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ARTICLE 11 - GENERAL ACTIVITY REGULATIONS

11-100 Recycling

11-100.1 Legislative Statement of Intent and Purpose

The City Council of the City of Ham Lake finds that it is in the public interest, and in furtherance of the promotion of the general health, safety and welfare of the citizens of the City of Ham Lake, to promote the practice of recycling certain materials, so as to avoid overburdening sanitary landfills, and to make more effective use of natural resources. The City Council further finds that the benefits to be derived from recycling are of a community-wide nature and that the cost associated with recycling are therefore legitimately a community-wide expense. Finally, the City Council finds that at the present time, the City of Ham Lake can best implement a recycling and refuse hauling program through the use of a contract hauler, to be regulated in accordance with the City's overall goal of encouraging recycling, at a common expense. It is therefore the purpose and intent of this ordinance to develop a method by which a contract hauler can in fact perform the function of providing recycling opportunities, in accordance with the above-stated goals, and in furtherance of Laws of Minnesota, 1989 First Special Session, Chapter 1, Article 18, and provide for refuse hauling.

11-100.2 Definitions

A. Refuse. REFUSE shall mean any material intended by the owner to be discarded, which is picked up at the owner's location by a licensed HAULER.

B. Recyclable Material. The following items are, for the purposes of this code, considered to be recyclable materials:

1. Glass containers, having no plastic, metal or other lids or attachments;
2. Plastic containers, limited to PET, HDPE, and PVC having no metal or other attachments made of a material other than plastic;
3. Metal objects or containers, limited to beverage and food cans;
4. Newspapers printed on paperstock commonly known as "newsprint", and excluding magazines, books, and other publications.

C. Non-recyclable Materials. All REFUSE which does not meet the definition of a recyclable material.

D. Hauler. A person, corporation, or other entity which is licensed by the City of Ham Lake to collect, on a contract basis, REFUSE and RECYCLABLE MATERIAL. A Hauler may include an association of individuals or corporations formed for the purpose of jointly providing services.

E. Recycling Container. A container to be supplied to each customer or HAULER who desires to take advantage of recycling opportunities. The recycling container shall be constructed in accordance with specifications from time to time established by the Ham Lake City Council.

F. Household. Single family residential dwellings, including mobile homes, or any single building consisting of four (4) or less separate dwelling places with individual kitchen facilities for each located in the City of Ham Lake who uses a contract HAULER for regular weekly REFUSE pickup, for a fee charged by the HAULER, and/or participates in recycling offered through contract HAULER.

G. Plastic Containers:

PET (polyethylene terephthalate) PET can be clear or tinted, but you can see through it. Bottles have a small raised "tip" in the center of the base or bottom. All 2-liter soft drink bottles are made from PET.

HDPE high density polyethylene) used for one- gallon and half gallon milk containers, distilled water bottles, liquid laundry and dish-washing detergent bottles, auto motor oil containers, windshield-washer fluid containers, and as bottles for many brands of personal shampoo and conditioners. HDPE is never clear, you cannot see through it because it is either colored or frosted. Containers will float in water, even when they are filled with water.

PVC (polyvinylchloride) PVC is used for cooling oil bottles, dry laundry-detergent bottles, and other products. Unlike PET, PVC is hard. It is clear and shiny. It will sink in water when filled with water.

H. Co-mingled. The practice of placing all recyclable material in a recycling container without having to separate by type of material.

11-100.3 Recycling Opportunities and Refuse Hauling Procedures.

A. License Requirement for HAULERS. HAULER serving households located within the City of Ham Lake shall first obtain a license, to be issued by the City Clerk/Administrator.

1. Prerequisite to Issuance of License

a. Execution of Contract. The City Council shall grant, by contract negotiated with a Hauler or Haulers, in accordance with law, the authority to collect and dispose of all refuse and recyclable material originating on residential premises located in the City of Ham Lake. The HAULER shall execute a HAULER'S Contract, on forms to be prescribed by the City Council, setting forth in detail the specific duties and obligations of the HAULER with respect to recycling opportunities and refuse disposal.

b. License Fee. An annual license fee shall be charged, to be established from time to time by resolution of the City Council.

c. Collection Exclusively by Contract Hauler. No person shall collect refuse or recyclable materials from residential premises within the City of Ham Lake except an entity holding a contract with the City to do so. No person shall permit refuse or recyclable materials to be picked up from residential premises owned or rented except by such a contract hauler.

B. Recycling Opportunities HAULER shall implement the following recycling opportunities for households located in the City of Ham Lake.

1. **Bi-monthly Pickup.** Every household shall be afforded the opportunity to dispose of recyclable materials on a co-mingled basis on at least two dates each month, which dates shall coincide with a regular refuse hauling date, (and there shall be at least two weeks between recycling opportunity dates.
2. **Recycling Container.** Recycling containers shall be available for purchase at the City Hall at cost plus tax.
3. **Tonnage Reports.** HAULER shall report on a quarterly basis the total tonnage of recyclables collected in the City.

C. Fees and Expenses

1. **Volume Fees.** The HAULER shall afford to every household the opportunity to be charged for REFUSE collection on the basis of volume of REFUSE disposed of, to carry out the general intent that the less REFUSE generated, the lower the REFUSE collection bill. Volume shall not necessarily be deemed to refer to weight, but may also refer to physical dimensions to include at least four levels.

D. Annual Compliance Audit. On or about November 15 or each and every year, the City shall conduct a compliance audit to insure that the HAULER is in fact providing the recycling opportunities and refuse collection mandated by this code, is following the proper procedure in administering those opportunities, and is otherwise observing all of the conditions of this ordinance and the regulations of any other agency having jurisdiction over the disposal of REFUSE.

E. Master List. HAULER shall keep a master list of all households who have received a recycling container, listing the name, address and telephone number of the household. HAULER shall provide an updated master list to the City upon request.

F. City Recycling Center. HAULER shall be responsible for maintaining City Recycling Center located at 15544 Central Avenue NE, which shall include removing the recyclable materials at least twice a month or more frequently if containers are overflowing.

G. Disposal of Recyclable Materials. The recyclable materials collected by HAULER shall be properly disposed of by HAULER, and the HAULER shall be entitled to any revenues which are available from the disposal or resale of recyclable materials collected in the City.

11-100.4 Miscellaneous

A. Surety Bond. The City Council shall require of HAULER a surety bond to guarantee faithful and continuous refuse collection service under the conditions imposed by the ordinance of the City.

B. Insurance. No license shall be issued until the applicant therefore has placed on file with the City Administrator a certificate of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with the applicant's business. Such insurance shall be in the minimum amount of $100,000 for each person and $300,000 for each accident.

C. Removal of Recyclable Materials. It shall be unlawful for any person, other than licensed HAULER, to remove any recyclable materials from recycling containers at curbside.

11-100.5 Enforcement of Minnesota Statutes requiring Waste Collection Contracts

A. Mandatory Waste Collection Contract

Every residential household and business within the City of Ham Lake shall, by December 31, 1993, maintain a contract with solid waste collection service for regular waste collection. Regular waste collection shall be deemed to be at least twice monthly.

B. Enforcement

Upon receipt of any report from any source that a particular household or business is not in compliance with Article 11-100.5 (A), the CITY ADMINISTRATOR shall serve notice in the manner provided for service of process under the Minnesota Rules of Civil Procedure, of the above requirements to the occupant of the premises. Within thirty (30) days after notice, exclusive of the day of service, the occupant shall provide evidence of an environmentally sound alternative to contracted solid waste collection service.

C. Environmentally Sound Alternatives

Households or businesses which can demonstrate that they are utilizing environmentally sound alternatives to contracted regular waste collection services may be exempt from this ordinance, if such household or business complies with documentation requirements of the City Council. The Ham Lake City Council shall determine whether or not the documentation provided by the household or business does indicate an environmentally sound alternative, and upon a finding by the Ham Lake City Council that such documentation does not evidence an environmentally sound alternative, the household or business requesting such exemption shall, within 30 days after written notice of such a finding, contract for the services of a waste collection service in accordance with the City's ordinance licensing waste collection services, and shall provide proof of compliance within said time period.

11-200 FENCES AND HEDGES

11-210 Definitions

For the purposes of this Code, the following terms shall have the meanings herein stated:

A. Fence. Any structure which is 36 inches or more in height, and a length of 6 feet or more, which is composed on non-living materials which cover the entire area bounded by said height and length criteria;

B. **Hedge**. Any grouping of vegetation which creates a visual barrier of a substantially opaque nature for a length of 6 feet or more and for a height of from ground level to 36 inches above ground level;

C. Front Yard. The area between the public street right-of-way line and the minimum required building setback line, as measured along any side of a

lot. Lakeshore properties shall be considered on both lakeside and roadside to be front yards.

D. Side Yard. The area between the front yard and back yard of any lot;

E. Back Yard. The area lying to the rear of the rear building line of the principal structure on any lot;

F. Principal Structure. In the case of property used wholly or partially for residential purposes, the principal structure shall be the structure housing any dwelling unit. In all other cases, the principal structure shall be the structure located closest to any adjacent street, or, in the case of more than one building equidistant from such street, the building containing the greater square footage shall be deemed the principal structure.

11-220 Height

Fences and hedges shall not exceed the following heights unless a variance from this ordinance is granted by the City Council.

11-220.1 Varied Height Requirements

The above fence height requirements may be varied by resolution of the City Council, where the following conditions are met:

a) The fence will not present any public safety problems;

b) The height requested will not deprive adjoining properties of air, light, or ventilation, sight lines or create aesthetic problems.

