City of Woodbury
Washington County, Minnesota

Ordinance No. 1987

An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 27, Environmental Management – Division 3 – Stormwater Management – Section 27-25 – Purpose – Section 27-26 – Definitions – Section 27-27 – Stormwater Management Standards and Design Criteria – Section 27-28 Stormwater and Urban Runoff Control

The City Council of the City of Woodbury, Washington County, Minnesota does ordain:

Section One. Amendment that Chapter 27 – Environmental Management, Division 3 – Stormwater Management, Section 27-25 - Purpose be amended to delete the same in its entirety and substitute the following therefore:

Sec. 27-25. – Purpose

The purpose of this division is to set forth the minimum requirements for stormwater management that minimize threats to public health, safety, public and private property and natural resources of the community and meet the requirements of applicable regulatory agencies by establishing standards including:

(1) Site design standards that encourage the minimization of stormwater runoff and maximization of pervious areas for stormwater treatment and infiltration.

(2) Volume management standards that reduce loading of total phosphorus, total suspended solids, and stormwater runoff volume to the city's lakes, wetlands, and streams; and that promote groundwater recharge and protect drinking water and wells.

(3) Standards that reduce or maintain predevelopment flows to the city's lakes, wetlands and streams; that control flooding and maintain the natural communities associated with these surface water resources; and that protect life and property from the dangers associated with flooding.

(4) Protect the stormwater system from pollution caused by illicit discharges and/or connections.

Section Two. Amendment that Chapter 27 – Environmental Management, Division 3 – Stormwater Management, Section 27-26 - Definitions be amended to delete the same in its entirety and substitute the following therefore:

Sec. 27-26. – Definitions

Unless specifically defined below, words or phrases used in this division shall be interpreted so as to give them the same meaning as they have in common usage and to give this division its most reasonable application. For the purpose of this division, the words "must" and "shall" are mandatory and not permissive.

Active karst are geographic areas underlain by carbonate bedrock (or other forms of bedrock that can erode or dissolve) with less than 50 feet of sediment cover. The City has approved the Minnesota Geological Survey (MGS) bedrock geology and depth to bedrock maps to identify locations of suspected active karst. Other more current, detailed, or site-specific data may be accepted at the City's discretion.

BMPs (best management practices) are water quality and erosion and sediment control management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water. BMPs include stationary, permanent practices that are designed, constructed and operated to prevent or reduce the discharge of pollutants, schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, surface waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City is the City of Woodbury.

Construction is disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating.

Emergency management zone (EMZ) is the area within a 1,000-foot radius from any municipal well.

Green infrastructure is a wide array of practices at multiple scales that manage wet weather and that maintains or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. On the local scale, green infrastructure consists of site and neighborhood-specific practices.

Groundwater is water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

Hazardous materials are any materials which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit connection is any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including any non-stormwater discharge including sewage, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

Illicit discharge is any direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in section 27-28, stormwater and urban runoff control.

Impervious surface is a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an

increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Infiltration is the passage or movement of water into the soil.

Linear redevelopment projects are roadways, sidewalks, and trails that are not part of another development that create 6,000 square feet or more of new and/or fully reconstructed impervious surfaces or disturb one acre or more of area. Fully reconstructed means areas where impervious surfaces have been removed down to the underlying soils. Activities such as mill and overlay projects and pavement rehabilitation projects that do not alter underlying soil material beneath the structure, pavement, or activity are not considered fully reconstructed impervious surfaces. In addition, other maintenance activities such as catch basin and pipe replacements shall not be considered fully reconstructed impervious surfaces.

MPCA is the Minnesota Pollution Control Agency.

New development is all construction activity that is not defined as redevelopment.

Open space means open areas, including parks, natural areas, playgrounds, and trails.

Pollutant is any substance which, when discharged has potential to or does:

(1) Interfere with state designated water uses;

(2) Obstruct or cause damage to surface waters;

(3) Change water color, odor or usability as a drinking water source through causes not attributable to natural processes affecting surface water or subsurface processes affecting groundwater;

(4) Add an unnatural surface film on the water;

(5) Adversely change other chemical, biological, thermal or physical conditions in any surface water;

(6) Degrade the quality of groundwater; or

(7) Harm human life, aquatic life or terrestrial plant and wildlife.

