

**ORDINANCE NO. 2026-~~XX~~**  
**CITY OF ARDEN HILLS**  
**RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE ARDEN HILLS CITY CODE CONCERNING ILLICIT DISCHARGE AND CONNECTIONS AND CHAPTER 15 OF THE ARDEN HILLS CITY CODE CONCERNING EROSION AND SEDIMENT CONTROL**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

**SECTION 1.** Chapter 10 – Utilities is hereby amended by replacing ~~struck~~ text with the underlined language below.

Section 1020 - Illicit Discharge and Connections

1020.01 Purpose.

The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-storm water discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the storm drainage 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. The objectives of this ordinance are:

- A) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any person.
- B) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- C) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

1020.02 Definitions.

**ANIMAL: A dog, cat or other animal kept for amusement or companionship.**

**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.

**STRUCTURAL BMP:** a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.

**CITY:** The City of Arden Hills.

**CLEAN WATER ACT:** The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY:** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**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.

**ILLEGAL DISCHARGE:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.

**ILLICIT CONNECTION:** An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including wastewater, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

**INDUSTRIAL ACTIVITY** Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

**MAXIMUM EXTENT PRACTICABLE (MEP).** A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.

MPCA: The Minnesota Pollution Control Agency.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of storm water.

OWNER/CUSTODIAN: Any person, group or corporation who harbors, feeds, boards, possesses, keeps, or has custody of an animal.

PERSON: Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT: Anything ~~Any substance which when discharged has potential to or does any of the following: Interferes with state designated water uses; Obstructs or causes damage to waters of the state; Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater; Adds an unnatural surface film on the water; Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel; Degrades the quality of groundwater; or Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.~~ causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

POLLUTE: To discharge pollutants into waters of the state.

POLLUTION: The direct or indirect distribution of pollutants into waters of the state.

PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**STORM SEWER SYSTEM:** Publicly-owned facilities 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.

**STORMWATER:** Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document 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.

**SURFACE WATERS:** All waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

**WASTE: Solid matter expelled from the bowels of the pet; excrement.**

**WASTEWATER:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility or the by-product of washing equipment or vehicles.

**WATERCOURSE:** A ditch, stream, creek, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

**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.

### 1020.03 Applicability and Administration.

Subd. 1 Applicability. This ordinance shall apply to all water entering the storm sewer system generated on any developed and undeveloped lands unless explicitly exempted by the City.

Subd. 2 Responsibility for Administration. The City and its authorized representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

### 1020.04 Compatibility with Other Regulations.

Subd. 1 Compatibility. 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.

#### 1020.05 Discharge Prohibitions.

##### Subd. 1 Illegal Disposal and Dumping.

A. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

B. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

##### Subd. 2 Illegal/Illicit Discharges.

A. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal storm sewer system or surface water any materials, pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools, and any other water source not containing pollutants.

2. Discharges or flow from fire fighting, or other activities deemed necessary by the City to protect public health and safety.

3. Consists of dye testing discharge, as long as a verbal notification is made to the City Public Works Director prior to the time of the test.

4. Consists of non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued and administered under the authority of the Minnesota Pollution Control Agency (MPCA).

##### Subd. 3 Illicit Connections.

A. No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.

B. The construction, use, maintenance, or continued existence of illicit connections to the storm sewer 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 connection.

C. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.

D. Improper connections in violation of this division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

E. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City.

#### 1020.06 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

#### 1020.07 Access to Facilities

Subd. 1 When the City has determined that there is a danger to the health, safety or welfare of the public, City representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to City representatives.

Subd. 2 Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water discharge permit and of this ordinance.

Subd. 3 The City may seek issuance of a search warrant for the following reasons:

A. If city representatives are refused access to any part of the premises from which storm water is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or

B. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or

C. to protect the overall public health, safety, and welfare of the community.

#### 1020.08 Watercourse Protection.

Every person, or such person's lessee, owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### 1020.09 Animal Waste

Subd. 1 No owner or custodian of any animal shall cause or allow such animal to soil, defile or leave excrement on any public property or upon any street, sidewalk, public way, play area, or upon private property other than that of the owner, unless such owner immediately removes and disposes of all waste deposited by such animal in a sanitary manner.