Zoning Classification	Front Yard	Side yard	Back Yard
R-1, R-2, RS-1, RS-2, ML-PUD, PUD	4 feet	6 feet	6 feet
R-A, C-A	4 feet	6 feet	6 feet
CD-1-2-3 & 4, B-1, B-2	• 6-12 feet	• 6-12 feet	• 6-12 feet
I-1, I-2	• 6-12 feet	• 6-12 feet	• 6- 12 feet

- Height marked with an asterisk may be increased by two feet to accommodate a barbed wire security arm top.

11-230 Permit Required. No person, firm, or corporation shall hereafter construct or erect or cause to be constructed or erected within any Commercial or Industrial Zoning District any fence which is intended to be a permanent structure on the premises, without first securing a building permit.

11-240 Construction and Maintenance of Fences Generally. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be constructed so that their more attractive side faces neighboring property. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a

public nuisance and the Ham Lake Building Inspector shall commence proper proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in Industrial and Commercial Districts. Electric and barbed wire fences shall be permitted only on agriculturally zoned property (R-A), and shall be permitted only when necessary to further so bona fide agricultural purpose.

11-250 Residential District Fences. The following conditions shall apply in the R-1, RS-1 and PUD zoning districts:

(1) No fence shall be erected in any front yard to a height in excess of four (4) feet, nor in any other location to a height in excess of six (6) feet.

(2) On corner lots in all districts, no fence or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: Beginning at the intersection of the projected curbing lines of two intersecting streets, thence twenty (20) feet along one property line, thence diagonally to a point twenty (20) feet from the point of beginning on the other property line, thence to the point of beginning.

(3) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress/egress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress/egress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principle structure. In those instances where a property contain ponds or Public Works needs to access the property for stormwater management purposes, the gate or ingress/egress point shall be a minimum of ten (10) feet in width.

(4) Fences on the corner lots must receive special consideration from the Ham Lake Building Official to assure site safety before a Building Permit is issued. This review may require the applicant to pay an additional fee if extraordinary means need to be taken to ascertain impacts (i.e. consultation by a Traffic Engineer).

(5) Lakeshore properties shall be considered on both lakeside and roadside to be frontyards. In lakeside frontyard of lakeshore properties a maximum of twenty (20) feet of privacy fence can be erected from the rear of the home. Beyond twenty (20) feet a four (4) foot fence, not of opaque material may be erected to extend no further than the high water mark. In roadside frontyard of lakeshore properties shall meet the residential frontyard requirements.

(6) No fence shall be constructed of plastic mesh, snow-fence lath, chicken-wire, or any other metal except for wrought iron or chain-link.

11-260 Commercial and Industrial Fences.

Fences in all Commercial and Industrial Zoning shall not be less than 6 (six) feet and not exceed twelve (12) feet in height and may be increased to accommodate a barbed wire security arm top except that:

(1) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City of Ham Lake with approval by the Planning and Zoning Commission and City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.
(2) Metal panel and chain link fencing are not appropriate in Commercial Development Tier 1 (CD-1) zoning. Fencing is not appropriate in front yard area facing Highway 65.

11-270 Inground Swimming Pools
Every "in-ground" swimming pool shall be enclosed by a non-climbable fence or wall not less than four feet high. In-ground shall be defined to mean a pool requiring excavation of more than 12 inches of existing grade. The walking surface around the pool shall be a minimum of three feet wide. Any access gate shall be self-closing and self-latching and shall open outward away from the pool. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate or 54 inches from the bottom of the gate. Maximum mesh size for chain link fences shall be 1.25 inches unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than 1.75 inches.

11-271 Above Ground Swimming Pools – Every above ground swimming pool shall be enclosed by a non-climbable fence or wall not less than four feet high. An above ground swimming pool is not required to be enclosed if the pool sidewalls are 48 inches in height or more. If an above ground swimming pool has sidewalls of 48 inches or more, a removable ladder is required to access the swimming pool. Any access gate shall be self-closing and self-latching and shall open outward away from the pool. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate or 54 inches from the bottom of the gate. Maximum mesh size for chain link fences shall be 1.25 inches unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than 1.75 inches.

11-280 Electrified Security Fences
Notwithstanding the provisions of Article 11-240, electrified security fencing may be installed in areas zoned CD-1, CD-2, CD-3, CD-4, I-P, I-1, or G-F, under the following circumstances:

(a) The electrification is necessary to prevent or deter intrusion into an outdoor storage area during non-business hours. In order to document need, the applicant shall furnish a written communication from a representative of the Anoka County Sheriff's Office confirming that an

electrified fence would constitute a crime deterrent for the particular parcel to be served;

(b) The electrification is charged only during non-business hours of the establishment;

(c) The electrification is at a voltage level that is non-lethal to humans, and otherwise not a threat to cause serious injury;

(d) The installation meets all applicable electrical codes;

(e) The design of the system is approved by the City's building official after review by the Fire Department and the Anoka County Sheriff's Office. The City may establish as a design limitation a condition that only limited strands of wires at predetermined heights may be electrified;

(f) Adequate warning signs are posted, to the specifications of the City's building official;

(g) The system has a shutoff that is easily accessible by emergency responders;

(h) A permit has been obtained from the City's building official, after payment of a permit fee to be established from time to time by the City Council. The City may revoke a permit if the fence is not properly constructed, used or maintained.

11-300 GENERAL PROVISIONS APPLICABLE TO ALL SIGNS AND DEFINITION A "sign" shall mean any device designed to attract attention to a particular object, message, or activity, however, this definition shall not include flags mounted on a pole.

Substitution Clause: In the body of the following article, references may be made to specific messages that may appear on a particular sign, Notwithstanding such references, nothing in this code shall be deemed to limit the message that may appear on any sign described in this code, and any message may be substituted for any specific content characterized below, so long as the size, number of signs and other required physical characteristics of the sign are compliant with this code. The use of specific content references is intended only to serve as an example of what types of content typically appear on various signs, but does not limit content to those examples.

11-310 Regulations Common to all Signs

11-310.1 Locations No sign shall be permitted within ten (10) feet any public right-of-way, or in any location which interferes with sight lines for motorists or pedestrians in a manner which could be inimical to public safety. No sign shall be permitted upon any public or private utility easement unless the benefited party under such easement has granted written consent for the sign.

11-310.2 Permits Required Except as exempted under Article 11-350, or Article 11-350, no sign shall be erected unless a permit shall have first

been obtained from the City. The City's building official shall issue permits for all signs, except that any sign proposed to be located in any commercial or industrial district may, if referred by the building official, be reviewed by the Planning Commission and the City Council. Sign review shall be limited to commentary on sign aesthetics, and no regulation of sign content shall be permitted or attempted. The building official may also, in his or her discretion, refer any other application for a sign permit for Planning Commission review and City Council action. If a sign for which a permit is obtained is not properly completed within one year after the date of the permit, the permit shall be deemed expired.

11-310.3 Maintenance The party to whom a sign permit is issued shall be responsible to maintain the sign at all times, both in terms of structural integrity and physical appearance. Maintenance shall include, without limitation, the avoidance of faded coloring, cracked or peeling paint, visible rust, broken fixtures, cracked or broken masonry, malfunctioning or non-functioning electrical components, untrimmed, dead or dying landscape vegetation, or unrepaired vandalism. The failure of a permittee to correct an improperly maintained sign within thirty days of written notice from the City shall be grounds for the City to revoke the sign permit.

11-320 Standards in Commercially Zoned Districts

The following standards shall be followed for all signs located in areas zoned CD-1, CD-2, CD-3, CD-4, I-P, I-1, or GF.

11-320.1 Construction Except as specifically excluded by this code, all signs shall be constructed in conformance with standards prescribed by the Uniform Building Code and by the 1991 edition of the Uniform Sign Code. These standards include, without limitation, structural requirements, specifications for materials, seismic and wind loads, glass and plastic usage and specifications, electrical wiring specifications and other requirements.

11-320.2 Height of Freestanding Signs No portion of any freestanding sign shall exceed twenty-five feet in height, as measured from the highest elevation of ground level beneath the sign footprint. Berms or hills created to artificially increase the natural or normal elevation of ground level beneath the sign shall be disregarded in computing sign height.

11-320.3 Height of Signs Affixed to Buildings No portion of any sign which is affixed to a building (including a sign placed upon an awning) shall exceed the parapet height of the building, or, if there be no parapet, then the eaves of the building.

11-320.4 Configuration of Lettering No lettering on any sign shall exceed thirty-six inches in height. All lettering shall be in aesthetic

proportions to the sign perimeter or surrounding structures. Except where necessary to display a logo or trademark, lettering shall be uniform in style for each sign or common sets of signs.

11-320.5 Moving Parts Except for changeable copy lettering and electronic readerboard images, no sign shall contain moving parts designed to attract attention to the sign. Moving parts, such as access panels, which are a component of the functional aspects of the sign are permissible.

11-320.6 Maximum Size

a) No sign shall be permitted which contains more than one Hundred (100) square feet, or 200 square feet if two-sided. Where more than one sign or element of signage is proposed for a given real estate parcel of record, the aggregate square footage of all signage on the parcel shall not exceed three hundred (300) square feet. The area of a sign shall be computed using the outside perimeter which reasonably borders or encompasses the sign content, including all lettering or imagery.

b) If a building contains multiple tenants, each tenant may be allotted a pro-rata share of the permitted square footage allowed on that parcel for a freestanding sign or signs, as determined by the sign owner. In addition to signage on a freestanding sign, individual tenants of a multi-tenant building may have signage affixed to the front of their occupied space building that is of a size of up to 10% of the square footage of the front of the occupied space, but not to exceed 100 square feet. The front of the occupied space shall be considered to be the area on the side of the building containing the main entrance to the tenant space that is obtained by multiplying the building height times the width of the actual space occupied by the tenant.

c) Notwithstanding the foregoing, if a commercial building has a corner consisting as two wall surfaces each facing a separate public road, then in addition to the wall signage allowed on the main entrance side, a total of 100 square feet of wall signage may be permitted on the side that does not contain the main entrance, to be allocated by the landlord among the tenants. The “main entrance side” shall be the wall surface that contains the greater number of tenant entrances.