Pollutants may include dredged soil, solid waste, garbage, wastewater, chemical waste, biological materials including yard waste and animal waste, rock, sand, dust, industrial waste, sediment, nutrients, toxic substances, pesticide, herbicide, fertilizer, trace metal, automotive fluid, petroleum-based substances, oxygen-demanding material, fecal coliform and pathogens, wastes and residues that result from constructing a building or structure and noxious or offensive matter of any kind.

Predevelopment means the land use that was predominant over the ten-year period preceding a development application, based on review of available aerial photos.

Private stormwater facilities are any stormwater and drainage works not under the control or ownership of the city, county, state and/or federal government which may include, but are not limited to, inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, infiltration areas, other structural components and equipment designed to transport, move or regulate stormwater.

Redevelopment is any construction activity that exposes native soils, adds additional impervious surface to an existing developed site and/or removes and replaces a building/structure. Aesthetic projects and maintenance activities are not defined as redevelopment for the purposes of this division.

Seasonally saturated soil is the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

Sewage is any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture or commercial establishment whether treated or untreated and includes the liquid wastes produced by bathing, laundry and culinary operations; and from toilets and floor drains.

Storm sewer system is a conveyance or system of conveyances that is owned and operated by the city or other entity and designed or used for collecting or conveying stormwater.

Stormwater as defined under Minnesota Rule 7090.0080 means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Surface water or *waters* are all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, irrigation systems or stormwater BMPs whether natural or artificial, public or private.

Wastewater is defined as liquid wastes, usually water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products, collected in a sewer system and conveyed to a treatment plant for processing.

Wetlands (as defined in Minnesota Rules 7050.0186) are 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. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

(1) A predominance of hydric soils;

(2) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and

(3) Under normal circumstances support a prevalence of such vegetation.

Section Three. Amendment that Chapter 27 – Environmental Management, Division 3 – Stormwater Management, Section 27-27 – Stormwater Management Standards and Design Criteria be amended to delete the same in its entirety and substitute the following therefore:

Sec. 27-27. – Stormwater Management Standards and Design Criteria.

(a) *Applicability.* No person shall develop or redevelop land for residential, commercial, industrial, or institutional uses without having provided stormwater management measures that control or manage runoff from such developments unless specifically exempted below.

The city is within the boundaries of three watershed districts. Project proposers shall be responsible for meeting the stormwater management rules of the underlying watershed district in addition to the requirements below.

Submittal of stormwater management information as required in chapter 21, subdivisions, and chapter 24, zoning, must include information that exhibits compliance with this division and the city's most current administrative directives, as applicable.

(b) *Green infrastructure.* Green infrastructure techniques and practices shall be the preferred BMPs for accomplishing compliance with this division. The following green infrastructure design options should be considered for use, consistent with zoning, subdivision, and PUD requirements:

(1) Preserving natural vegetation.

(2) Preserving and utilizing natural upland swales, depressions and upland storage areas in the post-development condition to the degree that they can convey, store, filter, and retain stormwater runoff before discharge. Preservation requires that no grading or other construction activity occurs in these areas.

(3) Eliminating barrier curb and gutter where practicable and using vegetated swales or equivalent.

(4) Minimizing impervious surface.

(5) Minimizing parking facility size.

(6) Installing permeable pavement.

(7) Maximizing open space while incorporating smaller lot sizes to conserve natural areas and reduce the amount of stormwater runoff generated at the site.

(8) Utilizing vegetated areas to filter sheet flow, remove sediment and other pollutants and increase time of concentration.

(9) Disconnecting impervious areas by allowing runoff from small impervious areas to be directed to pervious areas where it can be infiltrated or filtered.

(10) Increasing buffers around streams, steep slopes, and wetlands to protect from flood damage and provide additional water quality treatment.

(11) Installing green roofs.

(12) Using irrigation ponds/systems, cisterns and related BMPs to reuse stormwater runoff.

(13) Planting of trees as a stormwater BMP.

(14) Utilizing a soil amendment/decompaction process after site disturbance.

