

CHAPTER 54. STORM WATER MANAGEMENT

54.10. Authority. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapters 103B and 462, and Minnesota Rules, Chapters 8410 and 8420. (99-Or-156, § 1, 11-24-99)

54.20. Purpose. The purpose of this ordinance is to minimize negative impacts of storm water runoff rates, volumes and quality on Minneapolis lakes, streams, wetlands, and the Mississippi River by guiding future significant development and redevelopment activity, and by assuring long-term effectiveness of existing and future storm water management constructed facilities. Chapter 54 establishes standards and specifications for conservation practices and planning activities in order to achieve policies regarding water resource management, flood control, and other community services as described in city, regional, state, and federal documents and statutes. (99-Or-156, § 1, 11-24-99)

54.30. Minneapolis Storm Water Management Design Manual (Design Manual). The Design Manual is the compilation of design performance, and review criteria approved by the city engineer and adopted by the city council for storm water management practices. In any event of apparent non-conformance, the city council shall adopt a resolution that establishes an interim design manual, design performance standards, and review criteria. In the absence of an adopted Minneapolis Storm Water Management Design Manual, the publication entitled Protecting Water Quality in Urban Areas: Best Management Practices For Minnesota prepared by the Minnesota Pollution Control Agency (MPCA), October, 1989, and subsequent updates, shall serve as the approved Design Manual. Copies of the Design Manual can be obtained from the Minneapolis Department of Public Works. (99-Or-156, § 1, 11-24-99)

54.40. Definitions. For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits a Storm Water Management Plan pursuant to this ordinance and the person's agents, employees, and others acting under this person's direction.

Assistant city coordinator of regulatory services is the Assistant City Coordinator of Regulatory Services of the City of Minneapolis and the assistant city coordinator's duly authorized designees.

Best Management Practices (BMP) --See Storm Water Management Best Management Practices.

City engineer is the City Engineer/Director of Public Works of the City of Minneapolis and duly authorized designees.

Clearing and grubbing is the cutting and removal of trees, shrub, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains.

Connected actions --See phased or connected actions.

Constructed facilities --See storm water management constructed facilities.

Detention facility is a natural or built structure that provides for the temporary storage of storm water runoff and release at controlled rates.

Design Manual --See Minneapolis Storm Water Management Design Manual, Section 54.30.

Impervious surface is one that does not allow rainfall to soak into the ground, including but not limited to the rooftops and paved areas such as roads, parking lots, driveways, sidewalks and plazas.

Issuing authority for Storm Water Management Plan approval and certification is the city engineer and for registration and maintenance is the director of regulatory services.

Land disturbing activity is any land change, including phased or connected actions, within the City of Minneapolis including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, or other changes of the land surface including removing vegetative or impervious cover.

Minneapolis Storm Water Management Design Manual --See Section 54.30.

Mitigation is avoiding, minimizing, rectifying, or compensating for impacts.

Non-structural best management practices --See Best Management Practices.

Owner is any person with a legal or equitable interest in the land that includes one (1) or more storm water management constructed facilities.

Person is any individual, firm, corporation, partnership, franchisee, association or governmental entity.

Phased or connected actions are as defined by Minnesota Environmental Review Rules, as follows:

(1) *Phased action* means two (2) or more projects to be undertaken by the same proposer that the city engineer determines:

- a. will have environmental effects on the same geographic area, and
- b. are substantially certain to be undertaken sequentially over a limited period of time.

(2) *Connected actions*: Two (2) projects are "connected actions" if the city engineer determines they are related in any of the following ways:

- a. one (1) project would directly induce the other;
- b. one (1) project is a prerequisite for the other; or
- c. neither project is justified by itself.

Pollution is the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Project is an undertaking that involves land disturbing activities, including phased or connected actions.

Public waters are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

Receiving water body is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

Regional storm water facility is a natural or built structure or device within the project's receiving water body drainage area, when so designated by the city engineer.

Responsible party is the property owner and agents, employees, and others acting under the property owner's direction.

Retention facility is a natural or built structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Site is the land on which the project, including phased or connected actions, is located.

Site plan is a plan or set of plans showing the details of any land disturbing activity including, but not limited to, the construction of structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Soil is naturally occurring surficial deposits overlying bedrock.