(d) If a commercial building with a single tenant has a corner consisting as two wall surfaces each facing a separate public road then in addition to the allowed 300 square feet, an additional 100 square feet of total signage will be allowed.

11-320.7 General Sign Aesthetics All sign owners shall be encouraged to construct signs in which signage intensity, color schemes, images, dimensions and construction materials are generally compatible with buildings, nearby land usages, and reflect a reasonable balance between aesthetics and the need to provide advertisement of a particular subject or

object. Any sign constructed of materials blended with the ground surface, such as a monument sign, shall be accompanied by complementary landscaping.

11-320.8 Illumination No illumination shall be permitted in connection with any sign which creates any danger to public safety, or which casts light or images which interfere with the quiet enjoyment of adjacent or nearby residential property.

11-320.9 Affixed Building Signs Affixed Building Signs are letters that are either directly affixed or attached to a track on one or more walls of the building from which the business operates. Such letters may not be painted on the wall, but must be constructed of a durable and color-fast material, and constructed in manner where individual letters are affixed to the wall by usage of glue, fasteners, or a combination thereof. Letters of such signs may be up to thirty-six inches in height. The area of such a sign shall be computed by drawing an imaginary line around the perimeter of the lettering, which line shall be located six inches above the highest elevation of any letter; six inches beneath the lowest elevation of any letter; and six inches on either side of the letters furthest to the left and right as one faces the sign. The area of this rectangle shall be deemed to be the area of the Affixed Building Sign, and shall count against the maximum sign areas noted in Article 11-320.6 (a, b, or c). Lettering may not protrude above the roof or parapet of any building, nor may lettering protruded beyond the corner of a building.

11-320.10 Temporary Signs The Zoning Official may issue permits for temporary signs in any commercially zoned district, such as portable signs, provided that the temporary signs are used for no more than thirty (30) consecutive days, and on no more than three (3) occasions per year per business.

11-320.11 Special Events The Zoning Official may issue permits for temporary signs designed for usage in connection with special events, such as holidays, initial business grand openings, or civic events. Such temporary signs may include inflatable devices, pennants, hand-painted banners, searchlights, streamers or the like. No such temporary sign shall be in use for more than thirty (30) days in the case of civic events, or more than seven (7) days for all other events. City sponsored civic events are exempt from this provision.

11-320.12 Construction Signs The building official may issue permits for temporary construction signs. Such signs shall not exceed thirty-two (32) square feet, and shall be limited to one sign facing each road which abuts the lot upon which construction is taking place. Such temporary signs may remain in place for up to one year.

11-330 Standards in R-A Zoning Districts
The standards for signs in the R-A Zoning District shall be identical to those found in Article 11-320, except that no sign shall exceed fifty (50) square feet in area, and no sign shall exceed fifteen (15) feet in height.

11-340 Standards in Specific Residential Districts
No signs shall be permitted in any area zoned R-1, R-M, R-AH, PUD, RS-1 or RS-2 except for a) temporary signs that are no greater than six square feet in size, b) permanent signs no greater than six square feet in size on lots with a Home Occupation Permit under Article 9-350, and c) Neighborhood Monument Signs as defined in Article 11-350.4 of this code may be up to 40 square feet in size, as measured on the perimeter of the border of the message displayed (excluding structural components of the sign). Only one sign may be placed on a residential lot, except that if it is a corner lot with two road frontages, one sign may be permitted facing each road. Such signs may be in place for no more time than is necessary to accomplish the intended purpose of the sign. A single "monument" or other sign erected by a neighborhood association or land developer may be placed on private property at any road entrance to the neighborhood, provided that the sign is maintained by the property owner on whose parcel the sign is placed.

In any area zoned R-1, R-M, R-AH, PUD, RS-1 or RS-2, signs may be erected without first obtaining a permit from the City. Signs in these districts shall comply with the location restrictions outlined in Article 11-310.1 and, except for Neighborhood Monument Signs, shall be no greater than six square feet in size. Neighborhood Monument Signs as defined in Article 11-350.4 of this code may be up to 40 square feet in size, as measured on the perimeter of the border of the message displayed (excluding structural components of the sign). A single "monument" or other sign erected by a neighborhood association or land developer may be placed on private property at any road entrance to the neighborhood, provided that the sign is maintained by the property owner on whose parcel the sign is placed

11-350 Exempt or Partially Exempt Signs The following categories of signs shall be permitted in accordance with the standards or requirements noted below.

11-350.1 Small Signs No permit or regulation shall be required for signs of less than two (2) square feet, provided that the attaching of such signs to utility poles or otherwise within public right of way without the written permission of the easement or fee owner shall be prohibited.

11-350.2 No Permit or Regulations Not Applicable The following items shall not require permits and shall not otherwise be considered "signs" or "signage" for the purposes of code regulation:

a) Signs or lettering affixed to the inside of a window, comprising not more than 30% of the window area;

b) On-premise signs affixed to a building and comprising less than four (4) square feet;

c) Signs located entirely within the interior of a building;

d) Signs erected by or at the direction of any governmental authority, or which are required by law to exist, such as warning beacons or devices.

e) Signs for which regulation has been preempted by State Law, such as Minnesota Statutes Chapter 211B.045 (election year signage).

11-350.3 REMOVED PER ORDINANCE NO. 21-06

11-350.4 Neighborhood Monument Signs A "Neighborhood Monument Sign" is a sign that is erected by a residential subdivision developer or owner's association at the time of marketing and construction of the subdivision. Neighborhood Monument Signs shall be constructed of materials requiring little or no ongoing maintenance, such as masonry. No portion of any Neighborhood Monument Sign shall be located closer than ten feet from any road right-of-way. No Neighborhood Monument Sign shall be permitted unless, as a part of the development agreement for the subdivision, a reasonable system for ongoing maintenance of the sign is provided, at no cost or expense to the City. Further, the development agreement shall provide that if the sign is not properly maintained, the City may, upon reasonable notice to the residents of the neighborhood, come upon the property upon which the sign sits and remove the signage.

11-360 Administration and Miscellaneous Provisions

11-360.1 Non-Conforming Signs Existing signs which do not conform to the provisions of this code, meaning signs which were legally in existence as of the effective date of this Article 11-300 et seq., shall be recognized as legal usages unless the sign is abandoned, meaning that the sign is destroyed or rendered incapable of conveying its message, and such state continues uncorrected for twelve consecutive months.

11-360.2 Permit Procedures

a) Permit Application

Applications for permits shall be reviewed by the building official. Application for permits shall be made upon forms provided by the City and shall state or have attached thereto the following information, if required by the building official.

i) The names, addresses, and telephone numbers of the applicant, the owner of the parcel on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
ii) Type of sign.
iii) Type of construction materials to be used.
iv) Location of building, structure or parcel to which, or upon which, the sign is to be attached or erected.
v) Position of the sign or other advertising structures in relation to the nearest buildings, structures, public streets, right-of-ways and property lines, along with location and square footage areas for all existing signs on the same premises. The drawing showing such position shall be prepared "to scale";
vi) If illuminated, method of illumination shall be outlined in accordance with illumination standards.
vii) Blueprint or ink drawing of the plans and specifications, and method of construction or attachment to the building or in the ground, including all dimensions, footings, locating all light sources, wattage, type and color of lights and details of any light shields or shades.
viii) Copy of stress sheets and calculations, showing the structure is designated for dead load and wind velocity in the amount required by this and all other ordinances of the City.
ix) Site plan and landscaping plan.

b) Permit Fees Permit fees shall be established from time to time by ordinance adopted by the City Council.

11-360.3 Severability Article 11-300 shall be deemed in all respects severable, such that if any portion of this article shall be found unenforceable, such a finding shall affect only that portion, and shall not invalidate the entire Article.

11-400 Building, Well and Sewage Code

11-410 Building Code:

Section 1 Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.
The code enforcement agency of this municipality is called the Building Department.
This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 2 Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (ie. City Code #, Ordinance # etc.). In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 3 Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statute 16B.69) and Minnesota Rules, Chapter 1300

Section 4 Building Code. The Minnesota State Building Code, established pursuant to
Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for this
Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2000 International Building Code;
6. 1307, Elevators and Related Devices.
7. 1309, Adoption of the 2000 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2002 National Electrical Code;
10. 1325, Solar Energy Systems;
11. 1330, Fallout Shelters;
12. 1335, Floodproofing Regulations, excluding 1335.0600 through 1335.1200;
13. 1341, Minnesota Accessibility Code;
14. 1346, Adoption of the Minnesota State Mechanical Code;
15. 1350, Manufactured Homes;
16. 1360, Prefabricated Structures;
17. 1361, Industrialized/Modular Buildings;
18. 1370, Storm Shelters (Manufactured Home Parks);
19. 4715, Minnesota Plumbing Code
21. 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code

B. This municipality may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306, Special Fire Protection Systems; and Chapter 1335,
Floodproofing Regulations, parts 1335.0600 to 1335.1200.

C. This municipality may adopt by reference appendix chapter K (Grading), of the 2001
Supplements to the International Building Code.

The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this municipality.

Section 5 The adoption of Article 11-410 is intended to include all future amendments and revisions to the Minnesota State Building Code

Section 6 All references in Article 11 referring to "Minnesota State Building Code" are amended and refer to the "2006 International Building Code" (IBC) and the "International Residential Code" (IRC).

