
CHAPTER 26. STORMWATER MANAGEMENT

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9-26-1 Purpose.

This Chapter is established to promote, preserve, and enhance natural resources within the City of Savage and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas. The provisions of this Chapter are adopted pursuant to Minnesota Statutes, Section 462.351.

9-26-2 Findings.

The City of Savage hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affect the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Savage to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas that may be affected by unplanned land usage.

9-26-3 Scope and Effect.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a stormwater management plan to the Engineering Department. No building permit, subdivision approval or permit to allow land disturbing activities shall be issued until approval of the stormwater management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this Chapter.

A. *Exemptions.* The provisions of this Chapter shall not apply to:

1. Any part of a subdivision if a plat for said subdivision has been approved by the City on or before the effective date of this Chapter;
2. Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this Chapter;

3. A lot for which a building permit has been approved on or before the effective date of this Chapter;
 4. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles; or
 5. Emergency work to protect life, limb or property.
- B. *Waiver.* The City Council, upon recommendation of the Planning Commission, may waive any requirement of this Chapter upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the established standards and requirements set forth in this Chapter. The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary, to adequately meet said standards and requirements.

9-26-4 Stormwater Management Plan Approval Procedures.

- A. *Application.* A written application for stormwater management plan approval, along with proposed stormwater management plans, shall be filed with the Engineering Department and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this Chapter. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plans reviewed by the appropriate departments of the City.
- B. *Required plan submittals.* Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the Engineering Department along with any required fees. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. The plans shall be drawn at a minimum scale of 1 inch equals 100 feet and shall contain the following information:
1. *Existing site map.* A map of existing conditions showing the site and immediately adjacent areas, including:
 - a. The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets;
 - b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the name and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;
 - c. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
 - d. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
 - e. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;
 - f. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
 - g. Vegetative cover and clearly delineating any vegetation proposed for removal; and

- h. One-hundred (100) year floodplains, flood fringes and floodways.
2. *Site construction plan.* A site construction plan including:
 - a. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities.
 - b. Locations and dimensions of all temporary soil or dirt stockpiles.
 - c. Locations and dimensions of all constructions site erosion control measures necessary to meet the requirements of this Chapter. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Chapter; and
 - d. Provisions for maintenance of the construction site erosion control measures during construction.
3. *Stormwater calculations.* Calculations demonstrating the following data shall be provided, according to the method established by the City Engineering Department:
 - a. Amount of existing runoff from the site before development;
 - b. Amount of proposed runoff from the site after development;
 - c. Amount of ponding volume needed and inflow/outflow hydrographs of each ponds.
4. *Stormwater Abstraction Plan.* A plan to limit the loss of pervious area, to maximize the volume of water that is infiltrated into the groundwater table and/or transpired into the atmosphere by vegetation and, to the extent possible, to infiltrate runoff from impervious areas. The plan must provide for:
 - a. An abstraction of water equal to or greater than one-half ($\frac{1}{2}$) inch of runoff from the new impervious area created by the development.
 - b. Infiltration should occur within forty-eight (48) hours or less.
 - c. Infiltration areas may be inspected by the City, or any Watershed Management Organization or Watershed District with authority over the area, to ensure that water infiltrates according to the plan design. Owners of infiltration areas that do not perform as designed shall reconstruct and redesign the site stormwater management system to bring it into compliance with City requirements.
 - d. At a minimum the following best management practices (BMP's) shall be considered, and the plan must include a narrative description explaining why any of these BMP's cannot be used, are not feasible, or are not applicable:
 - i. Vegetated swales to transport surface water.
 - ii. Planting of deep-rooted, high-transpiration vegetation.
 - iii. Where existing and/or final soils in pervious areas are classified as Hydrologic Soil Types C or D, the use of soil modification methods to improve the infiltration potential.
 - iv. Pond outlets perched above groundwater levels.
 - v. Roof drainage to pervious areas.
 - vi. Depressed casual storage areas, such as rain gardens and infiltration areas.
 - vii. Minimization of the number and width of parking stalls.
 - viii. The use of curb cuts to allow surface water to migrate into appropriate vegetated infiltration areas.
 - ix. Use of permeable paving materials.
 - x. Other water infiltration/transportation methods as proposed.

5. *Plan of final site conditions.* A plan of final site conditions on the same scale as the existing site map showing the proposed site changes including:
 - a. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 - b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
 - c. A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
 - d. The proposed size, alignment and intended use of any structures to be erected on the site;
 - e. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
 - f. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project.