Storm Water Best Management Practices (BMPs) are practices, techniques, or measures which are proven to be effective in managing one (1), or more than one (1), of the following: storm water runoff rate, storm water runoff volume, pollutants conveyed by storm water runoff, sediment conveyed by storm water runoff. Best management practices include, but are not limited to, official controls, structural and nonstructural best management practices, and operation and maintenance procedures. A partial list of structural best management practices and devices includes pond systems/detention basins, infiltration, bioretention and vegetated channels, grit chambers, oil/water separators, filtration systems, and diversions. A partial list of non-structural best management practices includes lawn care education, organic litter management, street sweeping, catch basin stenciling, and catch basin cleaning. BMPs are further defined in the design manual.

Storm water hotspot is a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff.

Storm water management is the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize channel erosion, flood damage, or degradation of water quality and in a manner to protect and enhance the environment, public health, safety, and general welfare.

Storm water management devices include, but are not limited to, constructed wetlands, wet ponds, wet extended detention ponds, pocket ponds, multiple pond systems, settling basins, infiltration trenches or basins, filter systems bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping, and diversions.

Storm water management goals are based on the receiving water body and emphasize overall volume reduction, nutrient reduction for storm water discharge to lakes, rate control for storm water discharge to streams, and suspended solids removal for storm water discharge to the Mississippi River.

Storm Water Management Plan (Plan) is the set of drawings, calculations, and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control storm water as required by this ordinance and the design manual.

Storm water pond is a facility capable of holding water on a long-term seasonal or permanent basis (retention), or a short-term basis (detention), the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands, lakes, streams, and rivers.

Storm water runoff is the direct response of a watershed to precipitation or snowmelt and includes runoff that enters a ditch, stream, storm drain or other concentrated flow.

Structural best management practices --See Storm Water Best Management Practices.

Structure is anything manufactured, constructed or erected that is normally attached to or positioned on the land, including portable structures, roads, parking lots, and paved storage areas.

Water quality refers to those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity refers to those characteristics of storm water runoff that relate to rate and volume.

Watershed is the drainage area contributing storm water runoff to a specific receiving body of water or watercourse such as a lake, creek, or river.

Wetlands are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19. (99-Or-156, § 1, 11-24-99; 2006-Or-052, § 1, 5-12-06)

54.50. Applicability. Chapter 54 establishes requirements for land disturbing activities

on-sites greater than one (1) acre including phased or connected actions, and for existing storm water constructed devices.

(1) *Land-disturbing projects.* All land-disturbing projects on sites in excess of one (1) acre, including phased or connected actions, shall be served by storm water facilities, on or off site or a combination thereof, designed to meet or exceed targets according to the type of receiving water body as prescribed in the design manual. Land use and building permits will not be issued until a Storm Water Management Plan has been approved. On-site devices are subject to annual site registration, annual inspection, and adherence to maintenance rules prescribed in the design manual.

(2) *Pre-existing storm water management constructed devices.* Storm water facilities in existence prior to Chapter 54 are subject to annual site registration, annual inspection, and adherence to maintenance rules prescribed in the design manual. (99-Or-156, § 1, 11-24-99)

54.60. Exemptions. The following activities are exempt from requirements of Chapter 54:

(1) Storm water management plan requirements of Chapter 54.50(1) for any project that has received all necessary approvals from the city on or before the effective date of this ordinance.

(2) Emergency work to protect life, limb, or property.

(3) Any reconstruction project of an existing roadway, bridge, pathway or walkway where the increase in impervious surface area is one (1) acre or less.

(4) Installation of fence, sign, telephone, electric or other kinds of posts or poles. (99-Or-156, § 1, 11-24-99)

54.70. Responsibility prior to construction. Land use and building permits will not be issued until a Storm Water Management Plan has been approved.

(1) *Storm Water Management Plan application and approval.* The procedure for application for Storm Water Management Plan approval by the city engineer is contained in the design manual.

a. *Manual.*

1. *On-site management.* Measures to achieve storm water management standards should be incorporated on all sites to the greatest extent possible.