Subd. 2 It is unlawful for any person owning, keeping or harboring an animal to cause or permit said animal to be on any public or private property, not owned or possessed by such person without having in immediate possession a device for the removal of waste and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

Subd. 3 It is unlawful for any person in control of, causing or permitting any animal to be on any public or private property, not owned or possessed by such person, to fail to remove waste left by such animal and dispose of it properly as described in Subd. 4.

Subd. 4 Proper disposal of animal waste shall be limited to, flushing in the toilet, bagging for disposal in the owner or custodians' waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.

Subd. 5 Disposal of animal waste in storm drains is prohibited.

Subd. 6 Disposal of animal waste in public compost is prohibited.

Subd. 7 The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

1020.09 10 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.

1020.10 11 Suspension due to Illicit Discharges in Emergency Situations.

The City may, without prior notice, suspend MS4 discharge access to a person 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 MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

1020.11 12 Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

1020.13 Salt Storage.

A. Salt storage at commercial, institutional, and non-NPDES permitted industrial facilities must comply with the following:

1. Designated salt storage areas must be covered or indoors;
2. Designated salt storage areas must be located on an impervious surface; and
3. Implementation of practices to reduce exposure when transferring material in designated salt storage areas, such as sweeping, diversions, and/or containment.

#### 1020.14 Enforcement.

Subd. 1 Notice of Violation. A violation of this ordinance is a Public Nuisance. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs.

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

Subd. 2 Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Administrator or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Subd. 3 Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Administrator upholding the decision of the City, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Subd. 4 Cost of Abatement of the Violation. Within 15 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 municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien upon the property, and the City shall have the right to

assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.

Subd. 5 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Subd. 6 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Subd. 7 Criminal Prosecution. A violation of this ordinance is a misdemeanor.

Subd. 8 Costs and Expenses. 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. 9 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 authorized enforcement agency to seek cumulative remedies.

**SECTION 2.** Chapter 15 – Erosion and Sediment Control is hereby amended by replacing the entirety of Chapter 15 – Erosion and Sediment Control with the erosion, sediment, and waste control standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as now constituted and from time to time amended.

For land disturbing activities that require a CSW Permit, activities shall be performed according to the CSW Permit requirements in addition to the policies of the City.

## Section 1500 - Purpose and Scope

### 1500.01 Purpose.

The purpose of this regulation is to control or eliminate soil erosion and sedimentation within the City of Arden Hills. This regulation establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation and work to protect the City's natural resources for the health, safety, and welfare of the public.

### 1500.02 Scope.

Except as exempted by the definition of the term "land disturbance activity" in Section 1510.01, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the Public Works Director or appointed designee (herein called "PWD") for the approval of the Erosion and

Sediment Control Plan. No land shall be disturbed until the Plan is approved by the PWD and conforms to the standards set forth in this article.

## Section 1510 - Definitions

### 1510.01 Definitions.

For the purposes of this ordinance, the following terms have the meanings given in this section:

- **BEST MANAGEMENT PRACTICE (BMP):** 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.

1. **Non-structural BMP:** Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
2. **Structural BMP:** a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.

- **BLUFF.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

1. Part or all of the topographic feature is located in a shoreland area;
2. The slope rises at least twenty-five (25) feet above the ordinary high-water level of the waterbody;
3. The grade of the slope from the toe, or bottom, of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and
4. The slope must drain toward the waterbody.

- **CERTIFICATE OF COMPLETION:** The certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.

- **CLEARING AND GRUBBING:** The cutting and removal of trees, shrubs, bushes, windfalls, and other vegetation including removal of stumps, roots, and other remains in the designated areas.

- **CONSTRUCTION STORMWATER GENERAL PERMIT:** The Minnesota Pollution Control Agency's (MPCA) Construction Stormwater General Permit (MNR100001), herein

referred to as the CSW Permit, which covers anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area.

- **EROSION:** Any process that wears away the surface of the land by the action of water, wind, ice, gravity, and/or land disturbance activities. Erosion can be accelerated by the activities of man and nature.

- **EROSION AND SEDIMENT CONTROL PLAN (Plan):** A plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in Section 1520. This Plan shall also include permanent measures and Best Management Practices to control post-construction surface runoff and sediment.

- Erosion and sediment control practice specifications and erosion and sediment control practices. The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.