9-26-5 Plan Review Procedure

- A. *Process.* Stormwater management plans meeting the requirements of Section 9-26-5 shall be submitted to the Engineering Department for review and approval. The Engineering Department shall recommend approval, recommend approval with conditions, or recommend denial of the stormwater management plan to the Planning Commission. Following Planning Commission action, the stormwater management plan shall be submitted to the City Council at its next available meeting. City Council action on the stormwater management plan must be accomplished within one-hundred twenty (120) days following the date the application for approval is filed with the Planning Commission.
- B. *Duration.* Approval of a plan submitted under the provisions of this Chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the City for an extension of time to commence construction setting forth the reasons for the requested extension, the City Council may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the City within fifteen (15) days. The City shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.
- C. *Conditions.* A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this Chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the City of Savage or other public entity of certain lands or interests therein.
- D. *Financial guarantee.* Prior to approval of any stormwater management plan, the applicant shall submit an agreement to construct such required physical improvement, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a letter of credit, cash escrow, or performance bond to cover one-hundred twenty five (125) percent of the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with Section 9-26-6-B. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City of Savage as may be designated by resolution of the City Council.

- E. *Fees.* All applications for stormwater management plan approval shall be accompanied by a processing and approval fee as set by the City Council annually.

9-26-6 Approval Standards.

- A. *Compliance with standards.* No stormwater management plan which fails to meet the standards contained in this Section shall be approved by the City Council.
- B. *Site dewatering.* Water pumped from a site may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
- C. *Waste and material disposal.* All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- D. *MPCA permit.* Any applicant required to obtain a NPDES (National Pollution Discharge Elimination System) permit from the MPCA shall, prior to the start of construction, submit verification of such permit to the City.
- E. *Tracking.* Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
- F. *Drain inlet protection.* All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications in the MPCA publication "Protecting Water Quality in Urban Areas".
- G. *Storm water management criteria for permanent facilities.*
1. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff so that the two (2) year, ten (10) year, and one-hundred (100) year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or 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.
 2. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
 3. The following stormwater management practices shall be investigated in developing a stormwater management plan in the following descending order of preference:
 - a. Natural infiltration of precipitation on-site.
 - b. Flow attenuation by use of open vegetated swales and natural depressions.
 - c. Stormwater retention facilities; and
 - d. Stormwater detention facilities.
 4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (1) above. Justification shall be provided by the applicant for the method selected.
- H. *Design standards.* Stormwater detention and infiltration facilities constructed in the City of Savage shall be designed according to standards established by the Department of Public Works, and shall

contain, at a minimum, the following design factors:

1. Stormwater detention facilities shall be designed in accordance with Section 5.3.10 of the Water Resources Management Plan, adopted by the Savage City Council on August 6, 2007, or any subsequently adopted Water Resources Management Plan.
 2. Stormwater detention facilities shall have a permanent pond surface area equal to two (2) percent of the impervious area draining to the pond or one (1) percent of the entire area draining to the pond, whichever amount is greater.
 3. Stormwater infiltration facilities shall have some form of pretreatment, such as a plunge pool, sump pit, filter strip, sedimentation basin, grass channel, or a combination of these practices installed upstream of the infiltration facility.
 4. Stormwater infiltration facilities shall have buffer vegetation establishment and maintenance, recording and monumentation, and prohibited and allowable alterations shall be consistent with the requirements for wetland buffers (see Section 9-26-6 I).
 5. All stormwater detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations.
 6. Stormwater detention and infiltration facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten (10) year storm event. All calculations and hydrologic models/ information used in determining peak flows shall be submitted along with the stormwater management plan.
 7. No orifice smaller than four (4) inches is allowed in the construction of ponds or outlets within the City. A trashguard shall be installed on orifices less than six (6) inches.
 8. All new stormwater detention facilities shall have at least eighteen (18) inches of Type C or Type D soil or twenty-four (24) inches of Type A or Type B soil separating the bottom of pond from bedrock.
 9. All new stormwater infiltration facilities shall have at least twenty-four (24) inches of Type A or Type B soil separating the bottom of pond from bedrock.
 10. All new stormwater infiltration facilities shall be designed to pre-treat the inflow to remove solids prior to conveyance into the infiltration area.
 11. A 25-foot principal structure and 15-foot deck or patio setback from the edge of the pond buffer is required in all residential districts.
- I. *Wetlands.*
1. Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
 2. A wetland application shall be submitted to the City prior to any filling, excavating, or other activity that may alter the wetland, in accordance with the Minnesota Wetland Conservation Act and associated rules (MN Rules 8420. *et. seq.*) The application shall be accompanied by a report prepared by a qualified wetland specialist. The report shall include a certified survey showing the delineation of the wetland and the wetland buffer.
 3. For any parcel created or redeveloped, a wetland buffer as defined in this section is required.
 - a. Minimum wetland buffer widths shall be consistent with buffer widths as specified in the City's Comprehensive Wetland Protection and Management Plan.
 - b. Buffer vegetation shall be established and maintained as follows:
 - i. The first rod (16.5 feet) of buffer as measured from the wetland delineation or public waters wetland ordinary high water level (OHWL) shall not be disturbed during project construction (i.e., cleared or graded, except for temporary disturbances for public roads and utility construction) and shall be protected from disturbance with temporary fencing prior to construction. Vegetation may be replaced and site soils preparation work completed