(c) *Natural features.* All new development and redevelopment shall minimize impact to significant natural features. All sites shall be reviewed for the presence of wetlands, wooded areas of significance, rare and endangered species habitat, and preservation areas designated by the County Biological Survey, Metro Greenways, parks and open space plans, or other City approved resources. The new development or redevelopment shall be designed to avoid these areas to the extent practicable.

(d) *Volume management.* Volume management for new development shall meet the following:

(1) The required volume reduction is the first 1.1 inches of runoff over the development site's impervious surface.

(2) Infiltration and filtration BMPs shall be designed to infiltrate all water within 48 hours from the end of a rain event. The City has accepted Minnesota Stormwater Manual standard rates based on hydrologic soil type, with depths not to exceed:

Surface BMP: 2.0 feet

Subsurface BMP: 0.50 feet

(3) Soil borings will be required to verify maximum allowable design infiltration depths, and depth to bedrock and groundwater.**Purpose of Soil Boring**	**Soil Boring Requirements[1]**	
	Stormwater Pond	**Volume Management BMP**
Depth to bedrock and/or groundwater	10-feet below proposed pond bottom	>2 ac tributary area: 10-feet below proposed basin bottom
		<2 ac tributary area: 3-feet below proposed basin bottom
Infiltration Rate	--	5-feet below proposed basin bottom
Required # borings	1 per quarter acre surface area; Minimum 2 borings per basin	

(4) Pretreatment in the form of ponds, forebays, filter strips or other approved methods shall be provided for all infiltration areas and be compliant with the city's most current administrative directives.

(5) Calculations, modeling and design for and installation of volume control BMPs shall be compliant with the city's most current administrative directives.

(6) No areas of constructed wet ponds or wetlands shall be accepted as an infiltration practice.

(7) The use of infiltration is prohibited in areas where the BMP will receive discharges from, or be constructed in, any of the following areas:

a. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS industrial stormwater permit issued by the MPCA.

b. Where vehicle fueling and maintenance occur.

c. Where there is less than three vertical feet of separation from the bottom of the infiltration BMP to the elevation of the seasonally saturated soils or the top of bedrock.

d. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

e. Within the emergency management zone (EMZ) of any city well.

(8) The use of infiltration BMPs shall be restricted and subject to additional city review where the volume control BMP will be constructed in any of the following areas:

a. Where predominately Hydrologic Soil Group D (clay) soils exist.

b. Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features. The city may require the project proposer to perform additional geotechnical investigations in areas of suspected active karst or shallow bedrock.

c. Where there is less than ten vertical feet of separation from the bottom of the infiltration BMP to the elevation of the seasonally saturated soils or the top of bedrock where the infiltration BMP has a drainage area greater than two acres.

d. Where the bottom of the infiltration basin will be less than three feet above the normal water level of any adjacent wetland.

e. Within a drinking water supply management area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.

f. Where soil infiltration rates exceed 8.3 inches per hour.

Additional review will be required to ensure that infiltration BMPs will perform properly and that groundwater is adequately protected.

(9) Where the site factors in subsection (7) or (8) limit the construction of infiltration BMPs, the project proposer must provide appropriate documentation to the city regarding the limitations. If the city determines that infiltration is prohibited or restricted on-site, the project proposer shall follow the flexible treatment options and/or mitigation options in the design sequence flowchart found in the city's most current administrative directives.

(e) *Phosphorus control.* Development and redevelopment sites must meet any applicable underlying watershed district phosphorus loading requirements.This may require specific treatment for projects within the tributary area of varying waterbodies identified with a water quality concern beyond the volume control requirement found in this division.

(f) *Sediment control.* Stormwater must be treated to remove 90 percent of the post-development total suspended solids load on an annual basis before discharge to natural surface waters. Sediment controls to protect volume management BMPs will be required.

(g) *Oil and grease control.* For developments where the potential for pollution by oil and/or grease exists as determined by the city, oil and grease removal technology may be required.