- **EXCAVATION:** The mechanical removal of earth material.

- **FILL:** The deposit of soil or other earth materials placed by artificial means.

- **GRADING:** Excavation or fill of material, including the resulting conditions thereof.

- **LAND DISTURBANCE ACTIVITY:** Any land change greater than 2,500 square feet or 50 cubic yards, or land change on a parcel of land located within 1,000 feet of a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or lands of the City, including but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

1. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work;
2. Additions or modifications to existing single-family dwellings or accessory structures that will result in creating under 2,500 square feet of exposed soil and/or impervious surface;
3. Construction, installation, and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 2,500 square feet of land disturbance can be anticipated;
4. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops;
5. Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards, or poles; and
6. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment

Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.

- **MINIMUM CONTROL MEASURE:** Measures implemented in managing municipal separate storm sewer systems (MS4s) under the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) program.
- **NPDES:** The National Pollutant Discharge Elimination System as established pursuant to 33 USC § 1342 (b) to regulate Discharges of Pollutants to waters of the United States.
- **OUTFALL:** The point source where a storm sewer system discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or to a storm sewer system owned and operated by another party.
- **PERMITEE:** A person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision thereof engaged in a land disturbance activity who submits an application to the PWD for a permit pursuant to this ordinance.
- **PHASING:** Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.
- **RAMSEY CONSERVATION DISTRICT:** The Ramsey Soil and Water Conservation District.
- **RICE CREEK WATERSHED DISTRICT:** An organization which oversees the activities in the Rice Creek watershed as defined by Minnesota Statutes, Sections 103B, and 103D.
- **RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- **SEDIMENT:** Solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
- **SEDIMENTATION:** The process or action of depositing sediment, caused by erosion.
- **SITE:** The entire area of land on which the land disturbance activity is proposed in the permit application.
- **SITE PLAN:** A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.
- **SHORELAND:** The land located within the following distances from protected waters:
  1. One thousand (1,000) feet from the ordinary high-water mark of a lake, pond, or flowage;
  2. Three hundred (300) feet from a river or stream, or the landward extent of a flood plain on such rivers or streams, whichever is greater; and,

3. The practical limits of shorelands may be less than the statutory limits where the limits are designated by natural drainage divides at lesser distances, as shown on the official map of the City.

- **STABILIZATION:** The use of measures which protect soil from the erosion forces of wind, rain, and flowing water.

- **STEEP SLOPE:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

- **SURFACE WATER or WATERS:** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public, or private.

- **STORMWATER 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 to eliminate or reduce pollutant discharges from leaving the site to the maximum extent practicable in accordance with the standards set forth by the MPCA and City Code.

- **UTILITY:** The owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage and other similar substances.

- **WATERCOURSE:** Any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

- **WATERSHED:** A region draining to a specific river, river system, or body of water.

- **WETLANDS:** A lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

## Section 1520 - Erosion and Sediment Control Plans and Review

### 1520.01 Erosion and Sediment Control Plan.

Subd. 1 Required. An Erosion and Sediment Control Plan must be submitted to the PWD for every project involving a land disturbance activity. No building permit, site plan approval, subdivision approval, or permit to allow land disturbing activities shall be issued and no earth disturbing activity shall commence until approval of the Erosion and Sediment Control

Plan. Projects coordinated by Ramsey County or Mn/DOT do not require a permit from the City; however, the PWD shall be notified of the project and be provided with a copy of the Erosion and Sediment Control Plan, as well as an estimated schedule for commencement and completion. The PWD shall notify the designated contact if erosion control measures should fail or require maintenance with the expectation that the deficiencies will be corrected.

If no permit has been obtained, a stop work order may be issued on the construction and a fine may be issued in an amount equal to twice the required permit fee. A completed Erosion and Sediment Control Plan and permit application shall be submitted before construction will be allowed to resume.

Obtaining a permit does not exempt the Permittee from obtaining permits required by other governmental agencies.

Subd. 2 Application Fee. The Permittee shall submit an application fee as specified on the City's Fee Schedule as adopted and revised annually by the City Council by ordinance. The fee is non-refundable and shall cover any review costs accrued within one (1) year of the date of payment.