11-411 Architectural Standards for Residential Structures.

11-411.1 General Provisions

No building permit for structures in the City of Ham Lake shall be issued where the materials, scale, bulk, or character of a structure, house, or building, is so dissimilar to other structures, houses or buildings in the vicinity as to result in the depreciation of property values or the degradation of the environment in the immediate area. The Zoning Officer shall, in his discretion, make a determination as to whether or not any proposed structure fails to meet the above criteria, and in the event of such an opinion, said opinion shall be confirmed by the City Council, which may, in its discretion, refer the proposed plans to the Planning Commission for comment prior to acting upon such a request.

11-411.2 Residential and Agricultural Districts.

In districts RA, R1, R2, R3, RS1 and RS2, the following standards shall apply for single family detached dwellings.

A. **Minimum Width.** The minimum width of the main portion of the structure shall be not less than 24 feet, as measured across the narrowest portion.

B. **Minimum Roofage.** The pitch of the main roof shall be in compliance with the Minnesota Residential Building Code as adopted by the City of Ham Lake.

C. **Placement.** All single family dwellings shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage.

D. **Foundation.** All dwellings shall be placed on a permanent foundation in compliance with the Minnesota Residential Building Code as adopted by the City of Ham Lake.

11-420 Mandatory Appendices. In addition to those items listed above, the following Appendices, Standards and Supplemental Materials reference in the Code are hereby adopted by reference as part of the Building Code in the City of Ham Lake and incorporated into this ordinance as completely as if set out in full.

1. Minnesota State Building Code, Technical Requirements for Fallout Shelters, Minnesota Rules Chapter 1330;
2. Minnesota State Building Code, Variations in Snow Loads, Minnesota Rules Chapter 1365;
3. Latest Uniform Building Code Appendix Chapter 35;
4. Minnesota Plumbing Code, Minnesota Rules 4715.3900 - 4715.4100.

11-421 Organization and Enforcement: The organization of the Building Department and enforcement of the Code shall be as established by Chapter 2 of the Uniform Building Code latest Edition. The Code shall be enforced within the incorporated limits of the City, and extraterritorial limits permitted by Minnesota Statutes, 1984.

The Building Department shall be the Building Code Department of the City of Ham Lake. The administrative Authority shall be a State Certified "Building Official".

The Appointing Authority shall designate the Building Official for the jurisdiction of Ham Lake.

11-430 Building Permits: General Provisions. The following terms and conditions shall apply to all projects for which a Building Permit is required.

11-430.1 Fee Establishment Permits, inspections and collection of fees shall be provided as for by resolution of the City Council. In addition to the municipal permit fee the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes Section 16B.70.

11-430.2 Permits and Standards A building permit, once issued, shall be valid for the period of time permitted by the State Building Code, including any authorized extensions thereof. However, the structure for which the permit has been issued must attain "Exterior Completion" within one year of the date of issuance of the Building Permit. Exterior Completion means that the structure must have the exterior appearance of a completed structure, including, without limitation, the following features:

a) All roofing is covered in an approved roofing material, such as shingling;
b) All exterior walls have been covered with painted or treated siding, masonry, stucco or other approved siding material;
c) All doors and windows have been installed, and all outside door and window frames have been installed and either painted or sheathed;
d) All soffit and fascia have been installed and either painted or sheathed;

e) All sidewalks and driveways have been paved;
f) Turf has been established on all lawn areas.

11-430.3 Failure to Achieve Exterior Completion If the applicant or property owner has not achieved Exterior Completion by the required date, then, in addition to any enforcement remedies available to the City under its nuisance codes, the City's building official may decline to make any additional inspection of work pursuant to the permit until and unless the Exterior Completion is attained The City Council may, by resolution from time to time adopt escrow policies to insure the timely completion of various stages of construction.

11-430.4 Final Submissions. After completion of all inspections, the applicant shall submit to the City's Building Official a well log containing such information as is required by the Building Official; a water test performed by a qualified testing lab acceptable to the Building Official, demonstrating water quality within acceptable ranges; and an as-built plan of the Individual Sewage Treatment System (ISTS) prepared by a qualified designer or installer, demonstrating compliance with codes that are applicable to ISTS. No Certificate of Occupancy shall be issued for any structure unless these submittals are made.

11-440 Exceptions. The above listed uniform codes are hereby adopted and incorporated by reference with the following exceptions:

A. The City Council shall be the Board of Appeals and shall act upon all questions as they may arise in the administration of this code and shall hear, review and decide upon all appeals that are brought before this Board. The decision of such Board shall not be final and any person having an interest affected by such Code shall have the right to appeal to the Minnesota State Commissioner of Administration.
B. Fees for building permits shall be established from time to time by resolution of the City Council. A schedule of fees shall be posted or maintained by the Zoning Officer at City Hall for inspection by the public.
C. Minimum Size for Single Family Residential Dwellings. Subject to the provisions of any state law to the contrary, no building permit shall be issued for any single family dwelling unit which does not meet the following minimum square footage size requirements:
1. For those types of construction having finished living space on more than one level, there shall be a total of 960 square feet of finished living space, of which not less than 720 square feet shall be on the main level, and not less than 240 square feet shall be on one other level, which level shall not be immediately above or below the main level. Main level shall refer to that level which contains the greatest amount of living space as measured by its square footage.

2. For all other types of construction, the minimum square footage shall be 960 square feet on the main level. The main level shall be that level which sits at or above the grade of the lot.

11-450 Regulation of Subsurface Sewage Treatment Systems (SSTS)

11-450.1 Definitions

The definitions found in Minnesota Rules 7080.1100 are hereby adopted by reference as if fully set forth herein. In addition, the following definitions apply:

A. **Failed System** - an SSTS which poses an imminent threat to public health or safety or which is discharging effluent above ground.

B. **Non-Standard System** - an SSTS which meets the description of a Type II, Type III, Type IV or Type V system as described in the following sections of Minnesota Rules:

Type II: Rule 7080.2250
Type III: Rule 7080.2300
Type IV: Rule 7080.2350
Type V: Rule 7080.2400

C. **Standard System** - an SSTS meeting the description of a Type I system as found in Minnesota Rule 7080.2200.

D. **Non-Complying System –** an existing SSTS which is protective of groundwater, is not an imminent threat to public health or safety, is not discharging effluent above ground, but which otherwise does not meet applicable government codes for SSTS construction.

E. **Failing System** – an SSTS that meets the criteria of a system that fails to protect groundwater as outlined and described in Minnesota Rules 7080.1500 Subpart 4 (B).

11-450.2 General Provisions

All sewage generated in the City shall be treated either in a Minnesota Pollution Control Agency–permitted facility, or in an SSTS that meets the requirements of this code.

No person shall install, alter, repair or operate an SSTS except in compliance with this code. No person shall cover any portion of any SSTS which is being constructed, altered or repaired unless in compliance with written inspection policies as developed and maintained from time to time by the City's Building Official. No activity which constitutes construction, alteration or repair of an SSTS or Holding Tank shall

commence unless the plans for the activity have been first approved by the City's building official, and without a permit having been issued by the City's building official for the activity. Any structural activity, such as remodeling, which will add effluent to an SSTS, shall be considered activity which constitutes construction, alteration or repair of an SSTS. For the purposes of this Code, a person responsible for violations hereof shall include the contractor performing any activity, and shall also include the owner(s) of the parcel upon which the activity is being performed. New SSTS construction that is not compliant with this code, or other work on a system that is not compliant with this code shall be brought into compliance within seven days after written notification from the Building Official, unless a different deadline is specified in the notice.

11-450.3 Use of Non-Standard Systems

Non-Standard Systems shall be used only when the use of a Standard System is infeasible, and when used, shall be constructed in accord with all applicable rules and regulations.

11-450.4 Required SSTS Compliance Inspections

An SSTS compliance inspection (meaning an inspection by a person or entity licensed by the Minnesota Pollution Control Agency to determine compliance with minimum construction standards) shall be required in the following circumstances:

a) For a new or replacement SSTS;
b) When altering an existing structure to add a bedroom;
c) When a parcel having an Existing System undergoes development, subdivision by platting or lot split.

If an SSTS is found to be noncompliant with minimum construction codes, notice thereof shall be sent by regular US Mail to the property owner.

11-450.5 Inspections and Pumping Required

A. Inspections

Every SSTS shall be inspected at least one time in every three years, provided, that in order to spread the time for review of inspection reports uniformly, the City Administrator may divide the City into three separate reporting groups. The City shall maintain a database which contains a complete inventory of every SSTS in the City, the name and address of the property owner, and such other data about each SSTS as may be available to the City. The inspection shall be performed by the owner of the real estate upon which the SSTS is located, or by the owner's designated inspector. The inspection shall be at the expense of the property owner. Inspections shall include, at a minimum, a thorough evaluation of whether or not any effluent is or has been percolating to the

surface of the ground, and each inspection shall also include the following measurements:

1) The distance between sludge and the bottom of outlet baffles;
2) The distance between scum and the bottom of outlet baffles.

B. Standards, Reporting and Maintenance

Where there is less than 12 inches between sludge and the bottom of outlet baffles, or where the scum line is found to be less than 3 inches above the bottom of outlet baffles, this condition shall be noted on the inspection report. The inspector shall complete an inspection report on forms to be maintained by the City Building Official and shall forward copies to the City Building Official as soon as inspections are complete. Maintenance of SSTS shall be in accord with Minnesota Rules 7080.2450.

C. Pumping

If any inspection reveals that there is less than 12 inches between sludge and the bottom of outlet baffles, or where the scum line is found to be less than 3 inches above the bottom of outlet baffles, the SSTS shall be pumped within 30 days of the inspection, and the owner shall provide evidence to the City Building Official that pumping was completed. Pumping shall be performed only by pumpers who are licensed or otherwise approved by the Minnesota Pollution Control Agency.