- within this first rod (16.5 feet) if necessary to establish acceptable vegetation in accordance with this Section.
- ii. Where acceptable natural vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval to replace such vegetation. A buffer has acceptable natural vegetation if it has a continuous, dense layer of perennial grasses and/or an overstory of trees and/or shrubs that has been uncultivated or unbroken for at least 5 consecutive years. The City may determine that the existing buffer vegetation is unacceptable if the buffer has undesirable characteristics such as noxious or invasive plant species or topography that channelizes the flow of runoff.
 - iii. Where buffers are not vegetated or have been cultivated or otherwise disturbed within 5 years of the permit application, such areas shall be replanted with approved native seed mix 9 and maintained. The buffer plantings, maintenance and monitoring schedule must be identified on the permit application. Any groundcover or shrub plantings installed within the buffer are independent of any landscaping required elsewhere by the City. During the first 2 full growing seasons, the owner must replant any buffer vegetation that does not survive. The owner shall be responsible for reseeding/or replanting if the buffer changes at any time through human intervention or activities.
- c. Wetland buffers shall be recorded and monumented in the following manner:
- i. Submit to the City for its approval a conservation easement for protection of approved buffers, or include the buffer in a dedicated outlot as part of platting and subdivision approval. The easement shall describe the boundaries of the wetland or public waters wetland and buffer, identify the monuments and monument locations, and refer to the allowable wetland buffer uses as defined in this section.
 - ii. File the approved easement or final plat for record and submit evidence thereof to the City or complete preliminary and final plats including dedicated outlot(s).
 - iii. City-approved buffer monuments shall be placed at the outside perimeter of the buffer. Maximum space between monuments shall be one hundred (100) feet or at each lot line, whichever is most frequent. Additional monuments shall be placed as necessary to clearly define the buffer.
- d. Prohibited wetland buffer alterations and activities include, but are not limited to: building, storage, paving, animal feeding stations, temporary recreational equipment, mowing, plowing, introduction of noxious vegetation, cutting, dredging, filling, mining, dumping, grazing livestock, agricultural production, yard waste disposal or fertilizer application.
- e. The following activities are permitted in the wetland buffer:
- i. Removal of noxious vegetation such as European buckthorn, purple loosestrife and reed canary grass.
 - ii. New native plantings that enhance the natural vegetation.
 - iii. Selective clearing or pruning of trees or vegetation that are dead, diseased, or pose similar hazards, and as approved by the Director of Public Works.
 - iv. Use and maintenance of an unimproved access strip through the buffer, not more than 10 feet in width, for recreational access to the watercourse or wetland and the exercise of riparian rights;