Subd. 3 Criteria. The Erosion and Sediment Control Plan shall minimize soil erosion or sediment from damaging adjacent land. A Permittee engaged in a Land Disturbance Activity shall submit an Erosion and Sediment Control Plan that will minimize soil erosion or sediment from damaging adjacent land, bodies of water, watercourses, or wetlands to the PWD for approval.

The Erosion and Sediment Control Plan shall address the following criteria:

- A. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- B. Stabilize all exposed soils and soil stockpiles;
- C. Establish permanent vegetation;
- D. Prevent sediment damage to adjacent properties and other designated areas;
- E. Schedule of erosion and sediment control practices;
- F. Use of temporary sedimentation basins;
- G. Stabilization of steep slopes and bluffs;
- H. Control the storm water leaving a site;
- I. Stabilize all waterways and outlets;
- J. Protect storm sewers and outfalls from the entrance of sediment, debris, and trash;
- K. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may adversely impact water quality;
- L. When working in or crossing water bodies, take precautions to contain sediment;

- M. Re-stabilize utility construction areas as soon as possible;
- N. Protect paved roads from sediment and mud brought in from access routes;
- O. Dispose of temporary erosion and sediment control measures;
- P. Maintain all temporary and permanent erosion and sediment control practices; and,
- Q. Removal of sediment from streets at the end of each day.

Subd. 4 Plan Content. The Erosion and Sediment Control Plan content shall include the following unless waived by the PWD:

- A. Project name;
- B. Contact information for the Permittee;
- C. Address of site where the land disturbing activity is proposed;
- D. Total acreage to be disturbed;
- E. Signature(s) of the owner(s) of the site or an authorized representative;
- F. Project description including the nature and purpose of the land disturbing activity and the amount of grading involved;
- G. Phasing of construction and timeline;
- H. Existing and proposed site conditions, including topography, vegetation, and drainage;
- I. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbing activity;
- J. Soil data including soil names, mapping units, erodibility;
- K. Critical erosion areas, which are areas on the site that have potential for serious erosion problems;
- L. Erosion and sediment control measures to be used on the site, both during and after the construction process;
- M. Temporary and Permanent stabilization to show how the site will be stabilized during and after construction (is completed), including specifications;
- N. Storm water management to show how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff;
- O. Maintenance and schedule of regular inspections and repair of erosion and sediment control structures; and,
- P. Any calculations that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices.

Q. A land disturbance activity equal to or greater than one (1) acre is required to comply with the conditions of the CSW Permit, as amended, and shall incorporate the erosion, sediment, and waste controls that are at least as stringent as described in the CSW permit.

#### 1520.02 Review of Permit Application

Subd. 1 General. The PWD shall review the Erosion and Sediment Control Plan to ensure compliance with the erosion and sediment control practice specifications and erosion and sediment control practices. If a CSW permit is required, the applicant will be notified in writing and a checklist will be used to determine if the plans incorporate the following:

- A. Erosion prevention practices;
- B. Sediment control practices;
- C. Dewatering and basin draining;
- D. Inspection and maintenance;
- E. Pollution prevention management measures;
- F. Temporary sediment basins; and
- G. Termination conditions.

Subd. 2 Permit Approval. If the PWD determines that the Erosion and Sediment Control Plan meets the requirements of this ordinance, the PWD shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the Erosion and Sediment Control Plan.

Subd. 3 Permit Denial. If the PWD determines that the Erosion and Sediment Control Plan does not meet the requirements of this article, the PWD shall not issue a permit for the land disturbance activity. The Erosion and Sediment Control Plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits shall be issued until the Permittee has an approved Erosion and Sediment Control Plan.

#### 1520.03 Escrow Requirement.

After approval of an Erosion and Sediment Control Plan, the PWD may require the Permittee to escrow a sum of money sufficient to ensure the installation, completion, maintenance, inspection, and enforcement of the Erosion and Sediment Control Plan and practices. Escrow amounts shall be set by Ordinance in the City fee schedule. Inspection fees shall be drawn from the escrow. Six months after final inspection, the remaining escrow shall be returned to the Permittee. (Amended 11/27/23)

#### 1520.04 Modification of Plan.

An approved Erosion and Sediment Control Plan may be modified upon submission of an application for modification to the PWD and subsequent approval by the PWD. In reviewing such application, the PWD may require additional reports and data.