D. Identification of Failed System or Failing System

If an SSTS is reported by an Inspector to be a Failed or Failing System and the property owner does not agree with the finding, the property owner may request that the City Building Official re-inspect the SSTS to provide a second opinion as to the status of the SSTS. A fee equal to the City's actual labor and mileage costs to perform such second opinion inspections may be established by resolution of the City Council. In such cases, the decision of the City's Building Official shall be deemed final.

E. Special Provisions for Inspections of Systems Other than Standard

Notwithstanding the provisions of Article 11-450.4 (A), (B) and (C) above, inspections of SSTS that are other than Standard Systems shall be in accord with a Management Plan to be developed on a case-by-case basis at the time that a permit is issued for such a system. The Management Plan shall be established in writing by the System Designer, and may include, without limitation, the following features:

i) Inspections, as often as semi-annually, to standards described in the Management Plan;

ii) Periodic pumping different than that described in Article 11-450.4(C) above;

iii) Maintenance of a cash deposit or performance security on an ongoing basis to guarantee proper maintenance and inspections of the system;

iv) Monitoring or inspections may be required to be made by independent agents.

11-450.6 Types of SSTS Permitted, Standards and Requirements
All SSTS shall be constructed in accord with the standards imposed by Minnesota Rules 7080 and 7081, except that the following table shall be substituted for the table found in 7080.1930, subp. 1:

Number of Bedrooms	Septic Tank Liquid Capacity
4 or Less	**1,500 Gallons (two compartments)**
5 or 6	**2,000 Gallons (two compartments)**
7 or More	**As determined by Building Official**

A. Vacant Residential Land
For land which is not currently being used for residential purposes, meaning parcels which do not presently have an SSTS, including new residential development, the preferred type of SSTS shall be a Standard System. Notwithstanding the foregoing language, all lots in newly platted residential subdivisions shall be required to install Standard Systems.

B. Occupied Residential Land
For lots which currently have an SSTS which is a Failed or Failing System, the system shall, if possible, be replaced by a Standard System.

C. CD-1, CD-2, CD-3, CD-4 and I-P (Industrial Park Land)
SSTS's in the foregoing zoning districts may be Non-Standard Systems, provided that they meet the design criteria outlined in Minnesota Rules 7080, 7082 and 7083.

D. Flood Plain
SSTS shall be not permitted to be constructed in whole or in part within any Flood Plain area or drainage easement, unless there are no other options available, and then only in accord with specifications established on a case-by-case basis by City officials.

E. Backup Absorption Area
All residential lots that were created by subdivision after January 23, 1996 shall have adequate space for a primary and successor SSTS in accord with Article 10 and 11 of this code. This requirement shall also apply to any unplatted tracts of land for

which a residential building permit is requested, and to any platted residential lots created by subdivision on or prior to January 23, 1996 if the lot area and soil composition afford sufficient space for a primary and successor SSTS.

F. Technical Standards

The technical standards found in Minnesota Rules 7080 and 7081 are hereby adopted by reference.

G. Variances

Variances to normal setback requirements may be granted in accord with variance standards found in Articles 9 and 10 of this code, and where not prohibited by state or federal law or county codes.

H. Holding Tanks

Holding Tanks may be allowed as replacements for an SSTS that poses an imminent threat to public safety. The holding tank must be installed by a Qualified Technician (see Code Article 11-450.9 below) who shall also direct the following of a written monitoring and disposal program. The owner must enter into and furnish a true and correct copy of a monitoring and disposal contract with a licensed maintenance business, which contract must guarantee the removal of the tank contents before overflow or any discharge.

I. Management Plan for New or Replacement SSTS

Prior to the issuance of any permit for the installation of any new or replacement SSTS, the designer shall submit a management plan to the City's Building Official.

J. Class V Injection Wells

All owners of new or replacement Class V Injection Wells, as defined in Code of Federal Regulations, title 40, part 144, must submit inventory information to the federal Environmental Protection Agency and the City. All Class V wells shall be identified as such in property transfer disclosures.

K. Approvals

All repairs, installation, alteration, rejuvenation or remediation of an SSTS shall require a Permit approved by the City's building official, who may employ the counsel of such outside consultants as are deemed necessary.

L. Vertical Separation Requirements

Minnesota Rules 7080.1500 Subp. 4(D) are hereby adopted by reference, but are amended to allow a 15 percent reduction of

vertical separation (separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions, for SSTS built after March 31, 1996 or which are in an SWF area.

M. Operating Permits

Operating Permits issued by the City's Building Official shall be required of all SSTS that are Type IV Systems (see Minnesota Rules 7080.2350); Type V Systems (see Minnesota Rules 7080.2400); SSTS constructed under the provisions of Minnesota Rules 7081.0010; and holding tanks (see Minnesota Rules 7080.2290).

N. Loading Rates

Loading rates for determining bottom absorption area and absorption ratios may be determined either by using detailed soil descriptions or by percolation testing, utilizing Table IX or Table IXa in Minnesota Rules 7082.2150, Subpart 3(E).

11-450.7 Repairs/Replacement

A. Failed System

A Failed System (as defined in Article 11-450.1 (A) above) shall be replaced according to instructions from the City's building official and be brought into compliance with this code in accordance with a schedule established by the building official, not to exceed ten months from the date of notice of non-compliance by the Building Official of the City.

B. Failing System

A Failing System (as defined in Article 11-450.1 (E) above) shall be brought into compliance with this code in accordance with a schedule established by the Building Official, not to exceed 24 months from the date of notice of non-compliance.

C. Non-Complying Systems

Non-Complying Systems (as defined in Article 11-450.1 (D) above) may continue in use so long as the use of the system is not materially changed or expanded.

D. Abandoned Systems

SSTS that are abandoned shall be treated in accord with Minnesota Rules 7080.2500.

11-450.8 Ground Surface Discharges

An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System (NPDES).

11-450.9 Qualifications

Site evaluation, system design, construction, inspection and servicing shall be performed only by "Qualified Technicians", meaning entities or persons licensed by the Minnesota Pollution Control Agency, by appropriately certified qualified employees of the City, or by persons exempted under Minnesota Rules 7083.0700.

11-450.10 Dispute Resolution

If a dispute arises between two or more Qualified Technicians as to the condition of any SSTS, the issue shall be presented to the City's engineer, who shall hear and review the conflicting information, and whose decision shall be final.

11-460 The Minnesota Water Well Contractors Code.

The Minnesota Water Well Contractors Code, as the same is described in Minnesota Statues Chapter 156A.01 through 156A.08, together with all amendments and appendices thereto, and together with any and all regulations administrative of said Code as may have been or to be promulgated by the Minnesota State Board of Health is hereby adopted by the City of Ham Lake, by reference, to become a part of the City Code of the City of Ham Lake, as fully as if set out in full.

11-470 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) AND WELL WATER LOAN PROGRAM

Pursuant to the authority of Minnesota Statutes Chapter 115.57, the City of Ham Lake hereby establishes the following SSTS and Well Loan Program. The program is intended to offer loans to eligible parties to repair or replace existing SSTS or water wells. The program is to be funded from monies made available from the Anoka County Housing and Redevelopment Authority (HRA) out of a special tax levy that has been and is being imposed on Ham Lake properties for the benefit of Ham Lake housing issues.

11-470.1 Eligibility: Conditions

The conditions that are eligible for consideration for repair and/or replacement under this program include SSTS that have failed or which consist of leaking holding tanks, holding tanks which can be replaced by a conventional or "other" SSTS", privy vaults and straight pipe systems. An SSTS is a "failed" SSTS" if it is discharging effluent above ground level. These criteria shall be used in place of any other criteria that may be found in State or County health codes, and regardless of terminology as may be found therein.

The conditions that are eligible for consideration for repair and/or replacement of water wells are:

a. contamination making the water unfit for human consumption; or

b. lack of water pressure caused by a lack of well depth, a insufficient groundwater elevation or pipe sedimentation; or

c. mechanical or electrical failure of or in the pump apparatus; or

d. a well that needs to be abandoned and capped.

The City's designated officials shall be the sole judge of whether or not the qualifying criteria are met.

11-470.2 Eligibility: Financial

In order to qualify for the program, the property owner must be a natural person or persons, named in the title to the property as joint tenants or tenants in common, and meeting the following financial criteria.

a. The applicant(s) must meet the qualifying income limits as published by the United States Housing and Urban Development Department (HUD) as stated in the most current eligibility tabulations by HUD for qualification for Section 8 housing, according to household size, for the Minneapolis St. Paul Statistical Area.

b. Aggregate net worth of all of the owners must be less than $50,000.00 as disclosed on signed Financial Statements. Financial Statements must be in a form acceptable to persons designated by the City Administrator to review same.

c. A Title search must be prepared or reviewed by the City Attorney, and the property cannot be in foreclosure or encumbered by tax liens or mechanics liens. Real estate taxes must be current.

d. There must be reasonable positive equity in the property, meaning that the City staff's estimate of fair market value must exceed the apparent amount of debt encumbering the property, and the decision as to whether or not to approve the application may be based on the City's evaluation of the likelihood that the assessments will in fact be paid in full. No credit check of the applicant(s) shall be required. The City may require a fee appraisal, the cost of which can be included in the loan, at the City's option, prior to making a decision on the application.

The applicant(s) shall furnish whatever financial information is requested of the City, including tax returns. Financial data will be considered private data to the extent permitted by law.

