

CHAPTER 20

ENVIRONMENTAL ORDINANCE

EROSION AND SEDIMENT CONTROL ORDINANCE

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10-20-1: Intent, Purpose: During the construction (roadway, utility and building) process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Sartell. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Sartell.

10-20-2: Definitions

Certified Contractor: A person who has received training to inspect and maintain erosion and sediment control practices.

Clearing: Any activity that removes ground cover and exposes topsoil material.

Drainage way: Any channel that conveys surface runoff throughout the site.

Erosion Control: A measure that prevents soil particle exposure and detachment.

Erosion and Sediment Control Plan: Otherwise known as a storm water pollution prevention plan (SWPPP) which is a set of plans prepared by or under the direction of a licensed professional engineer or certified contractor indicating the specific measures and sequencing to be used to control the sediment and erosion on a development site during and after construction.

Grading: Excavation or fill of material.

Perimeter Control: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Sediment Control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Land Disturbing: Any project or activity, including excavations, clearing and grading that directly or indirectly affects slopes, water bodies or the moving of ground cover.

Land Disturbance Permit: A permit issued by the City for the construction or alteration of ground cover improvement and structures for the control of erosion, runoff and grading.

Primary Structure: A structure in which a principal use of the lot on which the structure is located is conducted.

Stabilization: The use of practices that prevent exposed soil from eroding. Otherwise known as Best Management Practices (BMP's)

Start of Construction: The first land disturbing activity associated with a development, including land preparation such as ground clearing (grubbing), grading, and filling. Installation of streets and walkways, excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

10-20-3: Required Land Disturbance Permits:

- A. Residential, Commercial and Industrial Site Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Section 11, Chapter 3 of the Subdivision Code), for the purposes of the construction of a residential, commercial or industrial primary structure, shall submit a Land Disturbance Permit at the time of obtaining a building permit. See also Chapter 9, General Regulations on grading/drainage protection.
- B. Roadway and Utility Installation Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Section 11, Chapter 3 of the Subdivision Code), for the purposes of the construction of any roadway or utilities, shall submit a Land Disturbance Permit to the City Engineer at the time of roadway and utility plan.
- C. Any Persons wishing to disturb any land greater than one acre prior to the City approving a final plat and final grading plan for the property may submit an application for a conditional use permit.
- D. The following activities are not required to obtain a Land Disturbance Permit:
 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery, as long as the activity does not exceed 43,560 square feet (one acre) and agricultural operations conducted as a permitted main or accessory use.

10-20-4: Land Disturbance Permit Process and Data Requirements

- A. Residential, Commercial and Industrial Site Construction Plans. An application and applicable application fee for a land disturbance permit for each property, which has been platted, shall be filed with the Building Inspector on an approved form and accompanied documents.
- B. Roadway and Utility Installation Construction Plans. An application for a land disturbance permit for property has been platted shall be filed with the City Engineer on an approved form and accompanied documents.
- C. Each application shall bear the name(s) and address (es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by an application fee as set by the Ordinance, Storm Water Pollution Prevention Plan and outlined in section 10-20-5.

- D. The City of Sartell's building department will review each residential, commercial and industrial land disturbance permit application for site construction (which shall include a site drawing of all structures and stabilization methods) to determine its conformance with the provisions of this regulation. The City of Sartell's engineering department will review each roadway and utility land disturbance permit application for site construction to determine its conformance with the provisions of this regulation. Most land disturbance permits for building site plans will be issued within the same time period as the building permit. Within 60 days of the receipt of a roadway and utility land disturbance permit application, unless extended to 120 days or waived by the applicant, the City of Sartell shall in writing:
1. Approve the permit applications;
 2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 3. Disapprove the permit applications, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- E. Failure of the City of Sartell to act on an original or revised Land Disturbance Permit application within 60 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Sartell. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with the conditions established by the City of Sartell.

10-20-5: Storm Water Pollution Prevention Plan

- A. The Storm Water Pollution Prevention Plan (Erosion and Sediment Control Plan) shall be consistent with the requirements as established and utilized by the Minnesota Pollution Control Agency and include the following:
1. A sequencing of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 2. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Grading, erosion control practices, sediment control practices, and waterway crossing shall be designed to adequately prevent the transportation of sediment from the site to the satisfaction of the intent and purpose of this ordinance. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each session. At a minimum, the following shall be automatically implemented:
 - a. Silt fencing or other sediment control practices shall be installed on all down gradient perimeters prior to the release of a building permit.
 - b. Rock mixture (as specified by the City Engineer and as recommended by the Minnesota Pollution Control Agency (MPCA) in its publication Protecting Water Quality in Urban Areas) shall be placed at the entrance to prevent sediment tracking.
- B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 10-20-4 of this regulation, may be authorized by the City of Sartell by written authorization to the permittee, and shall include:

1. Major amendments of the land disturbance permit or storm water pollution prevention plan submitted to the City of Sartell. Major amendments include a change in structure location and drainage patterns.

10-20-6: Stabilization Design

- A. Stabilization and use of Best Management Practices shall be in accordance with approved BMP's as recommended by the Minnesota Pollution Control Agency (MPCA) in its publication Protecting Water Quality in Urban Areas, or as amended and approved by the City by policy.
- B. Erosion control requirements shall include the following:
 1. Soil stabilization shall be completed within 7 days of clearing or inactivity in construction.
 2. If seeding or another erosion control measure is used, it shall become established within three weeks or the City of Sartell may require the site to be reseeded or a no vegetative option employed.
 3. Soil stockpiles must be stabilized or covered at the frequency as all other stabilization activities.
 4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.
 5. Techniques shall be employed to prevent the blowing of dust or sediment from the site to the maximum extent possible.
 6. Technique that diverts upland runoff past disturbed slopes shall be employed to the maximum extent possible.
 7. Other best management principals in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains such as rock construction entrances.
 8. Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sideways, sediment basins, catch basins and in connection with the subject property,

10-20-7: Inspection

- A. The City Engineer and/or Building Inspector or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Storm Water Pollution Prevention Plan as approved. Plans for grading, stripping, excavating and filling work bearing shall be maintained at the site during the progress of the work.
- B. The permittee or his/her agent shall make regular inspections of all control measures once every seven (7) days during active construction and within 24 hours after a rainfall event greater than .5 inches in 24 hours. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and available upon request to the City Engineer and/or Building Inspector.