(h) *Runoff rate control.* New development must meet rate control requirements. All runoff calculations shall use Atlas 14, Volume 8 (or subsequent updates) rainfall events applicable to the city and follow methodology described in the city's most current administrative directives. At a minimum, rate control shall be designed to accomplish the following:

(1) Maintain or reduce predevelopment peak runoff rates for the two-year, ten-year, and 100-year 24-hour storm events as shown in the city's surface water management plan.

(2) Stormwater management on new development, redevelopment and infrastructure projects shall be reviewed for adverse upstream or downstream impacts. This review may preclude a site from being developed or from discharging offsite.

(i) *Flood protection.*

(1) The design storm for ponding areas for flood protection is the Atlas 14, Volume 8 (or subsequent updates) 100-year 24-hour storm with correctly sized storage and conveyances for 100-year 24-hour storm flows.

(2) Freeboard calculations shall be evaluated on both existing and full development conditions for the tributary area.

(3) Waterbodies shall be evaluated with the starting water level at their outlet elevation. Infiltration shall not be considered when evaluating flood protection.

(4) The lowest ground elevation adjacent to a structure shall be above the elevation resulting from a storm 25 percent larger than the 100-year 24-hour event or at least three feet above the 100-year 24-hour elevation of the water body, whichever is greater. Certain site-specific conditions may require a larger separation between the lowest ground elevation adjacent to a structure and the calculated high water level. The lowest

ground elevation adjacent to structures shall be certified by the builder to ensure adequate freeboard.

(5) Overland emergency overflows shall be designed so a minimum of 1.5 feet of separation from the emergency overflow to the lowest ground elevation adjacent to the structure is provided. The city may require more separation dependent on size and capacity of the emergency overflow. The emergency overflow sizing matrix provided in the city's most current administrative directives shall be used for design. When an adequately sized overland emergency overflow cannot be provided, the basin is considered landlocked.

(6) If the basin does not have an overland emergency overflow (landlocked), the lowest ground elevation adjacent to a structure shall be five feet above the calculated 100-year 24-hour high water level.

(7) The regional ponding and discharge limits detailed in the city's surface water management plan must be met on a subwatershed basis. If the site does not have on-site ponding for flood control purposes, off-site management and associated fees may be established provided that the following conditions for the off-site facility are met:

a. The downstream regional ponding site is in place or the city is actively working to construct it.

b. The facility is adequately designed to provide a level of stormwater control that meets the ordinance standards.

c. The facility will be on an outlot dedicated to the city for long-term operation and maintenance.

d. The city receives compensation necessary to construct, operate and maintain the off-site stormwater facility.

(j) *Redevelopment.* Redevelopment projects shall be required to meet current standards as detailed in subsections (d)—(g) above for the disturbed portion of the site. Runoff rate control as described in (h) and flood control as described in (i) shall be required by the city if not currently provided for on-site or downstream to meet current requirements and/or downstream flooding issues exist. If strict compliance with the stormwater requirements is not possible on-site, the project proposer must provide appropriate documentation utilizing the design sequence flowchart found in the city's most current administrative directives. If the city determines that on-site treatment is not feasible, the project proposer shall utilize the flexible treatment options and/or mitigation options to the extent practicable following the design sequence flowchart.

(1) During redevelopment, the total area that meets the redevelopment definition is the area that must meet current stormwater treatment standards.

(2) Flexibility will be allowed on-site as to the placement of the stormwater BMPs as long as an equivalent impervious area is being treated and adequate access per the City’s discretion is provided for inspection and maintenance.

(3) If the city determines that a significant water quality or quantity benefit could be reasonably accomplished in excess of requirements for the property, the city may request additional treatment on-site at the expense of the city.

(k) *Exemptions.* The following activities are exempt from meeting volume management standards in (d) above:

(1) New development that results in a residential plat of three or less lots.

(2) New development or redevelopment of a single family detached home on one platted lot of record.

(3) Redevelopment that creates less than 6,000 square feet of new/replaced impervious surface and disturbs less than one acre.

(4) Any new development or redevelopment in the R-2 zoning district.

These activities will be reviewed upon application to determine if subsections (e) through (i) are required.

(l) *Linear projects.* Public linear redevelopment projects shall meet the intent of the requirements in subsections (d)—(i) and requirements of the applicable watershed district. The city shall review these projects on a project specific basis and allow flexibility in meeting volume control requirements as outlined in the design sequence flowchart in the city's most current administrative directives.