11-470.3 Assistance and Assessments

a. Loan. Assistance to the property owner shall be in the form of a loan to the property owner(s) in an amount necessary to effect the replacement or repairs, not to exceed a total of $25,000.00. The loan shall become an assessment against the property on which the repair/replacement occurs pursuant to Minnesota Statutes Chapter 115.57 (Subd. 6). At the time of issuing the loan, the City shall provide the notices required by said statute. The assessment shall be certified for collection with real estate taxes on November 15 of the year in which the loan is made, and shall be payable over a ten year period, together with interest accruing at a rate established by City Council resolution at the time that the loan is made.

b. Prerequisites to Loan. Prior to closing the loan, the applicant(s) shall supply information satisfactory to the City documenting the need for the repair/replacement, and provide a quote or quotes from licensed and qualified septic and/or well installers documenting the cost of repair/replacement, and in the case of SSTS, providing a design plan for the new or repaired SSTS that meets City codes. The applicant(s) shall also provide evidence satisfactory to the City that they meet the financial eligibility requirements as contained in item 11-2120 above.

11-470.4 Procedure for Approval

a. Submissions. Applicant(s) shall complete such forms as the City staff prepares in application for approval, and staff shall complete a report to the City Council for review when all application material is complete. The report shall not include the actual financial data provided by the applicant(s). Staff shall not forward an application to the City Council unless all eligibility and submission requirements are complete, and Staff shall have the authority to summarily reject an application for non-compliance with eligibility or submission requirements, provided that the applicant(s) receive written notice from Staff as to the reasons for rejection.

b. City Council Approval. The City Council shall review the staff report and shall act on the application by resolution. If disapproved, the resolution shall contain findings of fact supporting the disapproval. If

approved, the resolution shall include an interest rate and such other matters as the City Council deems appropriate.

c. Appeal of Staff Decision. If Staff has summarily rejected an application, the applicant(s) may appeal the decision by requesting an appearance before the City Council.

d. Variances. The City Council may grant reasonable variances to the eligibility requirements if there are special circumstances which justify such variances. Special circumstances may include, without limitation, the use of shared SSTS systems or wells, unusual sub-surface conditions, or net worth affected by non-liquid assets.

11-470.5 Closing

At the time that the loan is closed, the applicant(s) shall execute any and all documents deemed necessary and appropriate by the City in connection with the loan.

11-600 Excavations and Reclamation

A. The City of Ham Lake has no municipal water delivery system, and its citizens rely entirely on private wells for potable water supplies; this situation is not intended to change, and is a permanent part of the Ham Lake landscape. "Draw-down" effects of large excavations may encourage the lateral migration of groundwater and a concomitant introduction of undesirable elements into the groundwater supplies;

B. The continued practice of permitting large excavations featuring the removal of excavated material from upland areas depletes the available supply of land for housing, increasing the demand for the usage of less suitable soils for housing, and poses a potential threat to the public health, safety and welfare of the general population.

C. While there is a need for supplying fill material for various public and private construction projects, meeting that need must be shared by more than one municipality in order to avoid unnecessary stress on local infrastructure and quiet enjoyment of property;

D. A private pond is defined within the existing Ham Lake City Code is excessively restrictive for the scope of the work being completed.

11-610 Definitions The following definitions shall apply to this Article 11-600:

a) Excavation - the removal of soil in a manner intended to create a permanent or temporary hole in the ground, or removal of soil that has been

stockpiled above the normal grade of the ground. Notwithstanding the foregoing, the removal and/or transport of soil, rock, sand, gravel, clay or other granular material that is stockpiled or to be stockpiled as inventory for sale at any landscaping business that is lawfully operating in the City shall not be considered "Excavation" nor shall it be considered "Excavation for Transport". All such activities shall be in compliance with the requirements of Articles 11-1900 and 11-2000 of the Ham Lake City Code.

b) Bona Fide Subdivision - a land development in which an applicant is dividing land for resale or reconveyance under Article 10 of the Ham Lake City Code by platting.

c) Private Pond – an excavation made for the purpose of creating an aesthetic appearance, wildlife habitat or retention pond, which is not intended for any public usage, provided, that a pond created in a Bona Fide Subdivision which is primarily intended for stormwater retention or desiltation is not a Private Pond.

d) Marginal Lands - State classified wetlands, unclassified wetlands bearing the characteristics of classified wetlands, marshes, bogs, fens, peat land, ditches, ponds, lakes, streams, creeks, sod fields, or other land incapable of housing dwelling units or commercial buildings by reason of unsuitable soils for Individual Sewage Treatment Systems (ISTS).

e) Pond Perimeter - The outside edge of the anticipated normal high water level of a pond, as determined by the City's engineer.

f) Small Private Pond - a Private Pond which has a maximum area of 2000 square feet, as measured at the Pond Perimeter

g) Excavation for Transport - The practice of removing soil for transport from the land parcel from which the excavation occurs.

h) Land Reclamation - A project in which excavation is to occur, but the excavated area is to be filled with other soil, which is to be obtained on site or which must be transported to the site.

i) Mining Overlay Districts - The areas within the City that contain unsuitable soils for a Type I ISTS system but contain soils suitable for mining through excavations of the nature contemplated by this Code shall be considered Mining Overlay Districts, to be established from time to time by ordinance as a part of the zoning code and zoning classification for those particular tracts. The Mining Overlay Districts shall be identified on the official City zoning map provided in Article 9 of the Ham Lake City Code.

j) Mining Precincts - Specific geographic areas of the City that are established by Article created when warranted by resolution of the Ham Lake City Council for the purpose of establishing spatial controls over mining operations.

k) Access Roads - Roadways of at least 9 tons bearing capacity that are located adjacent to mining projects, and used as the exclusive routes into and out of the sites.

11-620 Permissible Excavations (No Municipal Excavation Permit Required) The following types of excavations shall be allowed (assuming compliance with regulatory provisions of all jurisdictions, such as building permit issuance, watershed, DNR or Corps of Engineers approvals, and the like), without the need for any municipal permit for the excavation itself:

a) Excavation of soil to create a basement, foundation or footings for any building, sign, or other structure, or in connection with the paving of any driveway, road, sidewalk, parking lot or tennis court;

b) Excavation of soil to remove peat or other unsuitable soils, for replacement by suitable soil, such as in a land reclamation project, but in which no soil is being transported to or from the site;

c) Excavation of soil in connection with the installation of any type of Individual Sewage Treatment System;

d) Excavation on any public works project being performed by governmental employees or by agents under contract to a governmental agency pursuant to such a public works project being conducted on public or private lands, easements or rights of way;

e) Landscaping projects by private landowners in which the excavation is to be filled with other solid material;

f) Excavation of soil in connection with any Bona Fide Subdivision, but limited to excavation necessary to build roads or drainage ditches, grade lots, provide desiltation ponds, private ponds or to provide stormwater retention areas, and which are done in conformance with an approved grading and drainage plan which is a part of the platting process, and do not involve any Excavation for Transport;

g) Routine agricultural activities, such as plowing, hoeing, discing and the stripping or harvesting of sod;

h) The creation of small Private Ponds;

i) Excavations which are necessary to effect repairs or provide structural stability to existing lakes or ponds, however created, provided, that no such excavation shall take place unless the project has been approved in writing by the City's building official after consultation with the City's engineer.

j) Excavation by the owner (or authorized agent) of any ditch, culvert, utility or utility feature, including, without limitation, electrical, natural gas, cable television, gas pipeline, storm sewer, sanitary sewer line, telephone line, transmission tower or substation, in connection with the proper installation, repair or maintenance of such element.

k) Excavations by the City of Ham Lake on lands or easements owned, leased, encumbered or otherwise controlled by the City.

l) Land Reclamation of less than 400 cubic yards.

11-630 Standards for a Private Pond Requiring a Municipal Excavation Permit

Upon receipt of the application data required under Article 11-650, the City's Engineer shall review and approve specifications provided by the applicant for slope, depth, erosion control, and other physical standards for excavation, in coordination with regulations established by other governmental jurisdictions, including, without limitation, any local watershed districts, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and water or soil conservation services.

a) **Permit Required** - A Permit shall be required for any Private Pond greater than 2,000 square feet in area, as measured at the Pond Perimeter. Private Ponds regulated under this Section may be permitted on parcels where such use is accessory to a permitted principal use, within the Mining Overlay Districts as defined in Article 11-610, and subject to compliance with applicable zoning and environmental regulations. This Section shall apply only where the total volume of material excavated and transported from the site does not exceed 40,000 cubic yards. Any project exceeding this threshold shall be regulated under Article 11-640. Prior to issuance of a Permit, the application shall be reviewed by the Planning Commission and acted upon by the City Council. The City Council may require a written Development Agreement in connection with any permit. The issuance of a Permit by the City shall not be in lieu of any permit required by any other governmental agency, and it shall be the responsibility of the applicant to determine the need for, and to obtain, all such permits.

b) **Conditions of Approval**

i) Location - Private Ponds may be permitted on any parcel where the use is accessory to a permitted principal use, subject to compliance with applicable zoning, setback, and environmental regulations. The City may impose reasonable setback distances to protect adjacent properties.

ii) Environmental Review - Environmental review shall be conducted in accordance with applicable state rules. An Environmental

Assessment Worksheet shall not be required unless mandatory thresholds are met or the City determines that the project, due to its scale or location, has the potential for significant environmental effects.

iii) Time Limits - All permits shall be for a specific duration not to exceed twelve (12) months. The City may grant extensions where site conditions or other factors warrant. Work shall be deemed to have begun on the date when construction equipment is first placed on the property, or when the applicant notifies the City, whichever first occurs.

iv) Sanctions - All permits shall be subject to revocation for violation of terms and conditions. The City shall have the right to enforce stop-work orders where necessary to ensure compliance.

v) Payment of Costs - The Permittee shall be responsible to pay for all of the City's costs in reviewing any application, in monitoring compliance, and in enforcing any conditions.

vi) Traffic and Hauling - Limited hauling of material from the site may be permitted. The City may designate haul routes and restrict hauling hours as necessary. Turn lanes or major roadway improvements shall not be required unless deemed necessary by the City or Anoka County if located on a County Road.

vii) Maximum Volume - The City may establish a maximum total volume of material to be removed from the site. In no case shall the total volume exceed 40,000 cubic yards under this Section.

viii) Dust Control - The applicant shall implement measures to control dust on the site, including but not limited to watering or stabilization of exposed soils.

ix) Dewatering Controls - If excavation extends below the groundwater table, the City may require monitoring or testing of groundwater conditions. Monitoring wells and continuous monitoring shall not be required unless warranted by site conditions.

x) Noise Control - The City may require reasonable noise mitigation measures where construction activity impacts nearby properties.

xi) Hours - The City shall regulate the time of operation, but shall not permit construction activity or hauling outside of the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, excluding holidays. The City may allow limited Saturday work at its discretion.

xii) Restoration - The site shall be graded to stable slopes and all disturbed areas shall be stabilized and restored upon completion of the work.

xiii) Financial Guarantees - The City may require financial guarantees to ensure completion of the work, restoration of the site, and repair of any damage caused by the activity.

xiv) Additional Conditions - The City may impose additional conditions as necessary to protect public health, safety, and welfare.

c) **Public Hearing** - Prior to acting on any request for a permit, a public hearing shall be conducted by the Planning Commission, as determined by the City. Notice of the public hearing shall be given to all

owners of lands which abut the parcel or parcels upon which the excavation activity is to occur, as well as to the owners of all occupied structures within five hundred (500) feet of the property line perimeter of the parcel or parcels of land upon which the excavation activity is to occur. The City may require expanded notification where the scope of hauling or duration of the project warrants additional notice. "Excavation activity" includes the actual excavation area and any associated access routes or staging areas. The City may modify the required notification area based on the scale, duration, and anticipated off-site impacts of the project.

d) **Denial of Permit** - The City may deny the issuance of a permit if, following submission of the appropriate data, the City Council finds that the proposed activity:

i) Poses a significant threat of adverse environmental impact; or
ii) Creates potential traffic safety hazards; or
iii) Cannot meet the conditions of permit approval; or
iv) Is fundamentally incompatible with nearby land uses.

11-640 Standards for Excavations Requiring a Municipal Excavation Permit

Upon receipt of the application data required under Article 11-650, the City's engineer shall review and approve specifications provided by the developer for slope, depth, erosion control and other physical standards for Regulated Excavation, in concert with regulations established by other governmental jurisdictions, including, without limitation, any local watersheds, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and water or soil conservations services.

a) Permit Required - A Permit shall be required for any Regulated Excavation, Land Reclamation or Private Pond that exceeds the thresholds established in Articles 11-620 and 11-630. Regulated Excavations under this Section shall occur only within the Mining Overlay Districts and shall be conducted in conjunction with a Bona Fide Subdivision or other approved development of the property. Prior to issuance of a Permit, the application shall be reviewed by the Planning Commission and acted upon by the City Council. The issuance of a Permit by the City shall not be in lieu of any permit required by any other governmental agency, and it shall be the responsibility of the applicant to determine the need for, and to obtain, all such permits. The City Council may require a written Development Agreement in connection with any permit.

b) Conditions of Approvals

i) Location - Regulated Excavations may occur only in the Mining Overlay Districts as defined in Article 11-610. All excavation activity shall be conducted in conjunction with a Bona Fide Subdivision or other approved development. The excavation plan shall be designed so as not to adversely affect the ability of the property or adjacent properties to be developed in accordance with applicable zoning regulations. The subdivision shall meet or be subject to the following criteria:

aa) The subdivision shall contain at least one lot for each acre within the perimeter of the pond to be constructed on the site;

bb) The subdivision shall require no variances from lot sizes, frontages or cul-de-sac length;

cc) The City may impose reasonable setback distances in excavation projects so as to protect adjacent properties from unnecessary or undue interference due to noise or vibration from construction activity. In addition, where a project is located near land owned by entities other than the developer that is capable of future development, the excavation plans shall be accompanied by a ghost plat for such adjacent lands demonstrating that the excavation project does not permanently impair the ability of nearby property owners to subsequently develop their properties.

ii) Environmental Assessment Worksheet ("EAW") - for all Regulated Excavations in which the Pond Perimeter to be created , an EAW shall be required where mandatory thresholds are met or where the City determines that the scale or location of the project has the potential for significant environmental effects. Every EAW shall require comprehensive analysis and reporting on the following elements. In addition, for each element of the EAW, the written reports shall be prepared by qualified professionals that are bona fide experts in the field being reported upon, either as listed below or as determined in the sole judgment of the City staff.

aa) Projected Dewatering activity, including the proposed rate of dewatering, the cone of depression to be

formed, the drawdown effects of the dewatering, and the methods proposed to monitor the effects of dewatering. Qualifications of author: Registered Professional Engineer specializing in the field of hydrology.

bb) Location and effect upon wildlife habitat and vegetation, including migration corridors. Qualifications of author: Bachelor's Degree in a field of Biology, Forestry or a related science.

cc) Ambient noise levels to be experienced during peak construction periods by adjoining properties, showing projected decibel levels from construction equipment and hauling trucks. Qualifications of author: Bachelor's Degree in a field related to acoustical engineering.

dd) Effects upon traffic on roads to be used to transport material. Qualifications of author: Registered Professional Engineer specializing in traffic engineering.

ee) Such other elements as may be appropriate to the individual project or as directed by the City.

iii) Time Limits - All permits shall be for a specific maximum duration, not to exceed three construction seasons, including post-excavation work, and if greater than one year, the permit shall be subject to annual renewal. Renewal shall be granted under the same conditions as for the previous year, but if any conditions of the permit were violated during the year, the City may decline to renew or may alter the conditions of the Permit. Permits may be conditioned upon the periodic cessation of all or some activities for given durations of time. Notwithstanding the foregoing, on request of the Developer at the time of permit approval, the City may grant a window of five years during which the permit may be activated a single time within 24 months of the approval date, but once activated, all work must be completed within 36 months from the time it begins, not to exceed five years from the permit approval date. Work will deem to have begun on a date when an item of construction equipment is first placed on the property, or when the Developer notifies the City, whichever first occurs.

iv) Sanctions - In addition to the annual renewal sanctions allowable under Article 11-640(b)(iii) above, all permits shall be subject to revocation for violation of terms and conditions.

Furthermore, it shall be a condition of each permit that all activities may be summarily suspended by the City at any given time, and the City shall have the right to enforce such stop-work orders by having direct access to the property and equipment used on the project.

v) Payment of Costs - the Permitee shall be responsible to pay for all of the City's costs in reviewing any application, in monitoring compliance, and in enforcing any conditions.

vi) Access Roads - No permit shall be granted for any project which must use public roads to transport material, if any such public roads to be used have a bearing capacity of less than nine tons. In addition, the specific roads that may be used to transport material shall be identified at the time that Mining Precincts are established, and once identified, it shall be unlawful for any person to depart from the designated transport roads while operating a vehicle regularly used to transport fill.

vii) Precinct Limitations - only one excavation permit (Private Pond or Excavation) may be in existence at any given time within a single Mining Precinct. Notwithstanding the foregoing language, no Mining Permit shall be issued for any excavation project where the outside perimeter of the proposed excavation is closer than two miles from the outside perimeter of any pre-existing excavation operating under a Mining Permit, regardless of whether or not the two operations are in different Mining Precincts. Where such conflicts arise, permits will be issued on a first-come, first served basis, and the latter project may not commence activity until the former project has been completed.

viii) Air-Braking – vehicles using Access Roads to and from excavation site shall refrain from using air braking systems (commonly referred to as "Jake-Braking").

ix) Haul Roads - Every excavation project shall maintain interior haul roads from the nearest 9-ton road to the outside perimeter of the excavated area. Interior haul roads shall be treated with water or environmentally safe chemicals and shall be properly maintained so as not to generate dust from the haul roads.

x) Dewatering Controls - Every excavation project shall install and maintain monitoring wells as designated by the

City, having electronic controls capable of constant water level monitoring. Prior to commencing any dewatering activity, the Developer shall conduct such baseline studies of existing private wells and ponds as directed by the City through development agreement. Private wells within a radius determined by the City's engineer shall be tested for water quality prior to any dewatering activity, and shall be retested annually during the course of the project, or more frequently at the direction of the City's Engineer if complaints are registered that justify such re-testing, in the sole judgment of the City's Engineer. Private well testing shall not be required if the owner of the well refuses to allow testing, provided that the Developer furnish satisfactory evidence to the City staff of such refusal, and subject to verification by City staff of such refusal. In verifying such refusal, City staff shall make at least one attempt to communicate by U.S. mail, at least one attempt to communicate by telephone, and shall prepare a written report to the City Council detailing the attempts to contact the refusing party.

xi) Traffic Control - turn lanes shall be constructed at the entrance/exit points of all excavation projects with Access Roads to specifications to be established by the jurisdiction having control of the Access Road, but at a minimum, including the following:

aa) For vehicles entering with a right-hand turning movement, a deceleration lane of not less than 300 feet in length;

bb) For vehicles exiting with a right-hand turning movement, an acceleration lane of not less than 600 feet in length;

cc) For vehicles entering with a left-hand turning movement, a separate left-turn lane on the Access Road of not less than 200 feet in length, or a bypass lane of not less than 400 feet in length;

The City may also at any time require the installation of temporary signal lights, and may direct either a cessation of hauling activity using the Access Roads during peak traffic hours or direct such other traffic safety measures to be implemented as are necessary to enhance traffic safety during such periods of time.