- v. Construction, maintenance, repair, reconstruction or replacement of existing and future public roads, utilities, or drainage systems within a buffer, so long as any adverse impacts of the road on the function of the buffer have been avoided or minimized to the extent practical.
 - vi. Individual Sewage Treatment Systems (ISTS) may be constructed within a wetland buffer so long as the vegetation growing on the system is maintained in accordance with this Section; and the area for the ISTS is not counted as wetland buffer area; and the edge of the ISTS is located 35 feet from the delineated wetland edge.
 - vii. Clearing, grading and seeding is allowed if part of an approved Wetland Replacement Plan.
 - viii. Placement, maintenance, repair or replacement of trails, so long as the area of the trail is not counted as a wetland buffer area. Buffer area(s) lost as a result of trail placement shall be mitigated at a 1:1 ratio. The priority for mitigation will be as near the site of loss as possible. Buffer mitigation may also be accomplished through enhancement of degraded or low-quality buffer areas within the proposed project site, as approved by the Director of Public Works.
 - ix. Placement or maintenance of ponds or other stormwater treatment facilities, so long as the area of the pond is not counted as wetland buffer area and the embankment of the pond is located 35 feet from the delineated wetland edge.
- f. A 25-foot principal structure and 15-foot deck or patio setback from the edge of the wetland buffer is required in all residential districts.
- 3. A protective buffer strip of natural vegetation at least one rod (16½ feet) in width shall surround all wetlands.
 - 4. All wetland impacts must comply with the Wetland Conservation Act of 1991, and any subsequent revisions thereof.
- J. *Steep slopes.* No land disturbing or development activities shall be allowed on slopes of thirty-three and one-third (33⅓) percent.
 - K. *Drain leaders.* All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.
 - L. *Inspection and maintenance.* All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The Director of Public Works, or designated representative, shall inspect all stormwater management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the Public Works Department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.
 - M. *Models/methodologies/computations.* Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the Director of Public Works. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Works.

- N. *Watershed management plans/groundwater management plans.* Stormwater management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Board of Water and Soil Resources in accordance with state law.
- O. *Easement.* If the stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

9-26-7 Interim Strategy of Minnesota River.

The City hereby adopts the Metropolitan Council's 9-point strategy for reducing non-point pollution to the Minnesota River.

9-26-8 Stormwater and Urban Runoff Pollution Control

- A. Illegal disposal, discharges and connections.
 - 1. No person shall intentionally dispose of leaves, dirt or other landscape debris into street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal or storm drain.
 - 2. No person shall cause any illicit discharge to enter the municipal storm water system unless such discharge:
 - a. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the Minnesota Pollution Control Agency.
 - b. Is associated with fire fighting activities.
 - c. No person shall use any illicit connection to intentionally convey non-storm water to the Savage storm water system.
 - d. No person shall leave, deposit, discharge, dump or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain system may occur.
 - e. Runoff of water from washing down of paved areas in commercial and industrial property is prohibited unless necessary for the health and safety purposes and not in violation of other provisions of this code.
- B. *Maintenance of stormwater facilities.* All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers and other devices, including settled solids, shall be removed and properly disposed of on a five (5) year interval. One (1) to five (5) year waivers from this requirement may be granted by the City Engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity. No private stormwater facilities may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and intervals.

9-26-9 Lawn Fertilizer Restrictions.

- A. *Timing of application.* No fertilizer application shall be made when the ground is frozen and in no event during the period of November 15 through April 1 of the succeeding year.
- B. *Impervious surfaces.* Fertilizer shall not be applied, spilled or otherwise deposited on impervious surfaces. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on impervious surface shall be immediately and completely removed.
- C. *Buffer zones.* No fertilizer shall be applied within established wetland buffer zones outlined in 9-26-7-1 or within twenty (20) feet of the edge of any wetland, pond, river, creek or lake.

- D. *Fertilizer content and application rate.* No fertilizer shall be applied to turf within the City which contains any amount of phosphorus or other compounds containing phosphorus, such as phosphate. The provisions of this paragraph regarding fertilizer content shall not apply to:
1. Newly established turf areas for the turf's first growing season.
 2. In turf areas which soil test confirm area below phosphorus levels established by the University of Minnesota Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount of phosphorus and the appropriate application rate recommended in the soil test evaluation.
- E. *Notice requirement.* Retail businesses selling fertilizer shall post a notice in a conspicuous location near the fertilizer notifying customers of the limitation on the use of fertilizer containing phosphorous contained in this Section.
- F. *Violations.* For the first twelve (12) months following the effective date of this Section, no penalty shall attach to its violation. Thereafter, a person violating any provision of this Section shall be guilty of a petty misdemeanor and upon conviction shall be subject to the penalties imposed by Minnesota Statutes for petty misdemeanor offenses.

9-26-10 Erosion and Sediment Control.

All construction projects permitted by the City of Savage, which result in the temporary disturbance of vegetative or non-vegetative surfaces protecting soils from erosion must comply with the following regulations. The City Engineer or Building Official or his or her designee may impose special conditions to permits that stipulate alternative erosion control procedures at the construction site.

9-26-11 Commercial, Industrial, Multi-Family Building Permits and Residential Subdivisions.

