

ORDINANCE #13-01

CITY OF RAMSEY

**ANOKA COUNTY
STATE OF MINNESOTA**

**AN AMENDMENT TO CHAPTER 117 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS
ZONING AND SUBDIVISIONS OF THE CITY CODE OF RAMSEY, MINNESOTA**

**AN ORDINANCE AMENDING DIVISION 6 SUBDIVISION II AND ADDING SUBDIVISION III
TITLED “ILLICIT DISCHARGE ELIMINATION”**

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENTS

Section 117-1 is hereby amended to include the following definitions (additions indicated as underline, deletions indicated as ~~strike-through~~):

CFR means Code of Federal Regulations

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, Waters of the State, or Waters of the United States.

Cosmetic cleaning means cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Harmful quantity means the amount of any substance that will cause pollution of waters of the City, State or Nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

Illicit Discharge means any direct or indirect non-stormwater discharge to the storm sewer system except as exempted in Section 117-414 (b) (2).

Mobile commercial cosmetic cleaning means power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

Municipal Separate Storm Sewer System (MS4) means the system of conveyances, including sidewalks, municipal streets, driveways, curb & gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

MS4 Permit means the Minnesota Pollution Control Agency (MPCA) permit issued to the City of Ramsey for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency (EPA) has promulgated the National Pollution Discharge Elimination System (NPDES), Phase II storm water rules. The MPCA has delegated the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

NOI means Notice of Intent.

Notice of Intent (NOI) means a written notice to the Minnesota Pollution Control Agency that the City plans on meeting the MS4 permit requirements.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any Waters of the State or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the municipal separate storm sewer system (MS4) or the Waters of the State.

Storm Water Pollution Control Plan (also known as Storm Water Pollution Prevention Plan) means a joint stormwater and erosion and sediment plan that is a document containing the requirements of Article II, Division 6, Subdivision II of this Chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution.

SWPPP means storm water pollution prevention plan.

Section 117-386 is hereby amended as follows (additions indicated as underline, deletions indicated as ~~strike through~~):

Sec. 117-386. – General Policy on Stormwater Runoff Volume and Rates Control.

~~For rivers and streams stormwater discharge rates must not increase over the predevelopment ten-year and 100-year peak storm discharge rates, based on the last ten years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. For wetlands volume control is generally more important.~~

- (a) All development disturbing one (1) acre or more must provide water quality treatment and runoff rate control for all stormwater.
- (1) Water Quality Treatment.
- a. Water quality treatment shall consist of a stormwater basin (dead storage) below the normal outlet greater than or equal to the runoff from a two and a half (2.5) inch storm over the entire contributing drainage area, assuming full development.
1. The stormwater basin shall have an annual removal efficiency of sixty percent (60%) total phosphorous and ninety percent (90%) total suspended solids.
2. The average depth of a stormwater basin shall be greater than three (3) feet.
3. Skimmers shall be incorporated in the design of the outlet.
- b. Peak flow control shall be provided for the 2, 10, and 100 year storm peak discharges and post development rates shall not exceed pre-development rates.
- c. Stormwater basins shall be designed using an SCS Type 2 100-year return twenty-four (24) hour storm, 5.9 inch event.
- (2) Volume Control.
- a. A volume equal to one (1) inch of runoff from all impervious surfaces shall be infiltrated on site. Infiltration or evaporation from a stormwater basin may not be counted toward this requirement.
1. Infiltration basing construction must follow the MN Stormwater Manual Chapter 12-INF, Vol. 2, or future updates.
- b. Alternatives will be considered where infiltration may not be achieved on site.
- c. The Lower Rum River Watershed Management Organization (LRRWMO), of which the City is a member, has established a Stormwater Impact Fund for projects that cannot meet the volume reduction requirements. The LRRWMO has also established a Volume Bank of available runoff retention Volume Credits. A sequencing process is outlined in the LRRWMO Third Generation Plan for utilizing the Volume Bank or paying into the Stormwater Impact Fund.

Sec. 117-392 (a) is hereby amended to read as follows (additions indicated as underline, deletions indicated as ~~strike-through~~):

- (a) The applicant shall install, construct, or pay the city fees for all stormwater management facilities necessary to manage increased runoff, so that the discharge rates from stormwater treatment basins for the predevelopment 2, 10 and 100-year peak storm discharge rates are not increased. These predevelopment rates shall be based on the last ten years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

Sec. 117-392 (d) (2) is hereby amended to read as follows (additions indicated as underline, deletions indicated as ~~strike-through~~):

- (2) Flow attenuation of treated stormwater by use of open vegetated swales and natural depressions, infiltration of the first one (1) inch of runoff from all impervious surfaces must be provided.

Sec. 117-392 (e) is hereby added to read as follows (additions indicated as underline):

- (e) Permanent stormwater facilities shall be placed in drainage and utility easements. A stormwater facilities declaration and easement agreement shall be executed for all facilities that will be

maintained by the property owner. The form of the agreement shall follow the exhibit prepared by the LRRWMO. Stormwater facilities that will be maintained by the city shall be in drainage and utility easements dedicated to the City.

Sec. 117-395 (Vegetated Buffer Protection for Rivers, Streams and Wetlands) is hereby repealed in its entirety and Sections 117-396 to 117-405 are hereby renumbered as 117-395 to 117-404.

Chapter 117, Article II, Division 6 is hereby amended as follows (additions indicated as underline, deletions indicated as ~~strike-through~~):

Subdivision III - Illicit Discharge Elimination

117-412 - Purpose.