(m) *Pond design.* Where water quality and/or rate control ponding is used to meet the stormwater management standards described above, the pond design shall conform to the requirements of the city's most current administrative directives. Ponds shall meet the minimum design specifications below:

(1) Ponds shall be constructed in a manner that does not require a dam safety permit issued by the Minnesota Department of Natural Resources unless no feasible alternative exists, as determined by the city. All dams will be constructed as directed by the city.

(2) Pond bottoms shall be at least 10 feet above bedrock or lined with a City approved impermeable liner. Soil borings will be required to the appropriate depth as outlined in the Volume Management section and the City's current administrative directives.

(2) Where ponding is proposed in areas of shallow bedrock or suspected active karst, the City may require a combination of any and/or all of the following various pond designmeasures to reduce the potential for groundwater contamination. These measures will be at the City's discretion and mayinclude, but may not limited to:

-Additional geotechnical investigation

-A clay liner

-A maximum ponding depth of six feet

-Evidence that there is no other feasible alternative, per the Cities current administrative directives

(n) *Other design requirements.*

(1) Newly installed and rehabilitated catch basins shall be installed with a sump for the collection of coarse-grained material in areas determined appropriate by the city.

(2) All storm sewer system analyses and designs shall be based on proposed full development land use patterns.

(3) Any BMP that receives public stormwater shall be placed on an outlot and dedicated to the city at the time of development. The outlot size shall, at minimum, include the BMP to the 100-year high water level and the land one foot in elevation above the 100-year high water level. If, at the city's sole discretion, an easement dedicated to the city is deemed sufficient to protect and maintain the BMP and preferable to an outlot, an

easement will be granted to the city and encompass the same area as the outlot described above.

(4) Design guidelines in the city's most current administrative directives shall be implemented as applicable.

(o) *Private BMPs.* All private BMPs approved by the city shall meet all requirements of section 27-7 along with the following standards:

(1) A permanent public easement shall be provided to the city for inspection and/or maintenance purposes as specified by the city.

(2) All BMPs must be structurally sound and designed to minimize the need for maintenance and provide easy vehicle and personnel access for maintenance purposes. It shall be the responsibility of the project proposer to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance.

(3) Inspection and maintenance agreements are required. The inspection and maintenance plan must define who will conduct the inspection and maintenance, the inspection intervals and the type of maintenance.

(4) All BMPs shall be maintained in proper condition consistent with the performance standards for which they were originally designed.

(5) If site configuration or structural BMPs change causing decreased BMP effectiveness, new or improved structural BMPs must be implemented to meet the requirements of this division. Removal or lack of vegetation that the city deems critical to the function and effectiveness of the BMP is included here as a change to the BMP.

(6) All structural BMPs shall be inspected annually. Settled materials, including settled solids, shall be removed and properly disposed of as necessary, based on inspection results.

(7) The city will request and review inspection and maintenance records and shall have the right to perform an inspection of BMPs at any time if the city has probable cause to believe that the BMPs are not being properly inspected or maintained.

(8) The city may maintain any BMP which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or surface waters. The owner of the BMP shall be responsible for any charges that are associated with this work and is required to enter into an agreement with the city providing for the same.

(9) Requirements (1)—(8) above are transferrable to any party that becomes the owner/operator of the site where the private BMP is located.

(p) *Land disturbance and erosion and sediment control.* Conformance to the city's land disturbance and erosion and sediment control ordinance and the current requirements found in the MPCA's general stormwater permit for construction activity are required in addition to the requirements of this division.

(q) *Shoreland overlay zone.* In designated shoreland areas, all development and redevelopment shall meet the requirements of the city's shoreland overlay zone ordinance in addition to the requirements of this division.

(r) *Floodplain.* As applicable, all development and redevelopment shall meet the requirements of the city's floodplain ordinance.

(s) *Financial guarantee.* The financial guarantees described in chapter 7, land disturbance and erosion and sediment control and chapter 21, subdivisions, shall be used to ensure that BMPs are installed correctly and in accordance with this division.