## Section 1530 - Implementation and Maintenance

### 1530.01 Implementation and Maintenance of Plan.

All storm water pollution controls noted on the approved Erosion and Sediment Control Plan shall be installed before commencing the land disturbing activity and shall not be removed without PWD approval or approval of a Certificate of Completion. Noncompliance with the Erosion and Sediment Control Plan shall constitute grounds for an order from the PWD to halt all construction.

### 1530.02 Implementation.

The plan implementation shall incorporate the following:

Subd. 1 Existing vegetation shall be retained whenever feasible.

Subd. 2 Land shall be disturbed in increments of workable size such that adequate erosion and sediment control can be provided and maintained as construction progresses. The area exposed shall be stabilized in conformance with best management practices and with the maintenance requirements in the CSW Permit. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Subd. 3 The location of areas not to be disturbed shall be identified with flags, stakes, signs, silt fence, etc. before construction begins.

Subd. 4 Down-gradient sediment controls shall be in place before up-gradient land disturbing activity begins.

Subd. 5 All storm drains, inlets and outfalls shall be protected until all sources of potential discharge are stabilized.

Subd. 6 Temporary stockpiles shall have effective sediment control and cannot be placed in surface waters or storm water conveyance systems.

Subd. 7 Vehicle tracking from the site shall be minimized with the use of stone pads, concrete or steel wash racks, or equivalent systems.

Subd. 8 Street sweeping shall be used if BMPs are not adequate to prevent sediment from being tracked into the street.

### 1530.03 Responsibility.

The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices and with the maintenance requirements in the CSW Permit. The Permittee is responsible for the operation and maintenance of temporary erosion at the site. The Permittee is responsible until another Permittee has assumed control over all areas of the site that have not been finally stabilized or the site has undergone final stabilization, and has received an approved Certificate of Completion. The Permittee is responsible for maintenance, clean-up and all

damages caused by flooding of the site or surrounding area due to in-place erosion or sediment control.

## Section 1540 - Enforcement

### 1540.01 Erosion and Sediment Control Permit Enforcement.

If the PWD determines that erosion and sedimentation control is not being implemented or maintained according to the approved Plan, the Permittee will be notified and provided with a list of corrective work to be performed. Notification may be given by personal delivery upon the Permittee, or an officer, partner, manager, or designated representative of the Permittee, or by e-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee. Upon the receipt of a Non-Compliance Notice from the PWD, the Permittee shall undertake corrective action.

#### Subd. 1 Types of Corrective Actions.

A. Violations Contained on the Construction Site. The Permittee shall complete clean-up and restoration within forty-eight (48) hours of receipt of the Non-Compliance Notice.

B. Violation Impacting Adjoining Property. The Permittee shall develop and complete a clean-up and restoration plan within forty-eight (48) hours of receipt of a Non-Compliance Notice unless the affected adjoining property owner refuses Permittee access to the adjoining property. In all cases, clean-up and restoration shall be completed within seven (7) days of receipt of the Non-Compliance Notice, unless an extension is granted by the PWD.

C. Violations Impacting Streets, Wetlands, or Water Bodies. The Permittee shall develop and implement a clean-up and restoration plan immediately upon receipt of a Non-Compliance Notice.

Subd. 2 Failure to Comply. If Permittee fails to implement the Plan or complete any required corrective action in a timely manner, the City may pursue one or more of the remedies specified herein. All costs incurred by the City shall be paid by Permittee. Escrow funds may be used by the City for this purpose and, if such funds do not adequately cover the City's cost, the Permittee shall reimburse the City for any deficiency before continuing work on the construction site. If payment is not made within 30 days after costs are incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit, the property owner shall waive notice of any assessment hearing to be conducted by the City, agree 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 such assessment costs related to clean-up or corrective actions taken by the City. The City may:

A. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

B. Issue a stop work order, ceasing all land disturbance activity on the site until such time as corrective measures are completed to the satisfaction of the PWD.

- C. Revoke any permit issued by the City to the Permittee for the Site.
- D. Direct the correction of the deficiency by City forces or by a separate contract.
- E. Obtain a Compliance Order from the appropriate court.

**SECTION 2.** This Ordinance shall become effective immediately upon its passage and publication according to law. A Summary of this Ordinance will be published in accordance with state statute.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by the City Council of the City of Arden Hills, Minnesota.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk

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