- A. Site plan and grading plan submittals shall contain all of the following:
1. Existing and proposed topography of the site taken at two (2) foot intervals to define the topography over the entire site.
 2. Contour lines that extend a minimum of one-hundred (100) feet off site, or sufficient to show on and off-site drainage.
 3. Site's property lines shown in true location with respect to the plan's topographic information.
 4. Location and graphic representation of all existing and proposed natural and man made drainage facilities.
 5. Detailed plans of all surface and subsurface drainage devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area being drained.
 6. Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the site plan and grading plan.
 7. Location and graphic representation of proposed excavations and fills, on-site storage of soil and other earth material and on-site disposal.
 8. Location of final surface run-off, erosion and sediment control measures.
 9. Area of land disturbance in acres.
 10. Quantity of soils or earth material in cubic yards to be excavated, filled, stored or otherwise utilized on-site.
 11. Quantity of soils to be removed from site in cubic yards by type; outline of haul routes to be used; schedule of haul routes; number and frequency of trips on proposed haul routes.
 12. Outline of the methods to be used in clearing vegetation and in storing and disposing of the cleared vegetative matter.

13. Proposed sequence of excavation, filling, other land disturbing and filling activities, and soil or earth material storage and disposal.
 14. Location of any building or structures on the property where the work is to be performed and the location of any building or structure on land of adjacent owners that is within fifty (50) feet of the property or that may be affected by the proposed grading operations.
- B. Erosion and sediment control plan shall contain all of the following with respect to conditions existing on site during construction and after final structures and improvements have been completed.
1. A description of /and specifications for sediment retention and settling devices.
 2. A description of, specifications, and detail plates for surface runoff and erosion control devices.
 3. A description of vegetative measures.
 4. A detailed timetable for restoring all disturbed areas.
 5. A graphic representation of the location of all specified erosion and sediment control devices.
 6. An implementation schedule for installing and subsequently removing devices described above.
 7. A maintenance schedule for all sediment and erosion control devices specified.
 8. An estimate of the costs of implementing all final and temporary erosion and sediment control measures, submitted in a form acceptable to the City of Savage.
 9. Outline showing the parties responsible for constructing and maintaining the erosion control measures as shown on the plan. The outline should have the phone numbers and addresses of at least two persons and indicate how they can be contacted at all times (days, nights, weekends, etc.) regarding repairing and maintaining the erosion control measures.
 10. The erosion control plan must contain details to specify which erosion and sediment control facilities are permanent and which are temporary.
- C. *Implementation of erosion control plan.* Prior to the start of earthwork activities, the permittee must have in place and functional, the erosion controls as outlined on the approved erosion control plan. Additional erosion controls may be required as directed by the City of Savage.
1. No earthmoving activities shall commence until the erosion controls have been field inspected and approved by the City of Savage.
 2. The permittee must maintain the erosion control to the satisfaction of the City Engineer throughout the entire building process. If the erosion control is not being maintained to the City's satisfaction, the City will follow established procedures on notification or doing remedial work as deemed appropriate by the City.
 3. All erosion control systems must be maintained by the permittee in an acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.
- D. *Financial securities.*
1. The Applicant shall provide security for the performance of the work described and detailed on the approved grading plan and erosion control plan in an amount set annually by City Council. The form of the securities shall be one or a combination of the following to be determined by the City of Savage:
 - a. The first five-thousand (5,000) dollars of the financial security for erosion control shall be by cash deposit to the City of Savage. If at anytime during the course of the work this amount falls below the original amount of the deposit, the developer

shall make another deposit in the amount necessary to restore the cash deposit to the original amount. The City may draw on the Developer's Letter of Credit to restore the original amount of the deposit. The City will wait five (5) working days after notifying the developer before drawing on the Developer's Letter of Credit.

- b. Deposit, either with the City, a responsible escrow agent, or trust company, at the option of the City, money, negotiable bonds of the kind approved for securing deposits of public monies or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal Government wherein said financial institution pledges funds are on deposit and guaranteed for payment.
 - c. Cash in U.S. currency.
2. The City of Savage may act against the appropriate security if any of the conditions listed below exist. The City of Savage shall use funds from the appropriate security to finance remedial work undertaken by the City or a private contractor, under contract to the City, and to reimburse the City for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.
- The permittee ceases land-disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- a. The permittee fails to conform to the grading plan and/or erosion control plan as approved by the City of Savage.
 - b. The techniques utilized under the erosion control plan fail within one year of installation.
 - c. The City of Savage has determined that additional action is necessary to prevent excessive erosion from occurring on the site.
3. The security deposited with the City for faithful performance of the grading and erosion control work shall be released after ground cover has been successfully established and the potential for erosion from the site has been eliminated. In addition, all temporary erosion control measures such as silt fence and hay bales must be removed from the site prior to release of the security deposit or as directed by the City of Savage.

