

ORDINANCE NO. 82, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA, AMENDING NORTH MANKATO CITY CODE, TITLE IV, PUBLIC WORKS, CHAPTER 54, STORMWATER

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA ORDAINS:

Section 1. North Mankato City Code, Title IV, Public Works, Chapter 54, Stormwater, is hereby amended to read as follows:

**§ 54.01 STORMWATER UTILITY.**

A stormwater utility is hereby established pursuant to M.S. § 444.075 and shall operate as an Enterprise Fund of the city subject to all applicable statutory requirements. The stormwater utility shall provide for the acquisition, construction, expansion, repair and maintenance of stormwater facilities in the city. The operation of the system shall include the collection, management, detention, pumping and discharge of stormwater as necessary to promote efficient operation of the system.

**§ 54.02 FIXING RATES AND CHARGES.**

(A) The monthly charge to a typical single-family residential parcel shall be the stormwater utility rate as established by the then current resolution of the City Council. For purposes of this section, each unit of a duplex, each townhome and each condominium unit shall be considered a single-family residential parcel. All other parcels of 10,000 square feet or less shall pay the stormwater utility rate. All other parcels of 10,000 square feet or more shall pay the rate times the number of 10,000 square foot increments comprising the parcel. A 20,000 square foot parcel shall pay two times the rate. A 25,000 square foot parcel shall pay 2.5 times the rate.

(B) Rates and charges for operation of the stormwater utility shall be established pursuant to § 50.02.

**§ 54.03 ADMINISTRATION.**

The City Administrator or his or her designee shall have administrative control of the stormwater utility. The City Administrator shall, from time-to-time, make recommendations to the City Council for the efficient and orderly operation of the stormwater system. The Administrator shall make recommendations to the City Council for inclusion in the Five-Year Capital Improvement Plan regarding the maintenance and improvement of the stormwater system.

**§ 54.04 EXEMPTION.**

Public rights-of-way shall be exempt from stormwater utility fees.

**§ 54.05 PURPOSE, SCOPE AND DEFINITIONS.**

(A) *Purpose.* The purpose of this chapter 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, sedimentation, and illicit discharges that may occur within the city.

(B) *Scope.* Any person, business entity, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein. This chapter also develops regulations to manage illicit stormwater discharge within the city.

(C) *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.

**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. Acceptable BMPs are identified in the current version of The Minnesota Stormwater Manual. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective.

**CITY.** Any city official with authority, such as but not limited to, administration, City Council, City Engineer, Inspections Department, law enforcement and public works officials.

**CONTAMINATED.** Containing a harmful quantity of any substance.

**CONTAMINATION.** 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 stormwater system, waters of the state, or waters of the United States.

**COSMETIC CLEANING.** 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.

**DEVELOPER.** Any person, business entity, state agency, or political subdivision thereof, engaged in a land disturbance activity.

**DEVELOPMENT.** Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

**EROSION.** Any process that wears away the surface of the land by the action of water, wind, ice or gravity.

**EROSION PREVENTION.** Measures employed to prevent erosion.

**EXPOSED SOIL AREAS.** All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered "exposed soil," until it meets the definition of "final stabilization."

**FINAL STABILIZATION.** All soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a minimum 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.

**HARMFUL QUANTITY.** 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.** A discharge to the MS4 that is not composed entirely of stormwater, except for those discharges exempted under § 54.12.

**LAND DISTURBANCE ACTIVITY.** Any land change 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 and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

(a) Minor land disturbance activities, such as home gardens, tilling, planting or harvesting of agricultural and horticultural crops, repairs and maintenance work, unless such activity requires a permit.

(b) 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.

(c) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.

**MOBILE COMMERCIAL COSMETIC CLEANING.** Power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

**MS4 PERMIT.** The Minnesota Pollution Control Agency (MPCA) permit issued to the city for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency has promulgated the National Pollution Discharge Elimination System, Phase II stormwater rules. The MPCA has delegated the responsibility to administer the National Pollution Discharge Elimination System, Phase II stormwater permit system to MS4 communities.

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**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** The system of conveyances, including sidewalks, municipal streets, driveways, curb and gutter, ditches, channels, retention basins, catch basins or similar stormwater inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (§§ 301, 318, 402 and 405) and 33 U.S.C. §§ 1317, 1328, 1342 and 1345.