Section Four. Amendment that Chapter 27 – Environmental Management, Division 3 – Stormwater Management, Section 27-28– Stormwater and Urban Runoff Control be amended to delete the same in its entirety and substitute the following therefore:

Sec. 27-28. – Stormwater and Urban Runoff Control.

(a) *Illegal disposal/dumping.*

(1) No person shall leave, throw, deposit, discharge, dump, place, maintain, or keep any substance upon any street or sidewalk, or any element of the storm sewer system, or upon any public or private plot of land, so that the same might be or become a pollutant.

(2) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into any surface water, buffer, street, sidewalk or element of the storm sewer system.

(b) *Illicit discharges and connections.*

(1) No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:

a. Consists of non-stormwater discharge that is authorized by an appropriate permit obtained from the MPCA; or

b. Is associated with firefighting activities or other activities necessary to protect public health and safety.

(2) Dye testing is an allowable discharge, but requires a verbal notification to the city prior to the time of the test.

(3) No person shall use any illicit connection to intentionally convey a non-stormwater discharge to the city's storm sewer system.

(4) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(5) The following discharges are considered exempt from this subsection: water line flushing; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration; uncontaminated pumped groundwater; discharges from potable water sources, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, or non-commercial washing of vehicles; natural riparian habitat or wetland flows, dechlorinated swimming pool water and any other water source not containing a pollutant.

(c) *Discharge requirements.* Any owner or occupant of property within the city shall comply with the following requirements.

(1) All subsurface sewage treatment systems shall be located 150 feet or more, as designated in the city's Shoreland Ordinance, from the ordinary high water level of DNR protected waters or the delineated boundary of wetlands and 75 feet from the 100-year high water level for all other surface water features.

(2) Subsurface sewage treatment systems shall be maintained to prevent failure.

(3) Recreational vehicle sewage shall be disposed of in a proper sanitary waste facility.

(4) For pools, water shall sit seven days without the addition of chlorine before discharge.

(5) Runoff of water from the washing down of paved areas on commercial or industrial property is prohibited unless necessary for health or safety purposes.

(6) Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to the sanitary sewer.

(7) All motor vehicle parking lots and private streets shall be swept, at a minimum, once a year in the spring to remove debris. Such debris shall be collected and properly disposed.

(8) Fuel, chemical residue, household hazardous waste or other types of potentially harmful material shall be disposed of properly.

(9) Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

(10) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges or have appropriate spill containment.

(d) *Industrial activity.* Any facility subject to a MPCA General Stormwater Permit for Industrial Activity shall comply with all provisions of such permit. Proof of compliance with said permit is required.

(e) *Construction activity.* Any construction site subject to the city's land disturbance and erosion and sediment control ordinance shall comply with all permit requirements including appropriate waste control.

(f) *Notification.* As soon as any person responsible for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, said person shall take steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the city no later than the next business day.

(g) *Access to buildings/sites for inspection, monitoring and/or dye testing.*

(1) The city shall be permitted to enter and inspect all buildings/sites to determine compliance with this division.

(2) Facility operators shall provide the city access to all parts of the building/site for the purposes of inspection, sampling, dye testing, and examination and copying of records that relate to the discharge of stormwater.

(3) The city shall have the right to set up devices necessary to conduct monitoring, sampling and/or dye testing of any facility's stormwater discharge.

(4) The city has the right to require the discharger to install monitoring equipment as necessary.

(5) Unreasonable delays in allowing the city access to a building/site is a violation of this section.

(6) If the city has been refused access to any part of the building/site from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(h) *Suspension of storm sewer system access.*

(1) The city may, without prior notice, suspend storm sewer system discharge access to any building/site when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or surface waters.

(2) Failure to comply with a suspension order issued shall result in any process deemed necessary to prevent or minimize damage to the storm sewer system or surface waters, or to minimize danger to persons.

(3) Any building/site with discharge to the storm sewer system that is in violation of this division may have storm sewer system access terminated if such termination would abate or reduce an illicit discharge.

Section Five. Effective date.

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 10th day of November, 2020.

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Anne W. Burt, Mayor

Attest:

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Clinton P. Gridley, City Administrator (SEAL)