9-26-12 Residential Building Permits

Construction of a residential home shall be subject to the following conditions.

- A. Erosion control plan.
 - 1. The permittee must submit a site survey that shows all approved methods of erosion control measures to be installed in conjunction with this construction activity. Approved methods of erosion control include silt fences, fiber logs, fiber blanket and temporary seeding, depending on the site characteristics and the season.
 - 2. The City of Savage will review the site plan to ensure that adequate erosion control measures are proposed. Any modifications by the City of Savage must be included in the approved Erosion Control Plan for the construction site.
- B. *Implementation of erosion control plan.*
 - 1. Prior to the start of any excavation for the construction or remodeling of a residential home, the builder constructing or remodeling the home must have in place and functional, an approved method of erosion control. Additional erosion control may be required as directed by the City of Savage.
 - 2. The builder constructing or remodeling a residential home must maintain the erosion control to the satisfaction of the City throughout the entire building process. If the erosion control is not maintained to the City's satisfaction, the City will withhold additional inspections and/or the certificate of occupancy.

3. All erosion control systems must be maintained by the permittee in an acceptable condition until turf is established and/or structural surfaces are constructed to protect the soil from erosion.
- C. *Financial security.*
1. Each permittee will be required to post a deposit at the time of receiving the building permit. Deposit amount shall be approved annually by the City Council. This deposit shall be held by the City to ensure that the permittee follows all provisions of the City's Erosion Control, Final Grading, and Tree Preservation Policies.
 2. The builders deposit will be released once all requirements of the escrow are met. No partial releases of the deposit will be given by the City.
 3. The City of Savage may act against the deposit(s) if remedial work is required by the City or its contractor to correct deficiencies in the permittee's erosion control measures. The City of Savage may act against the deposit(s) if all areas of the site that were disturbed by construction activities are not restored within one year from the date that an occupancy permit was issued. The permittee will forfeit all financial deposits being held by the City for two (2) years after an occupancy permit is issued for the structure. The City of Savage reserves the right to complete the work in accordance with this Section.
- D. *Inspection of erosion control plan.* The City of Savage will make periodic inspections of the site to ensure compliance with the Erosion Control Plan.
- E. *Inspection fee.*
1. The City of Savage shall charge an application review fee for administration of the survey, grading and erosion control permit. As part of this fee, the City will review the permit application to ensure that it conforms to the overall erosion control plan. The fee shall be set annually by the City Council.
 2. The City will review the permittee's as-built survey submitted after the completion of grading activities to ensure that it conforms to the overall erosion control plan for the area.
 3. An inspection fee will be charged for any additional inspections of the site for review of corrective erosion control work required by the City or to follow up previously incomplete work by the permittee. This re-inspection fee will be deducted from the erosion control deposit and will be set annually by City Council.
- F. *Notification of failure of erosion control plan.* The City of Savage shall notify the permit holder of the failure of the erosion control measures that have been constructed.
- G. *Notification by the City.* The initial contact will be by phone or fax to the parties listed on the application and/or erosion control plan. Forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, the City, at its discretion, may begin remedial work of the erosion.
- H. *Erosion off-site.* If erosion breaches the perimeter of the site, the permittee shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City of Savage, may more than seven (7) calendar days go by without corrective action being taken. If at the discretion of the City of Savage, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required.
- I. *Erosion into streets, wetlands or water bodies.* If eroded soils enter, or entrance appears eminent into streets, wetlands, or other water bodies, cleanup and repair shall be immediate. Permittee shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
- J. *Failure to do corrective work.* When a permittee fails to conform to any provision of this Title within the time stipulated, the City of Savage may take the following actions:

1. Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy or issue a stop work order.
2. Direct the correction of the deficiency by City forces or separate contract. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
3. All costs incurred by the City in correcting erosion control deficiencies, including a ten (10) percent handling fee, shall be reimbursed by the permittee. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the permittee cash deposit.
4. If there is an insufficient amount of cash deposit to cover the costs incurred by the City, the City may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

9-26-13 Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than five dollars nor more than five-hundred (500) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

9-26-14 Other Controls

In the event of any conflict between the provisions of this Chapter and the provisions of any erosion control or shoreland protection Title adopted by the City Council, the more restrictive standards prevails.

9-26-15 Severability.

The provisions of this Chapter are severable. If the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can give effect without the invalid provision or application.