**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.

**PERMITTEE.** 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.

**POLLUTION.** 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.

**REDEVELOPMENT.** Any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).

**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.

**SEDIMENT CONTROL.** Methods employed to prevent sediment from leaving the site.

**SEDIMENTATION.** The process or action of depositing sediment.

**STABILIZED.** The exposed ground surface has been covered by appropriate materials that prevent erosion from occurring. Grass seeding is not stabilization until it's established.

**STORMWATER.** Precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

**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 and decrease off-site, non-point pollution.

**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, that are contained within, flow through, or border upon the state, or any portion thereof.

**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.

(Ord. 35, 4th Series, passed 2-22-2011; Am. Ord. 48, 4th Series, passed 1-22-2013)

#### § 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) 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 within the city shall submit an erosion prevention and sediment control plan to the city. 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 and shall meet the following criteria:

- (1) Implement best management practices.

- (2) Protect storm sewers from sediment.
- (3) Prevent sediment damage to adjacent properties and other designated areas.
- (4) Protect paved roads from vehicle tracking.
- (5) Engineer the construction of steep slopes.
- (6) Stabilize all exposed soils and soil stockpiles.
- (7) Stabilize all waterways and outlets.
- (8) When working in or crossing water bodies, take precautions to contain sediment.
- (9) Maintain all temporary and permanent erosion and sediment control practices.
- (10) Establish permanent vegetation.
- (11) Dispose of temporary erosion and sediment control measures following final stabilization.

(C) *Contents of plan.* The erosion and sediment control plan shall include 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, and the like, which may be affected by the land disturbing activity.

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) *Maintenance.* Schedule of regular inspections and repair of erosion and sediment control structures.

(7) *Permanent stabilization.* How the site will be stabilized after construction is completed.

(8) *Dewatering.* The plan must include provisions for dewatering. Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by one of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.

(9) *Temporary sedimentation basins.* Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.

(D) *NPDES Construction Site 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.

(Ord. 35, 4th Series, passed 2-22-2011)

#### § 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this ordinance has been submitted by the Applicant.

(B) The Applicant shall submit information adequate for the City to evaluate if the plans meet the requirements of the ordinance.

(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) *Permit required.* If it determines that the plan meets the requirements of this chapter, 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.

(2) *Denial.* If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) *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 developer 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 this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

- (1) Before any land disturbing activity begins.
  - (2) As necessary or required during construction.
  - (3) At the completion of the project.
- (E) The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.
- (F) *Owner inspections.* Unless otherwise authorized by the City, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24 hours period.

(1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:

- Date and time of inspection
- Date and amount of any rainfall greater than 0.5 inches in a 24 hour period
- Name of inspector
- Findings of the inspection
- Documentation of corrective actions required and the actions taken

(2) The Owner shall make these records available to the City upon request.

(Ord. 35, 4th Series, passed 2-22-2011)

#### § 54.08 MODIFICATION OF PLAN.

The applicant must amend the erosion and sediment control plan as necessary to include added requirements such as additional or modified best management practices designed to correct problems identified.

All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery, or as soon as field conditions allow access. Perimeter control devices and sedimentation basins shall be considered nonfunctional when  $\frac{1}{2}$  of depth is full of sediment.

(Ord. 35, 4th Series, passed 2-22-2011)

#### § 54.09 PERMANENT STORMWATER BMPS.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

- (1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.
- (2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.

i. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:

1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
2. Sites where infiltration is prohibited;
3. Other locations as determined by the Director of Public Works or his/her designee.

(B) *Investigation of practices.* The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:

(1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:

- i. Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
- ii. Vehicle fueling and maintenance occur

- iii. Less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.
    - iv. High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
    - v. Soil infiltration rates are more than 8.3 inches per hour.
    - vi. Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.
  - (2) Flow attenuation by use of open vegetated swales and natural depressions;
  - (3) Stormwater retention facilities; and
  - (4) Stormwater detention facilities.
- (C) Projects must include creation of new or retrofit existing structural stormwater best management practices or utilize properly designed regional structural stormwater best management practices. Routine maintenance of existing structural stormwater best management practices does not meet the requirement to provide stormwater management under this division.
- (D) Projects that have made reasonable effort but been unable to fully meet volume, TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:
  - (1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;
  - (2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
  - (3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
  - (4) Provide treatment that yields the same benefits at a site approved by the City.
- (E) Applicants shall provide documentation showing compliance with (A), (B), (C), and (D) above. Acceptable options shall be:
  - (1) For Rate and Volume:
    - i. Select from the Modeling Tool Section of the MPCA Stormwater Manual, or
    - ii. Other method approved by the Director of Public Works or his/her designee.
  - (2) For TSS and TP:
    - i. Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, or
    - ii. Other method approved by the Director of Public Works or his/her designee.
- (F) Performance Security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.
- (G) Failure to Complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the City may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The City shall use any Performance Security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.
- (H) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:
  - (1) Description of anticipated maintenance activities and frequency.
  - (2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.
  - (3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid

by the property owner.

