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles, and/or exterior surfaces engaged for commercial purposes.

**Subd. 3. Stormwater Runoff Control and Discharge Prohibitions.** All water entering the stormwater system will be protected from illegal disposal/dumping and illicit discharges and

connections. No person shall discharge or cause to be discharged into the MS4 or stormwater system any materials, including pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

A. Prohibition of Illegal Discharges. A person commits a violation if the person introduces or causes to be introduced into the MS4 or stormwater system any discharge of harmful substance(s) that is not composed entirely of stormwater.

1. No person shall cause any illicit discharge to enter the MS4 or a Stormwater System.
2. No person shall throw, dump, drain, or otherwise discharge, cause or allow others under its control to throw, dump, drain, or otherwise discharge into the MS4 or Stormwater System any pollutants or waters containing pollutants other than stormwater.

B. Prohibition of Illicit Connections.

1. No person shall use any illicit connection to intentionally convey non-stormwater to the MS4 or a Stormwater System.
2. The construction, use, maintenance or continued existence of illicit connections to the MS4 or Stormwater System is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

C. Exemptions. The following discharges are exempt from discharge prohibitions established by this ordinance:

1. Discharge of non-stormwater discharge that is authorized by an NPDES permit, Notice of Intent, waiver, or wastewater discharge order issued to the discharger and administered under authority of the U.S. Environmental Protection Agency (EPA) or MPCA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and written approval to discharge into the MS4 or stormwater system has been granted.
2. Diverted stream or ditch flows that have a valid permit from the Minnesota Department of Natural Resources, MPCA, Agricultural drain tile systems and other stormwater runoff.

3. Street wash water or cosmetic cleaning that does not contain soap, detergent, degreaser, solvents, emulsifier, dispersant, or other harmful cleaning substances, and that is necessary for health or safety purposes and not in violation of any other provisions of city code, uncontaminated groundwater or surface water pumping, dewatering, or basin draining, uncontaminated groundwater infiltration, foundation or footing drains and crawl space pumps that discharge uncontaminated surface waters and groundwater.
4. Air conditioning condensation that is unmixed with water from cooling towers, emission scrubber, emissions filter, or any other source of pollutants.
5. Swimming pools containing no harmful quantities of chlorine (if dechlorinated with less than one Parts Per Million) or other chemicals. Discharge of swimming pool filter backwash is prohibited,
6. Firefighting activities or other activities necessary to protect public health and safety.
7. Dye testing, with prior written notification to the City of Eagle Lake.
8. Water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection, or flushing of other potable water sources.
9. Landscape irrigation or lawn watering.
10. Noncommercial residential vehicle washing.
11. Natural surface or groundwater flows from rising lakes, streams, ditches, wetlands, springs, and riparian habitats.
12. Any other water source not containing a pollutant.

**Subd. 4. Pubic Waters Protection.** Every person owning property through which Public Waters pass, as defined in Minn. Stat. §1030.005, Subd. 15, or such person's lessee, shall keep and maintain that part of the public waters within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the public waters. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to public waters, so that such structures will not become a hazard to the use, function, or physical integrity of the public waters.

#### **Subd. 5. Best Management Practices and Duty to Report.**

- A. No person shall leave, deposit, discharge, dump or otherwise introduce pollutants in an area where discharge to public streets, the MS4, or Stormwater system occurs.
- B. For pools greater than 1,000 gallons in maximum capacity, water shall sit untreated and uncovered (exposed to sunlight) for a minimum of seven (7) consecutive days without the addition of chlorine to allow for chlorine to evaporate before discharge.
- C. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit including the creation of a current Stormwater Pollution Prevention Plan (SWPPP). Proof of compliance with said permit may be required (upon request) in a form acceptable to the City of Eagle Lake prior to the allowing of discharges to the MS4 or Stormsewer System.
- D. As soon as any person responsible for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into a Stormwater System, said person shall take steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day.

#### **Subd. 6. Inspection, Monitoring, and Testing.**

- A. The city shall be permitted to enter and inspect all Stormwater Systems as necessary to determine compliance with this ordinance. If security measures are in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements to allow access to representatives of the City.
- B. Facility operators shall allow the city ready access to all parts of its Stormwater System for the purposes of inspection, sampling, testing, examination and copying of records that must be kept under the conditions of a NPDES Permit to discharge stormwater.
- C. The city shall have the right to set up at any Stormwater System devices necessary in the opinion of the City to conduct monitoring, sampling and/or dye testing of the facility's stormwater discharge.
- D. The city has the right to require the discharger to install monitoring equipment as the City deems necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All

devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- E. If the city has been refused reasonable access to any Stormwater System and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

**Subd. 7. Violations and Penalties.** It shall be unlawful to violate any provision or fail to comply with any of the requirements of this ordinance.

- A. The city may, without prior notice, suspend Stormwater System access to any building/site when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or surface waters.
- B. In the event the violation constitutes an immediate danger to public health or safety, the City is authorized to enter upon the subject property without giving prior notice to take any and all measures necessary to abate the violation and/or restore the property.
- C. Failure to comply with a suspension order issued in an emergency will result in any process deemed necessary to prevent or minimize damage to the storm sewer system or surface waters, or to minimize danger to persons.

**Subd. 8. Violation deemed a Public Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**Subd. 9. Cost of Abatement of the Violation.** Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the Eagle Lake City Council or by the expiration of the time in which to file an appeal, the City may assess the charges against the property. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.



**Subd. 10. Remedies not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The City may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**Subd. 11. Compatibility with Other Regulations.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Subd. 12. 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 by a court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected.

**Subd. 13. Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**Subd. 14. 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.