2. *Full or partial off-site management (participation in a regional facility).* When due to development density, topographic features, or soil or vegetation conditions, the responsible party may apply for approval of full or partial participation in existing regional storm water facilities within the drainage area of the same receiving water body, or regional storm water facilities within the drainage area of the same receiving water body that are substantially certain to be developed, or, if none exist, other storm water mitigation programs in the City of Minneapolis. The design manual shall provide the method for calculating cost of full or partial off-site management in lieu of full on-site management. Off-site management may not circumvent the general purposes and intent of this ordinance.

3. *Storm water management standards.*

i. *Standards according to receiving waterbody.* Storm water management standards include, but are not limited to, reduction of suspended solids discharged to the Mississippi River, controlled rate of discharge to streams, and reduction of nutrients in storm water draining to lakes or wetlands. Minimum requirements for pollutant removal including total suspended solids removal, discharge rate control, and nutrient load reduction according to type of receiving water body are prescribed in the design manual.

ii. *Storm water management devices.* When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, constructed facilities or combinations of constructed facilities

shall be used. Types of constructed facilities include, but are not limited to, wetlands, wet-ponds, wet extended detention ponds, pocket ponds, multiple pond systems, setting basins, infiltration trenches or basins, filter systems, bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping and diversions. Suitability factors include, but are not limited to, development density, underlying soils, existing vegetation, drainage, location of utilities, aesthetic and recreational use, and management considerations.

iii. *Minimizing land disturbance.* Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as required in Chapter 52 of this Code.

iv. *Maximizing infiltration.* To the greatest possible degree (except in the case of storm water hotspots), natural drainage ways and vegetated soil surfaces should be used to convey, store, filter, and retain storm water before discharging runoff into public waters or the public storm drain system. Opportunities for maximizing infiltration include minimizing the extent of impervious surfaces and directing runoff from impervious surfaces and from roof gutter systems onto lawns or other pervious surfaces.

v. *Rate control.* Changes in land cover effect changes in storm water runoff rates. Rate increases can degrade receiving water bodies or conveyance facilities or can cause flooding. Development should be planned in a manner that does not increase peak flows.

vi. *Ongoing maintenance.* No storm water facilities shall be approved without a maintenance plan that defines the maintenance regimen, including type and interval of maintenance and party to conduct such maintenance.

vii. *Accessibility for maintenance.* All public and private owned storm water management facilities shall provide an unobstructed access path capable of supporting light truck traffic during normal weather for the purpose of conducting inspections of the facility and maintenance thereof, unless waived by the city engineer.

viii. *Easement.* No storm water facility shall be approved unless all necessary access easements are provided to the City of Minneapolis.

ix. *Impacts on other properties.* No Storm Water Management Plan shall be approved without written agreement among affected property owners regarding changes in drainage or other impacts or possible impacts of storm water management.

x. *Conformity with other requirements.* Storm Water Management Plans must conform to all applicable federal, state, city, and water management organization statutes, ordinances, and regulations.

4. *Conditions of approval.* In granting any approval pursuant to Chapter 54, the city engineer may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the Plan), but need not be limited to the granting (or securing from others) and recordation in county land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of facilities.

5. *Denial.* If the city engineer determines that the Storm Water Management Plan does not meet the requirements of Chapter 54, the Plan will not be approved. A revised Storm Water Management Plan must be resubmitted and approved before any land disturbing activity begins. All land use and building permits must be suspended until the applicant has an approved Storm Water Management Plan.

6. *Appeal.* Any affected party may appeal any Storm Water Management Plan decision by an issuing authority to the Planning Commission. Appeal of the issuing authority's decision shall follow the procedures established in the Minneapolis Zoning Code, Section 525.160. (99-Or-156, § 1, 11-24-99)

54.80. Responsibility during construction/completion. (a) *Duration.* The applicant shall fully perform and complete all of the work within one (1) year or as otherwise specified in the Plan and approved.

(b) *Renewals/extensions.* Prior to the end of the approved schedule, the applicant may present a written request for an extension to the city engineer. If, in the opinion of the city engineer, an extension is warranted, an extension may be granted not to exceed one (1) year.

(c) *Changes to plans.* Any modifications to an approved Storm Water Management Plan must be approved by the city engineer.

(d) *Conformity with the plan.* The applicant shall, at all times, be in conformity with the approved Storm Water Management Plan.

(e) *Construction/completion final report and certification.* The applicant shall submit a final report to the city engineer for certification of completion. (99-Or-156, § 1, 11-24-99)

54.90. Responsibility following construction/completion. (a) *Duration.* An approved storm water management plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of flood storage or treatment of storm water runoff shall be preserved and maintained for that use, including areas required for maintenance and inspection.

(b) *Changes to plans.* A responsible party can request modifications to an approved storm water management plan, and the issuing authority can order modifications to an approved storm water management plan. Any modification to an approved storm water management plan must be approved by the city engineer.

(c) *Annual notification.* The assistant city coordinator of regulatory services shall annually notify responsible parties of storm water management devices of the need to register, that the devices are subject to annual inspection, and to conduct maintenance on a one (1) year interval or in accordance with maintenance plans on file.

(d) *Annual site registration.* Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this ordinance or existing prior to this ordinance shall register that site annually with the assistant city coordinator of regulatory services, remit an annual registration fee at the rate as established in Appendix J, License Fees Schedule per storm water management device. Submission and payment confirm that the site's storm water management devices have been inspected, maintained and are functioning satisfactorily. The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Failure to obtain the appropriate permit prior to discharging will result in a doubling of fees. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(e) *Annual inspection of storm water facilities.* All storm water management devices are subject to annual inspection by the assistant city coordinator of regulatory services. If the city engineer or assistant city coordinator of regulatory services deems that devices are not functioning satisfactorily, a notice of noncompliance may be issued and procedures followed as described in Section 54.90(f)(2).

(f) *Maintenance of storm water constructed facilities.*

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved plan shall be required unless the plan is modified and approved by the city engineer ([section] 54.90(2)). All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

a. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of.

b. All planted materials integral to storm water facility performance, safety, and/or aesthetic quality shall be maintained in proper condition consistent with design performance standards, including replacement when necessary.

(2) *Action upon non-compliance.* In the event maintenance does not conform to the approved plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of section 54.90(f)(1) will constitute a violation pursuant to section 54.90(f)(2), and the issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in section 54.120. (99-Or-156, § 1, 11-24-99; 2006-Or-052, § 2, 5-12-06; Ord. No. 2009-Or-019, § 1, 3-6-09)

54.100. Liability. The responsible party is responsible for safe and legal compliance with Chapter 54. Neither approval under the provisions of Chapter 54, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the city for damages to persons or property. (99-Or-156, § 1, 11-24-99)

54.110. Administration and enforcement. The issuing authority shall be responsible for the administration and enforcement of Chapter 54. Land use and building permits will not be issued until a Storm Water Management Plan has been approved. The issuing authority may post a stop work order if any land disturbing activity regulated under Chapter 54 is being undertaken without an approved Storm Water Management Plan or if any of the conditions of the Storm Water Management Plan are not being met. (99-Or-156, § 1, 11-24-99)

54.120. Penalties. Any person, firm, corporation or agency acting as property owner, responsible party, or otherwise, who fails to comply with the provisions of this Chapter 54 shall be guilty of a misdemeanor. (99-Or-156, § 1, 11-24-99)

54.130. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes. (99-Or-156, § 1, 11-24-99)

54.140. Severability. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected thereby. (99-Or-156, § 1, 11-24-99)

54.150. Disclaimer. This chapter does not imply that areas will be free from flooding or flood damages. This chapter does not create liability on the part of the city or its officers

or employees for any flood damage that may result from reliance on this chapter or any administrative decisions made under it. (99-Or-156, § 1, 11-24-99)

54.160. Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. (99-Or-156, § 1, 11-24-99)

54.170. Relation to other laws. Neither Chapter 54 nor any administrative decision made under it exempts the applicant or any other person from procuring other required permits or complying with the requirements and conditions of such permits, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the applicant or any other person arising from activity regulated by Chapter 54. (99-Or-156, § 1, 11-24-99)

54.180. Effective date. This ordinance shall become effective on January 1, 2000. (99-Or-156, § 1, 11-24-99)