- (4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.
- (l) Removal or Alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this Ordinance shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:
  - (1) Authorization of the Director of Public Works or his/her designee; and
  - (2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.

#### **§ 54.10 REMEDIAL ACTION.**

The city may take remedial action if any of the conditions listed below exist. The applicant shall reimburse the city for all direct costs incurred in the process of remedial work, including attorney's fees.

(A) *Abandonment.* The developer 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 developer fails to conform to the erosion and sediment control plan as approved by the city.

(Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

#### **§ 54.11 EMERGENCY ACTION.**

If circumstances exist such that noncompliance with this chapter 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 applicant to take any necessary action. (Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

#### **§ 54.12 NOTIFICATION OF FAILURE OF THE PLAN.**

The city shall notify the permit holder 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 hours after notification, the city, at its discretion, 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, 24-hour period.

(B) *Erosion off-site.* If sediment breaches the perimeter of the site, the permittee shall immediately develop and implement a cleanup and restoration plan within 24 hours of obtaining the adjoining property owner's permission. If, after making a good-faith effort to notify the adjoining property owner, the developer has been unable to establish contact, the responsible party may proceed with corrective work. If, at 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 chapter within the time stipulated, the city may take the following actions, but are not limited to:

(1) Issuing a stop-work order, withholding the scheduling of inspections, and/or the issuance of a certificate of occupancy.

(2) Revoking 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) Correcting the deficiency or hiring a contractor to correct the deficiency.

(4) Requiring reimbursement to the city for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within 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 M.S. § 429.081 to challenge the amount or validity of assessment.

(Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

#### **§ 54.13 ILLICIT DISCHARGE PROHIBITED.**

(A) A person commits a violation if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of stormwater.

(B) A person commits a violation if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

(C) The following are considered exempt discharge activities from enforcement action for a violation:

(1) A discharge authorized by, and in full compliance with a site specific NPDES permit such as a stormwater pollution prevention plan permit for construction activities;

(2) A discharge or flow resulting from fire fighting by the Fire Department;

(3) Agricultural stormwater runoff;

(4) 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.

(5) A discharge or flow from lawn watering, or landscape irrigation;

(6) A discharge or flow from a diverted stream flow or natural spring;

(7) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

(8) Uncontaminated groundwater infiltration;

(9) Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain;

(10) 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;

(11) 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 pollution;

(12) A discharge or flow from a riparian habitat or wetland;

(13) A discharge or flow from water used in street washing or cosmetic cleaning that is not a contaminated soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or

(14) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.

(D) No exemption shall be allowed if:

(1) 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;

(2) Written notice of the determination has been provided to the discharger; and

(3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(Ord. 48, 4th Series, passed 1-22-2013)

#### **§ 54.14 CONNECTION OF SANITARY SEWER PROHIBITED.**

A person commits an offense if the person connects a sanitary sewer line conveying or discharging a harmful quantity of pollutant to the MS4, or allows such a connection to continue.

(Ord. 48, 4th series, passed 1-22-2013)

#### **§ 54.15 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

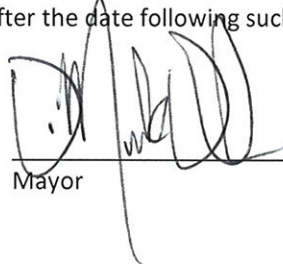
(Ord. 35, 4th Series, passed 2-22-2011; Am. Ord. 48, 4th series, passed 1-22-2013)




**§ 54.98 ENFORCEMENT RESPONSE PROCEDURE.**

*Enforcement Response Procedure.* The City has adopted an Enforcement Response Procedure Document that includes penalties for Illicit Discharges of Pollutants which is hereby referenced as part of this Ordinance.

Section 2. After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publications.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

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