The purpose of this ordinance is to control or eliminate storm water pollution associated with illicit discharges that may occur within the city.

117-413 - Scope. The State of Minnesota requires illicit discharge limitations into surface waters; and the City Council desires to protect its surface waters; and to provide long-term planning to minimize the impact of illicit pollutants on storm water and groundwater; and to encourage "best management practices" for the control of these illicit discharges. This Subdivision outlines regulations to manage illicit storm water discharge within the city.

117-414 - Storm Water Planning and Development

- (a) Administration. The City Engineer and authorized representatives shall administer, implement, and enforce the provisions of this Subdivision.
- (b) Discharge to MS4 Prohibited.
 - (1) It is a violation for any person to introduce or cause to be introduced into the MS4 any discharge that is not entirely composed of stormwater.
 - (2) The following are considered exempt discharge activities from enforcement action for a violation of (b) (1):
 - a. A discharge authorized by, and in full compliance with a site specific NPDES permit such as a storm water management plan permit for construction activities.
 - b. A discharge or flow resulting from fire fighting by the Fire Department.
 - c. Agricultural storm water runoff.
 - d. A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection.
 - e. A discharge or flow from lawn watering or landscape irrigation.
 - f. A discharge or flow from a diverted stream flow or natural spring.
 - g. A discharge or flow from uncontaminated pumped groundwater or rising groundwater.
 - h. Uncontaminated groundwater infiltration.
 - i. Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain.
 - j. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container.
 - k. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant.
 - l. A discharge or flow from a riparian habitat or wetland.

- m. A discharge or flow from cold water (or hot water with prior permission of the City Engineer) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance.
 - n. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.
- (3) No exemption shall be allowed under (c) (2):
- a. The discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the State or to the MS4; and
 - b. Written notice of such determination has been provided to the discharger; and
 - c. The discharge has continued after the expiration of the time given in the notice to cease the discharge.
- (4) It is a violation for any person to introduce or cause to be introduced into the MS4 any harmful quantity of any substance.
- (c) Connection of Sanitary Sewer Prohibited.
- (1) It shall be a violation for any person to connect a line conveying sewage to the MS4 or to allow such a connection to continue.
- (d) Nuisances.
- (1) An actual or threatened discharge to the MS4 that violates or would violate this Subdivision is hereby declared to be a nuisance.
- (2) A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.
- (e) Emergency Suspension of Utility Service and MS4 Access.
- (1) Providing there are State regulations restricting the interruption of service, the City may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a person discharging to the MS4 or Waters of the State when such suspension is necessary to stop an actual or threatened discharge which:
- a. Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 - b. Presents or may present imminent and substantial danger to the MS4 or Waters of the State.
- (2) When the City Engineer determines that City-provided water and/or sanitary sewer service needs to be suspended pursuant to (f) (1), the City Engineer is empowered to order such suspension.
- (3) As soon as is practicable after the suspension of service or MS4 discharge access, the City Engineer shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the violator to cease the discharge immediately. When time permits, the City Engineer should attempt to notify the violator prior to suspending service or access.
- (4) If the violator fails to comply with an order issued under (f) (3), the City Engineer may take such steps deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

- (5) The City shall not reinstate suspended services or MS4 access to the violator until:
 - a. The violator presents proof, satisfactory to the City Engineer, that the noncomplying discharge has been eliminated and its cause determined and corrected; and
 - b. The violator pays the City for all costs the City incurred in responding to, abating, and remediating the discharge or threatened discharge; and
 - c. The violator pays the City for all costs the City will incur in reinstating service or access.
- (6) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the City Engineer, in writing, within ten (10) days of notice of the suspension.
- (7) The City may obtain a lien against the property to recover its response costs.
- (8) The remedies provided by this Section are in addition to any other remedies set out in this Subdivision. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

(f) Non-Emergency Suspension of Utility Service and MS4 Access.

- (1) The City may terminate the City-provided water supply, sanitary sewer connection, and/or MS4 access any person discharging to the MS4 in violation of this Subdivision, if such termination would abate or reduce the illicit discharge.
- (2) The City Engineer will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access. The violator may petition the City Engineer for reconsideration and a hearing before the City Council.
- (3) The City shall not reinstate suspended services or MS4 access to the discharger until:
 - a. The violator presents proof, satisfactory to the City Engineer, that the non-complying discharge has been eliminated and its cause determined and corrected; and
 - b. The violator pays the City for all costs the City will incur in reinstating service or MS4 access.
- (4) The remedies provided by this Section are in addition to any other remedies set out in this Subdivision. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.
- (5) It shall be a violation for any person to reinstate water service, sanitary sewer service, and/or MS4 access to premises that were terminated pursuant to this Subdivision without the prior approval of the City Engineer.

(g) The provisions of Section 1-7 (General Penalty; Continuing Violations) are hereby incorporated by reference, as though repeated verbatim herein.

SECTION 3. SUMMARY

The following is the official summary of Ordinance #13-01, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #13-01 to amend Ramsey, Minnesota City Code Chapter 117, Article II, Division 6 to:

- Incorporate water quality and volume control standards into the stormwater pollution control regulations.
- Remove vegetated buffer protection standards that are no longer applicable.
- Add Subdivision III, which shall regulate illicit discharges to Ramsey's Municipal Separate Storm Sewer System.

SECTION 4. EFFECTIVE DATE

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the XXX day of XXXXXXX, 2013.

Mayor

ATTEST:

City Clerk

Introduction Date:

Posting Dates:

Adoption Date:

Publication Date:

Effective Date: