

## ORDINANCE NO. 54

### Storm Water Management Ordinance

1. Statutory Authorization and Purpose

A. **Statutory Authorization.** This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 105, 462, and 497, Minnesota Rules, Parts 6120.2500-6120.3900, and Minnesota Rules Chapters 8410 and 8420.

B. **Purpose.** The purpose of this ordinance is to set forth the minimum requirements for storm water management that will diminish threats to public health, safety, public and private property and natural resources of the community by establishing performance standards including:

- a. Protect life and property from dangers associated with flooding;
- b. Protect public and private property from damage resulting from runoff or erosion protecting life and property from dangers associated with flooding;
- c. Ensure the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from pre-development site conditions;
- d. Ensure site design minimizes the generation of storm water and maximizes pervious areas for storm water treatment;
- e. Promote regional storm water management by watershed;
- f. Provide a single, consistent set of performance standards that apply to all developments;
- g. Protect water quality from nutrients, pathogens, toxics, debris, and thermal stress;
- h. Ensure no increase in temperature of storm water post-construction in order to protect cold water resources;
- i. Promote infiltration and groundwater recharge;
- j. Providing a vegetated corridor (buffer) to protect water resources from development;
- k. Protect functional values of natural water courses and wetlands;
- l. Provide plant and animal habitat and support riparian ecosystems;
- m. Achieve an 80% reduction in sediment load rates to community waters compared to no controls for all new development, a 40% reduction in sediment load rates compared to no controls for all redevelopment and street reconstruction, and a 20% reduction in sediment load rates compared to no controls for existing developments;

C. **Scope.** No person shall develop, or redevelop any land for residential, commercial, industrial, or institutional uses without having provided storm water management measures that control or manage runoff from such developments.

**II. Definitions.** Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter it's most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

As used in this Chapter the following words and terms shall have the meanings ascribed to them in this Section.

1. **"Best Management Practices (BMPs)"** means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Individual **BMPs** found in this permit are described in the current version of Protecting Water Quality in Urban Areas, Minnesota Pollution Control Agency 2000. **BMPs** must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective and stringent as MPCA's **BMPs**. (Other sources include manufacturer's specifications, Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S. Environmental Protection Agency 1992, and Erosion Control Design Manual, Minnesota Department of Transportation, et. al., 1993).

2. "**Commissioner**" means the Commissioner of the Minnesota Pollution Control Agency or the Commissioner's designee.
3. "**Common Plan of Development or Sale**" means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
4. "**Construction Activity**" For this permit, construction activity includes construction activity as defined in 40 C.F.R. part 122.26(b)(14)(x) and small construction activity as defined in 40 C.F.R. part 122.26(b)(15). This includes a 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 storm water 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. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more.
5. "**Dewatering**" means the removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. It may require Minnesota Department of Natural Resources permits to be appropriated and if contaminated may require other MPCA permits to be discharged.
6. "**Energy Dissipation**" means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.
7. "**Erosion Prevention**" means measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.
8. "**Final Stabilization**" means that either:
  - a. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;
  - b. For individual lots in residential construction by either: (a) The homebuilder completing **final stabilization** as specified above, or (a) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, **final stabilization**. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to **final stabilization** as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or

- c. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) **final stabilization** may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the **final stabilization** criteria in (a) or (b) above.
9. "**General Contractor**" means the party who signs the construction contract with the owner to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor will be the party responsible for managing the project on behalf of the owner. In some cases, the owner may be the general contractor. In these cases, the owner may contract an individual as the operator who would become the Co-Permittee.
  10. "**Homeowner Factsheet**" means a fact sheet developed by the MPCA to be given to homeowners at the time of sale by a builder to inform the homeowner of the need for, and benefits of, final stabilization.
  11. "**Impervious Surface**" means 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.
  12. "**National Pollutant Discharge Elimination System (NPDES)**" means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345..
  13. "**Normal Wetted Perimeter**" means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.
  14. "**Notice of Termination**" means notice to terminate coverage under this permit after construction is complete, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit. **Notice of Termination** forms are available from the MPCA.
  15. "**Operator**" means the person (usually the general contractor), designated by the owner, who has day-to-day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person must be knowledgeable in those areas of the permit for which the operator is responsible, (Part II.B. and Part IV.) and must perform those responsibilities in a workmanlike manner.
  16. "**Owner**" means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity
  17. "**Permanent Cover**" means **final stabilization**. Examples include grass, gravel, asphalt, and concrete.
  18. "**Permittee**" means a person or persons, firm, or governmental agency or other institution that signs the application submitted to the MPCA and is responsible for compliance with the terms and conditions of this permit.
  19. "**Saturated Soil**" means 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.
  20. "**Sediment Control**" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales,

check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

21. **"Small Construction Activity"** means small construction activity as defined in 40 C.F.R. part 122.26(b)(15) . Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. **Small construction** activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.
22. **"Stabilized"** means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.
23. **"Standard Plates"** means general drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.
24. **"Storm water"** is defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.
25. **"Storm Water Pollution Prevention Plan"** means a plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.
26. **"Surface Water or Waters"** means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.
27. **"Temporary Erosion Protection"** means methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.
28. **"Underground Waters"** means 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. The term ground water shall be synonymous with underground water.
29. **"Waters of the State"** (as defined in Minn. Stat. § 115.01, subd. 22) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
30. **"Water Quality Volume"** means ½ inch of runoff from the new impervious surfaces created by this project and is the volume of water to be treated in the permanent storm water management system, as required by this permit except as provided in Section VII.C.2.
31. **"Wetland"** or **"Wetlands"** is defined in Minn. R. 7050.0130, subp. F and includes 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:
  - a. A predominance of hydric soils;
  - b. 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
  - c. Under normal circumstances support a prevalence of such vegetation.

**III. Storm Water Management Plan Requirements** The minimum requirements of the Storm water Plan shall be inclusive of the most recent version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements

1. Identification and description
  - a. Project name;
  - b. Project type (residential, commercial, industrial, road construction, or other);
  - c. Project location;
  - d. County parcel identification number (legal description); Names and addresses of the record owner, developer, land surveyor, engineer, designer of the plat, and any agents, contractors, and subcontractors who will be responsible for project implementation;
  - e. Identification of the entity responsible for long term maintenance of the project. This includes a maintenance plan and schedule for all permanent storm water practices;
  - f. Phasing of construction with estimated start date, time frames and schedules for each construction phase, and completion date;
  - g. Copies of permits or permit applications required by any other governmental entity or agencies including mitigation measures required as a result of any review for the project (e.g. wetland mitigation, EAW, EIS, archaeology survey, etc.)
2. Existing Conditions - A complete site plan and specifications, signed by the person who designed the plan shall be drawn to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:
  - a. Project map – An 8.5 by 11 inch United States Geological Survey (USGS) 7.5 minute quad or equivalent map indicating site boundaries and existing elevations.
  - b. Property lines and lot dimensions
  - c. Existing zoning classifications for land within and abutting the development, including shoreland, floodway, flood fringe, or general floodplain, and other natural resource overlay districts.
  - d. All buildings and outdoor uses including all dimensions and setbacks.
  - e. All public and private roads, interior roads, driveways and parking lots.
  - f. Identify all natural and artificial water features (including drain tiles) on site and within 1/2 mile of project boundary, including, but not limited to lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, 100-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense.
  - g. Map of watershed drainage areas, soil types, infiltration rates, depth to bedrock, and depth to seasonal high water table.
  - h. Steep slopes where areas of 12% or more existing over a distance for 50 feet or more.
  - i. Bluff areas where the slope rises at least 25 feet above the toe of the bluff and the grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30% or greater.
  - j. Wooded area and tree survey as defined by the zoning authority.
  - k. Agricultural Land preservation area(s), County Biological Survey sites, or other officially designated natural resource
  - l. Hydrologic calculations for volume runoff, velocities, and peak flow rates by watershed, for the 2.0-year, 10-year, and 100-year 24-hour storm events. These shall include:
    - i. Pre-existing peak flow rates.
    - ii. Assumed runoff curve numbers.
    - iii. Time of concentration used in calculations.
    - iv. If a flood insurance study has been done by the National Flood Insurance Program, the 100-year flood elevation with and without the floodway.
    - v. 100-year, 10-day snowmelt.

- m. Bank full discharge rate (1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site discharges directly to the waterway.
3. Proposed Conditions - A complete site plan and specifications, signed by the person who designed the plan shall be drawn to an easily legible scale, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:
- a. Project map – An 8.5 by 11 inch United States Geological Survey (USGS) 7.5 minute quad or equivalent map indicating site boundaries, proposed elevations, and areas not to be disturbed;
  - b. Property lines and lot dimensions of plat.
  - c. The dimensions and setbacks of all buildings and easements.
  - d. The location and area of all proposed impervious surfaces including public and private roads, interior roads, driveways, parking lots, pedestrian ways, and rooftops. Show all traffic patterns and types of paving and surfacing materials.
  - e. Location, size, and approximate grade of proposed public sewer and water mains.
  - f. Elevations, sections, profiles, and details as needed to describe all natural and artificial features of the project.
  - g. Identify all natural and artificial water features on site and within 1/2 mile of project boundary, including, but not limited to lakes, ponds, streams (including intermittent streams), and ditches. Show ordinary high water marks of all navigable waters, 100-year flood elevations and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense.
  - h. Hydrologic calculations for volume runoff, velocities, and peak flow rates by watershed, for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events. These shall include:
    - i. Post construction peak flow rates with no detention.
    - ii. Post construction peak flow rates with detention.
    - iii. Assumed runoff curve numbers.
    - iv. Time of concentration used in calculations.
    - v. If a flood insurance study has been done by the National Flood Insurance Program, the 100-year flood elevation with and without the floodway.
    - vi. 100-year, 10-day snow melt.
  - i. Hydrologic calculations for retaining soil particles greater than 5 microns (80% reduction) for new construction sites and greater than 20 microns (40% reduction) for redevelopment sites resulting from a one-year 24-hour storm event.
  - j. Bankfull discharge rate (1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site discharges directly to the waterway.
  - k. Locations of all storm water management practices, infiltration areas, and areas not to be disturbed during construction.
  - l. Steep slopes where areas of 12% or more existing over a distance for 50 feet or more.
  - m. Location of temporary sedimentation basins - If more than 10 acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed, however, if the site has sensitive features as determined by the community or the potential of off-site impacts, then temporary sediment basins must be installed to protect the resource. This is determined on a site by site basis. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included.
  - n. Location and engineered designs for structural storm water management practices including storm water treatment devices that remove oil and floatable material (e.g., basin outlets with submerged entrances).
  - o. Normal water level, high water level, and emergency overflow elevations for the site.

- p. For discharges to cold water fisheries, a description and plans to control temperature from storm water runoff.
  - q. Floodway and flood fringe boundary, if available.
4. All proposed storm water practices, hydrologic models, and design methodologies shall be reviewed by community and certified for compliance by the community in accordance with their plans and specifications.

#### **IV. Storm Water Management Performance Standards and Design Criteria**

The applicant shall consider reducing the need for storm water management performance standards by incorporating the use of natural topography and land cover such as 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 receiving waterbody. The development shall minimize impact to significant natural features. Review the site for steep slopes (greater than 12%), wetlands, wooded areas of significance, rare and endangered species or habitat, areas designated by the or County or City parks and open space. These areas should not be developed. The development shall limit impervious surface coverage. Impervious surface coverage of a site shall not exceed twenty five percent (25%) of the site area unless storm water is conveyed to an approved, on-site or regional storm water ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands. Proposed design, suggested location and phased implementation of effective, practicable storm water management measures for plans shall be designed, engineered and implemented to achieve

1. **Volume Control** - At a minimum, the first half-inch of runoff from a 24-hour storm is infiltrated unless the site is within 2,000 feet of a special water where the first 1-inch of runoff from a 24-hour storm event shall be infiltrated. Calculations shall use the appropriate Hydrologic Soil Group Classification and saturated infiltration rates unless specific rates are measured by a registered soil scientist or registered engineer.
2. **Sediment Control**
  - a. For new construction, design practices to retain soil particles greater than 5 microns on the site (80% reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension;
  - b. For redevelopment and street reconstruction resulting in exposed surface parking lots and associated traffic areas, design practices to retain soil particles greater than 20 microns on the entire site (40% reduction) resulting from a one-year 24-hour storm event, according to approved procedures, and assuming no sediment resuspension. Under no circumstances shall the site's existing sediment control level or trapping efficiency be reduced as a result of the redevelopment.
3. **Oil and grease control** - For all storm water plans for commercial or industrial developments and all other uses where the potential for pollution by oil or grease, or both, exists, the first 0.5 inches of runoff will be treated using the best oil and grease removal technology available. This requirement may be waived by the plan reviewer only when the applicant can demonstrate that installation of such practices is not necessary.
4. **Runoff rate control – hydrologic calculations** - All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by the community. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for Hydrologic Soil Group (HSG) A, 68 HSG B, 79 for HSG C, and 84 for HSG D. The TR-55- specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered on permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to pre-developed conditions, no permeability class modification is required.

- 5. Runoff rate control - design standards** - All storm water facilities shall be designed, installed and maintained to effectively accomplish the following:
- a. Maintain predevelopment peak runoff rates for the 2, 10, 100-year, 24-hour storm event.
  - b. Maintain predevelopment peak runoff rates for the 2, 10, 100-year, 24-hour storm event. At a minimum the storm sewer conveyance system shall be designed for this storm event (100-year). Low areas must have an acceptable overland drainage route with the proper transfer capacity when the storm event is exceeded.
  - c. Safely pass the 100-year and 500-year 24-hour storm event.
- 6. Outlets** - Discharges from new construction sites must have a stable outlet capable of carrying designed flow at a non-erosive velocity. Outlet design must consider flow capacity and flow duration. This requirement applies to both the site outlet and the ultimate outlet to storm water conveyance or waterbody.
- 7. Minimize impervious surface area and maximize infiltration** - The project shall use existing natural drainage ways and vegetated soil surfaces to convey, store, filter, and retain storm water runoff before discharge into public waters or a storm water conveyance system (permanent pool areas of wet ponds tend to lose infiltration capacity and will not be accepted as an infiltration practice). The applicant shall limit the impervious surface of the developed site or subdivision by incorporating the following design considerations, consistent with zoning, subdivision, and PUD requirements:
- a. Narrowing street widths
  - b. Reducing parking lot space
  - c. Sidewalk locations
  - d. Reducing setbacks and driveways
  - e. Maximizing open space while incorporating smaller lot sizes to conserve natural areas and reduce the amount of storm water runoff generated at the site
  - f. Using landscaping and soils to treat and infiltrate storm water runoff.
  - g. Eliminate curb and gutter where practicable, and use vegetated swales or equivalent.
  - h. Look for vegetated areas that can filter sheet flow, removing sediment and other pollutants, and increasing the time of concentration.
  - i. Disconnect impervious areas by allowing runoff from small impervious areas to be directed to pervious areas where it can be infiltrated or filtered.
  - j. All runoff from downspouts, driveways and other impervious areas shall be directed to pervious surfaces, where feasible, or unless the applicant can demonstrate that the practice is likely to result in groundwater contamination.
  - k. Increase buffers around streams, steep slopes, and wetlands to protect from flood damage and provide additional water quality treatment.
  - l. Use shared parking facilities consistent with zoning requirements.
  - m. Install semi-permeable/permeable or porous paving.
- 8. Pond Requirements (detention ponds or infiltration basins)** – For all projects creating more than one acre of impervious surface, ponding shall be required. At a minimum all pond design specifications shall conform to the current version of the approved Community Design Manual and the current requirements found in the NPDES construction permit. In addition the following are required:
- a. All storm water ponds shall be provided with a forebay area to provide for the settlement of fine sand sized particles.
  - b. Pond side slopes shall not exceed 4 feet horizontal to 1 foot vertical (4:1) and should provide a bench just at the normal water level with side slopes no less than 10 feet horizontal to 1 foot vertical (10:1) for safety considerations.
  - c. All public and private owned storm water management facilities shall provide an unobstructed access path (minimum of 20 feet) capable of supporting light truck



traffic during normal weather for the purpose of conducting inspections of the facility and maintenance thereof. No private storm water facility may be approved unless an easement is provided to community allowing for access for maintenance and inspection. Maintenance agreements before, during, and after development are also required.

- d. To provide proper protection for adjacent property within the first tier from the pond, the design storm interval for the ponding area is a 100-year, 24-hour storm with correctly sized conveyances for 100-yr, 24-hour storm flows consistent with standards used by the cities, townships, counties, state, and federal agencies in planning for the flood protection of homes and public facilities. As an additional safety factor, the lowest floor and low opening elevation of a structure in a development should be at least three feet above the 100-year 24-hour elevation of the pond. The low floor and low opening elevation of structures that are adjacent to ponds should be certified by the builder during basement construction to ensure adequate freeboard. An emergency overflow system must be established for the health and safety of the area. If the area is landlocked (no natural drainage outlet), the low floor and low opening elevation of structures should be five feet above the calculated high water level. In consideration of the groundwater table, the low floor and low opening elevation of structures should be four feet above the normal groundwater elevation. The table below gives the recommended flood control and freeboard criteria.
- e. Floodplain filling shall be consistent with a state and FEMA approved floodplain ordinance and shall not cause a net decrease in flood storage capacity below the projected 100-year flood elevation unless it is shown that the proposed filling, together with the filling of all other properties on the affected reach of the waterbody to the same degree of encroachment as proposed by the applicant, will not cause high water or unduly aggravate flood flows to the point of flooding on other properties. The allowable fill area shall be calculated by a professional engineer registered in the State of Minnesota.
- f. Infiltration ponds/basins shall be designed and constructed to capture the larger of the 100-year, 10-day snow melt or 2 100-year, 24-hour back-to-back storm events. Landlocked storm water detention ponds or infiltration basins will be evaluated on a case-by-case basis.

Condition	Water Bodies with Piped Outlets (includes graded areas that will create ponded conditions during the 100-year storm event)	Landlocked Water Bodies	Flowing Channels Passing through Roadways
New Road Construction (low point in roadway)	No Lower than the 100-yr. flood level	1 foot above the 100-yr 24-hour elevation	No lower than the 50-yr flood level. Overflow swale for flows over the 50-yr flood level to protect downstream roadway embankment
Existing Roadways (low point in roadway)	If the existing road is below the 100-yr flood level, the community should require a variance for the road. This will allow for proper review of safety standards.	No lower than 10 inches below the 100-yr, 24-hr elevation	No lower than the 50-year flood level
New construction and additions to existing structures (low floor	Minimum of 3 feet above 100-yr, 24-hr storm event. Additional recommendations:	Minimum of 5 feet above the 100-yr, 24-hr elevation.	NA

elevation and lowest opening of buildings)*	1. At least 1 foot above the emergency overflow elevation. 2. At least 4 feet above normal groundwater elevation. 3. At least 2 feet above hydric or mottled soils elevation.		
Existing Structures (low floor elevation and low opening of building)	Existing structures should require a proper review of safety standards, but in any event must be a minimum of 2 feet above the 100-yr, 24-hr storm event.	Minimum of 5 feet above the 100-yr, 24-hr elevation.	NA

\* NOTE: Areas delineated as a state approved FEMA floodplain ordinance will likely have additional standards for the lowest floor including basement elevations in the ordinance. IF the structure is in a floodplain, often the floodplain ordinance will have more restrictive standards requiring the lowest floor including basement elevation to start at one foot above the mapped 100-yr floodplain.

9. **Minimum Protection for Rivers, Lakes and Wetlands** - Rivers, streams, lakes, and wetlands shall be protected from runoff generated during construction and after completion of the development. Runoff shall not be discharged directly into wetlands without appropriate quality and quantity runoff control, depending on the individual wetland's vegetation. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the Board of Water and Soil Resources rules that implement the Minnesota Wetland Conservation Act 1991 including any and all amendments to it.

10. **Buffer protection for Rivers, Streams, Lakes, and Wetlands** – A minimum 40-foot buffer strip around wetlands, and a 100-foot buffer along streams, rivers, lakes, and special waters identified in the NPDES construction permit shall be maintained at all times using native vegetation. Buffer width shall be increased by at least two feet for every one percent of slope for the surrounding land along rivers, streams, and lakes and four feet for every one percent slope for wetlands. The community may allow buffer area averaging in cases where averaging will provide additional protection to either the resource or environmentally valuable adjacent upland habitat, provided that the resources total buffer area remains the same. Care should be taken in averaging so that the buffers usefulness is not short circuited. Detailed buffer design is site specific, and therefore, the community can require a larger buffer than the minimum specified. The applicant shall maintain the buffer for the first year after completion of the project. Drain tiles will short circuit the benefits of buffers - Therefore, drain tiles on the project site shall be identified and rendered inoperable.

11. **Special Waters Requirements**

- a. There shall be no increase in either the volume or rate of storm water runoff for the one and two year 24-hour storm event including trout streams.
- b. If the soil is not suitable for storm water infiltration and/or evaporation/transpiration techniques (soils with permeability values less than HSG C soils (less than 2.5 inches per hour) as defined by the Natural Resources Conservation Service), the community may require reduced volume control.
- c. The permanent storm water management system must be designed such that the discharge from the project will minimize any increase in the temperature of trout stream receiving waters resulting from the 1, and 2-year 24-hour precipitation events. This includes all tributaries of designated trout streams within the section that the trout stream is located. Projects that discharge to trout streams must minimize the impact using one or more of the following measures, in order of preference:
  - i. Minimize new impervious surfaces.

- ii. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls.
  - iii. Infiltration or evapotranspiration of runoff in excess of pre-project conditions (up to the 2-year 24-hour precipitation event).
  - iv. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increases. The pond should be designed to draw down in 24 hours or less.
  - v. Other methods that will minimize any increase in the temperature of the trout stream.
- d. If the proposed project site includes a special water tributary that currently experiences erosion and/or sedimentation problems, the applicant must work with community to include channel modifications in the project that will also address the existing erosion and/or sedimentation problem.
  - e. Permanent buildings erected on sites that border directly on and all tributaries directly to a special water shall not be occupied until the permanent vegetative cover has been established. Such cover must meet this ordinance's definition of "final stabilization"
12. **Regional Ponding** -The local authority may establish off-site storm water management and associated fees, provided that provisions are made to manage storm water by an off-site facility, and provided that all of the following conditions for the off-site facility are met:
- a. The facility is in place;
  - b. The facility is designed and adequately sized to provide a level of storm water control that at least meets the ordinance standards
  - c. The local approval authority is satisfied that the facility has a legally obligated entity responsible for its long-term operation and maintenance.

## **V. Storm Water and Urban Runoff Pollution Control**

### **1. Illegal Disposal**

- a. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in community, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.
- b. No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

### **2. Illicit Discharges and Connections**

- a. No person shall cause any illicit discharge to enter the municipal storm water system unless such discharge: (1) consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA; or (2) is associated with firefighting activities; or (3) is otherwise in compliance with community chapter referral, if necessary).
- b. No person shall use any illicit connection to intentionally convey non-storm water to community storm water system.

### **3. Good Housekeeping Provisions** - Any owner or occupant of property within community shall comply with the following good housekeeping requirements:

- a. 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. This section shall apply to both actual and potential discharges.

- i. For pools, water should be allowed to sit seven days to allow for chlorine to evaporate before discharge. If fungicides have been used, water must be tested and approved for discharge to the wastewater treatment plant.
    - b. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in community codes.
    - c. Storage of Materials, Machinery, and Equipment
      - i. 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.
      - ii. 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.
    - d. Removal of Debris and Residue - Debris and residue shall be removed, as noted below:
      - i. All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and properly disposed. However, parking lots are not required to be swept for one month following a day on which precipitation of one-half inch or more occurs.
      - ii. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through community collection program or at any other appropriate disposal site and shall not be placed in a trash container.
4. **Review** – The City shall review the storm water management plan. This review shall be completed with fourteen (14) days of receiving the plan from the developer.
- a. **Permit Required.** If the City determines that the storm water management plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of this plan.
  - b. **Denial.** If the City determines that the storm water management plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity. This plan must be resubmitted for approval before the land disturbance activity begins. All land use and building permits shall be suspended until the developer has an approved storm water management plan.
5. **Modification of Plan.** An approved storm water management plan may be modified on submission of an application for modification to the City, and after approval by the community, and after approval by the City. In reviewing such an application, the City may require additional reports and data.
6. **Variance Requests.** The City may grant a variance on a case-by-case basis. The content of a variance shall be specific and shall not affect other approved provisions of the Storm Water Pollution Prevention Plan.
- a. The variance request shall be in writing and include the reason for requesting the variance and shall be done in accordance with the City’s adopted variance request protocol.
  - b. Economic hardship is not sufficient reason for granting a variance.
  - c. The City shall respond to the variance request in writing and include the justification for granting or denying the request.
7. **Financial Securities,** the applicant shall install or construct, or pay community fees for all storm water management performance standards necessary to maintain design criteria as given in sections II, III & IV. As designated by the City under a storm water utility fee, an applicant may be required to provide an in-kind or monetary contribution to the development and maintenance

of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons.

8. **Inspections and Enforcement.** Follow-up inspections will be performed by the City on a regular basis during construction to ensure that storm Water management plan measures are properly installed and maintained. In all cases the inspector(s) will attempt to work with the applicant or developer to maintain proper storm water management.
  - a. **Construction Stop Order.** The City may issue construction stop orders until storm water management measures meet specifications. A second storm water management inspection must then be scheduled and passed before the final inspection will be done.
  - b. **Perimeter Breach.** If storm water management measures malfunction and breach the perimeter of the site, enter streets other public areas, or waterbodies, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-way from the adjoining property owner(s), and implement the cleanup and restoration plan with 48 hours of obtaining permission. If in the discretion of the City, the applicant does not repair the damage caused by storm water runoff the City can do the remedial work required and charge the cost to the applicant.
  - c. **Actions to Ensure Compliance.** The City can take the following action in the event of a failure by the applicant to meet the terms of this ordinance:
    - i. Withhold inspections or issuance of certificates or approvals.
    - ii.Revoke any permit issued by the City to the applicant.
    - iii. Conduct remedial or corrective action on the development site or adjacent site(s) affected by the failure.
    - iv. Charge the applicant for all costs associated with correcting the failure or remediating damage from the failure. If payment is not made within thirty (30) days, payment will be made from the applicant's financial securities.
    - v.Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance.
    - vi. Any person, firm or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violations exists shall constitute a separate offense.

**VI. Maintenance of Storm Water Facilities.** The City requires that storm water facilities be maintained.

1. **Private Storm Water Facilities.** All private storm water facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.
2. **Removal of Settled Materials.** 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 to five year (5) year waivers from this requirement may be granted by the City when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.
3. **Maintenance Plan Required.** No private storm water facilities may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals.
4. **Maintenance-friendly Design.** All storm water facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow success to the facilities for inspection and maintenance.
5. **Inspection.** The City shall inspect all storm water facilities during construction, during the first year of operation, and at least once every five years thereafter.
6. **Maintenance of Publicly Owned Storm Water Facilities.** The community shall annually perform the maintenance of the in-place storm water facilities within the community as provided

for in the local water management plan or watershed management plan of affected watershed management organizations if there is no approved local water management plan. Further, the City shall notify the owners of other publicly owned storm water facilities if scheduled maintenance is needed according to periodic site inspections or maintenance plans on file.

7. **Inventory of Storm Water Facilities.** Upon adoption of this ordinance, the City shall inventory and maintain a database for all private and public storm water facilities within the city limits requiring maintenance to assure compliance with this ordinance. The City shall notify owners of public and private storm water facilities of the need for conduction maintenance at least **every five years, starting in \_**
8. **Severability.** The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

## **VII. Special Waters**

- 1) **General Requirements.** All requirements in this Section VIIre in addition to Best Management Practices (BMP) already specified in the permit. Where provisions of Section VII conflict with requirements elsewhere in the permit the provisions in Section VII take precedence. All BMP used to comply with this Appendix must be documented in the storm water pollution prevention plan (SWPPPP) for the project. If the terms and conditions of this Appendix cannot be met, an individual permit will be required in accordance with Minnesota Administrative Rules, chapter 7001.
- 2) **Requirements for Discharges to Special Waters.** Additional BMP's together with enhanced runoff controls, are required for discharges to the following special waters (part 2.a of Section VII). The BMP's identified for each special
  - a) The Platte River located within the limits of the City of Royalton as well as any tributary to the Platte River located within the limits of the City of Royalton.
- 3) **Additional BMP's for Special Waters.** : Where the proximity to bedrock precludes the installation of any of the permanent storm water management practices outlined in Section VII, other treatment such as grassed swales, smaller ponds, or grit chambers is required prior to discharge to surface waters.

For work on road projects where the lack of right-of-way precludes the installation of any of the permanent storm water management practices outlined in Section VII, other treatment such as grassed swales, smaller ponds, or grit chambers is required to discharge to surface waters.

- a) **During Construction.**
  - i) All exposed soil areas with a slope of 3:1 or steeper, that have a continuous positive slope to a special water must have temporary erosion protection or permanent cover within 3 days after the area is no longer actively being worked. All other slopes that have a continuous positive slope to a special water must have temporary erosion protection or permanent cover within 7 days after the area is no longer actively being worked.
  - ii) Temporary sediment basin requirements described in Part II.B must be used for common drainage locations that serve an area with 5 or more acres disturbed at one time.
- b) **Post Construction.** The water quality volume that must be treated by the project's permanent storm water management system shall be one (1) inch of runoff from the new impervious surfaces created by the project.
- c) **Buffer Zone.** An undisturbed buffer zone of not less than 100 linear feet from the special water (not including tributaries) shall be maintained at all times. Exceptions from this requirement for areas, such as water crossings or limited water access, are allowed if the Permittee fully documents the SWPPP the circumstances and reasons that the buffer encroachment is necessary. All potential water quality, scenic and other environmental

- impacts of these exceptions must be minimized and documented in the SWPPP for the project.
- d) Enhanced Runoff Controls. The permanent storm water management system must be designed such that the pre- and post-project runoff rate and volume from the 1, and 2-year 24-hour precipitation events remains the same.
  - e) Temperature Controls. The permanent storm water management system must be designed such that the discharge from the project will minimize any increase in the temperature of trout stream receiving waters resulting from the 1, and 2-year 24-hour precipitation events. This includes all tributaries of designated trout streams within the section that the trout stream is located. Projects that discharge to trout streams must minimize the impact using one or more of the following measures, in order of preference:
    - i) Minimize new impervious surfaces.
    - ii) Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls.
    - iii) Infiltration or evapotranspiration of runoff in excess of pre-project conditions (up to the 2-year 24-hour precipitation event).
    - iv) If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increases. The pond should be designed to draw down in 24 hours or less.
    - v) Other methods that will minimize any increase in the temperature of the trout stream.
- 4) Requirements for Discharging to Wetlands. If the project has any storm water discharges with the potential for significant adverse impacts to a wetland (e.g., conversion of a natural wetland to a storm water pond), the Permittee(s) must demonstrate that the wetland mitigative sequence has been followed according to the following:
- a) If the potential adverse impacts to a wetland on a specific project site have been addressed by the permits or other approvals from an official statewide program (U.S. Army Corps of Engineers 404 program, Minnesota Department of Natural Resources, or the State of Minnesota Wetland Conservation Act) that are issued specifically for the project and project site, the Permittee may use the permit or other determination issued by these agencies to show that the potential adverse impacts have been addressed. For the purposes of this permit, de minimus actions are determinations by the permitting agency that address the project impacts, whereas a non-jurisdictional determination does not address project impacts.
  - b) If there are impacts from the project that are not addressed in one of the permits or other determination discussed in Section VII, 4.a (e.g. permanent inundation or flooding of the wetland, significant degradation of water quality, excavation, filling, draining), the Permittee must minimize all adverse impact to wetlands by utilizing appropriate measures. Measures used must be based on the nature of the wetland, its vegetative community types and the established hydrology. These measures include in order of preference:
    - i) Avoid all significant adverse impacts to wetlands from the project and post-project discharge.
    - ii) Minimize any unavoidable impacts from the project and the post-project discharge.
    - iii) Provide compensatory mitigation when the Permittee determines that there is not reasonable and practicable alternative to having a significant adverse impact on a wetland. For compensatory mitigation, wetland restoration or creation shall be of the same type, size and whenever reasonable and practicable in the same watershed as the impacted wetland.
- 5) Discharges Requiring Environmental Review. This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (MEPA) or the National Environmental Policy Act (NEPA). The owner must complete any environmental review required by law, including any required Environmental Assessment Work

Sheets or Environmental Impact Statements, Federal environmental review, or other required review.

- 6) Discharges Affecting Endangered or Threatened Species. This permit does not replace or satisfy any review requirements for Endangered or Threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The owner must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting threatened or endangered species, or their critical habitat.
- 7) Discharges Affecting Historic Places or Archeological Sites. This permit does not replace or satisfy any review requirements for Historic Places or Archeological Sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered Archeological Sites. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Minnesota Historic Preservation Officer.

### VIII. VIOLATIONS, ENFORCEMENT AND PENALTIES.

- 1) **It shall be unlawful** for any person to violate any provision or fail to comply with any of the requirements of the City's Storm Water Ordinance or the Storm Water Regulations. Any person who has violated or continues to violate these provisions may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Royalton or its designated representative is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department of Highways is authorized to seek costs of the abatement as outlined in State Statute §54.11(F).

- 2) **Whenever the City of Royalton** or its designated representative finds that a violation of this ordinance or the Regulations has occurred, the Public Works Director or designee may order compliance by written Notice of Violation. The Notice of Violation shall contain:
  - a) The name and address of the alleged violator; the address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - b) A statement specifying the nature of the violation;
  - c) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
  - d) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
  - e) A statement that the determination of violation may be appealed to the City of Royalton or its designated representative Storm Water by filing a written notice of appeal within five (5) days of service of notice of violation.
- 3) **Such notice may require without limitation:**
  - a) The performance of monitoring, analyses, and reporting;
  - b) The elimination of illicit discharges and illegal connections;
  - c) That violating discharges, practices, or operations shall cease and desist;
  - d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  - e) Payment of costs to cover administrative and abatement costs; and,
  - f) The implementation of pollution prevention practices.
- 4) **Appeal of Notice of Violation.** Any person receiving a Notice of Violation may appeal the determination of the City of Royalton or its designated representative. The appeal must be received within five (5) days from the date of the Notice of Violation. Filing of an appeal does



not relieve the owner from full compliance with the remedial actions outlined in the Notice of Violation. Hearing on the appeal before City of Royalton or its designated representative shall take place within thirty (30) days from the date of receipt of the appeal. The decision of the City of Royalton or its designated representative shall be final.

- 5) **Enforcement Measures after Appeal.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City of Royalton or its designated representative may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- 6) **Costs of Abatement of the Violation.** Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within five (5) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City of Royalton by reason of such violation.
- 7) **Civil Penalties.** In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within two (2) days, or such greater period as the City of Royalton or its designated representative shall deem appropriate, after the Director of Public Works or designee has taken one or more of the actions described above, the Public Works Director may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- 8) **Criminal Penalties.** For violations of the Storm Water Ordinance the Director of Public Works may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 for each day the violation has occurred, or imprisonment for up to sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- 9) **Violations Deemed a Public Nuisance.** In addition to the enforcement process and penalties provided in this ordinance any threat to public health, safety, welfare and environment and is declared and deemed a nuisance, may be abated by injunctive or other equitable relief as provided by law.
- 10) **Remedies Not Exclusive.** The remedies listed in this ordinance and the Regulations are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Royalton may seek cumulative remedies.
- 11) **The City of Royalton** may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

This ordinance shall supersede and repeal all prior and consistent ordinances. This ordinance shall be effective upon passage and publication required by law.

DATED: 6-6-2016

Anderson-Lauer  
MAYOR

Carol Madsen  
CLERK