It shall be the responsibility of the permit applicant to obtain the necessary approvals of the construction of turn lanes from the entity having jurisdiction over the Access Road.

xii) Maximum Annual Volume - The City shall, by development agreement, establish the annual maximum number of cubic yards of material that can be removed from a given site during a single calendar year.

xiii) Muffling of Generator or Pump Noise - If the project involves the use of generators or pumps that operate outside of the normal hours of operation, all such pumps shall be enclosed by wooden structures that muffle the sound of the pumps to the point where pump noise is minimally audible from nearby residences during night time hours. To this end, all such enclosures shall be engineered to include proper insulation, and detailed plans for the housings shall be submitted for approval by the City's engineer prior to the time that any such pumps or generators commence operation.

xiv) Water Table Recharge Methods – All excavation projects shall include as a part of the operation a plan for diverting water removed in the dewatering process to locations where the pumped water will be able to recharge any lowered water tables in the most expeditious manner that is practical.

xv) Additional Dust Control Measures – In addition to dust control measures on haul roads, the Developer shall implement dust control measures within all other areas of the project that may be conducive to the creation of dust. Such measures shall be as directed by the City's Engineer from time to time, and may include, without limitation, the following:

aa) Watering of exposed areas;

bb) The placement of straw, sod or other cover material on exposed areas;

cc) Restrictions on the size and location of stockpiles of material awaiting transport;

dd) Covering stockpiles of material awaiting transport.

ee) Creating seeded berms with material eventually intended for use in restoration work.

xvi) Surveillance - The Developer shall be required to install television monitoring cameras to record all traffic entering and leaving the site from the Access Roads, and at other locations that may be directed by the City's Engineer, to capture in sufficient detail any failures of vehicles to observe traffic control devices and to verify that hours of operation are being observed at all times. Tapes or discs of each 24-hour daily monitoring shall be preserved by the Developer and available to City staff for thirty days after recording.

xvii) Sureties - The City shall require financial guarantees for the prompt completion of each project, for road repair costs, well replacement and other hydrologic damage, restoration costs on non-renewal of permit, revocation of permit, abandonment, and general performance and indemnity of the City.

xviii) Hours - The City shall regulate time of operation, including different phases of operation, but shall not permit any construction activity (except pumping) or hauling outside of the hours of 7 am to 7 pm on Monday through Friday (excluding holidays that fall on those days). The City may, by development agreement, allow construction activity and hauling between the hours of 8am and 5pm on Saturdays, subject to the right of the City to alter or eliminate Saturday work in its sole discretion. The foregoing prohibition on hauling times includes the practice of trucks queuing and/or waiting either at or near the entrance gate or on the grounds of the project prior to the start time each morning, or running vehicle engines in any form on or near the grounds after the finishing time each evening.

xix) Size - The City may limit the amount of the land area, setback, depth and slope ratios for Regulated Excavations.

xx) Neighborhood Liaison - The City may require a developer to cooperate with a neighborhood liaison group where circumstances are appropriate, for the purpose of reviewing and acting upon complaints, receiving suggestions, and the like.

xxi) Security - The City may require the construction of security fencing or other devices, including the installation of additional security cameras and tapes, to monitor both public safety and compliance issues.

xxii) Noise Control - The City may regulate the volume of noise and require additional noise abatement measures where appropriate;

xxiii) Studies - Prior to completing the approval process, the City may engage professional consultants, at Developer expense, to give recommendations as to conditions to be attached to a given permit.

xxiv) Deposit - The City Council may require an advance cash deposit sufficient to defray the City's review and monitoring costs in administering the permit.

xxv) Prior History - The City Council may deny the application of any applicant who is found to have a previous history of non-compliance with the provisions of previously issued excavation permits in the City.

c) Public Hearing - Prior to acting on any request for permit, a public hearing shall be conducted by the Planning Commission. Notice of the public hearing shall be published in the same manner as for notices of zoning amendments, with notice given to all owners of lands which abut the parcel or parcels upon which the excavation activity is to occur, as well as to the owners of all occupied structures within one thousand five hundred feet of the property line perimeter of the parcel or parcels of land upon which the excavation activity is to occur. Notice of the public hearing shall also be given to all residences that abut the Access Roads to be used for the project within a distance of one mile from the outside perimeter of the parcel or parcels upon which the excavation activity is to occur. "Excavation activity" includes the actual excavation pit, all haul roads, storage areas, equipment staging areas, pump locations and parking areas for cars or construction offices. The City may modify the required notification area based on the scale, duration, and anticipated off-site impacts of the project.

d) Denial of Permit - The City may deny the issuance of a permit if, following submission of the appropriate data, the City Council finds that the proposed activity:

i) Poses a significant threat of adverse environmental impact; or

ii) Creates potential traffic safety hazards; or

iii) Cannot meet the conditions of permit approval; or

iv) Is fundamentally incompatible with nearby land uses, by reason of a tendency to interfere with the quiet enjoyment of those land uses, lower property values or to remove natural vegetative screening.

e) Project Intent – In the event of a question regarding classification of an excavation activity, the City shall determine applicability of this Section based on the total volume of material removed from the site, the frequency and duration of hauling operations, and the overall scale of the activity, rather than the stated purpose of the excavation.

11-650 Permit Application

The application for the permit required in Article 11-630 or 11-640 hereof shall be made in writing signed by both the owner and the applicant, to the City Administrator on such form as the Administrator may, from time to time, designate, and shall include such information as may be required by the Administrator and shall contain among other things:

a) The correct legal description of the premises where the storage, filling, removal, or excavation of rock, sand, gravel, clay, peat or other like materials shall occur.

b) The name and address of both the applicant and owner of the land.

c) The purpose of the removal, storage, fill or excavation.

d) The estimated time required to complete the removal, storage, fill or excavation.

e) The highways, streets or other public ways within the City upon and along which the material introduced or removed shall be transported.

f) A map or plat of the proposed pit or excavation to be made showing the confines or limits thereof together with the proposed

finished elevations based on sea level readings, and a notation indicating high water levels and boundaries of flood plains.

g) Any other information deemed necessary by the City Council.

h) An application fee to be established from time to time by resolution of the City Council.

11-651 Initial Mining Precincts and Access Roads

The following Mining Precincts and Access Roads serving those Mining Precincts are hereby established:

A. Precinct 1: All of those portions of Sections 5, 8, 17, 20 and the north half of Section 29 that lie westerly of TH 65; also all of Sections 6,7,18, 19 and the north half of Section 30. Access Roads: CSAH 18 (Crosstown Boulevard NE) west of TH 65; County Road 60 (Constance Boulevard NE) west of TH 65; Andover Boulevard NE west of TH 65; and all of TH 65.

B. Precinct 2: All of those portions of Sections 5, 8, 17, 20 and the north half of Section 29 that lie easterly of TH 65; also all of Sections 9, 10, 15, 16, 21, and 22, and the north half of Sections 27 and 28; also the west half of Sections 2,11,14, and 23; also the northwest quarter or Section 26. Access Roads: CSAH 18 (Crosstown Boulevard NE) west of the north-south extension of Durant Street NE; all of TH 65. County Road 60 (Constance Boulevard NE) west of the north-south extension of Durant Street NE; 149th Avenue NE west of Naples Street NE; all of TH65.

C. Precinct 3: All of Sections 1 and 12; the east half of Sections 2 and 11; the north one-quarter of Section 13; the north half of the northeast quarter of Section 14. Access Roads: CSAH 18 (Crosstown Boulevard NE) east of the north-south extension of Durant Street NE and CSAH 17 (Lexington Avenue NE) north of its intersection with CSAH 18 (Crosstown Boulevard NE).

D. Precinct 4: All of Sections 24, 25 and 36; the south one half of the northeast quarter of Section 14; the southeast quarter of Section 14; the south three quarters of Section 13; the east half of Sections 23, 26 and 35. Access Roads: County Road 60 (Constance Boulevard NE) east of the north-south extension of Durant Street NE; CSAH 17 (Lexington Avenue NE) only.

E. Precinct 5: All of Sections 31, 32, 33 and 34; the south half of Sections 27, 28, 29 and 30; the west half of Section 35; the southwest quarter of Section 26. Access Roads: CSAH 116 (Bunker Lake Boulevard NE)

west of Naples Street NE; Radisson Road NE south of 141st Avenue NE; All of TH65

11-652 Variances

Notwithstanding the foregoing language of this Article 11-600, and except for the public hearing requirement of Article 11-640(c), the City Council shall retain the right to grant variances from the strict enforcement of the terms and conditions of this Article for good cause shown, including, without limitation, for any of the following reasons:

a) Existing drainage conditions on or near the proposed project are in need of correction for the benefit of public health, safety or welfare;

b) The proposed project is in a location having a substantial spatial separation form nearby active land uses;

c) There are stockpiling conditions present on the property housing the proposed project that predated the effective date of the 2007 amendments to this code, and the scope of the proposed project is limited to removal of the stockpiled materials only;

d) There are on file previous studies, reports or plans that, in the sole discretion of the City Council, remain valid and current for the proposed project;

e) The scope of the proposed project is otherwise sufficiently limited in size, duration, and impact on surrounding property to justify the granting of a variance.

Prior to granting any variance, the City Council shall adopt findings of fact stating the reasons for the variance.

11-700 Roads and Streets

11-710 Physical Standards

No roadway shall be accepted in the future for city maintenance before same shall conform to the following:

A. The minimum right of way shall be sixty-six (66) feet, with a cul-de-sac of at least one hundred twenty (120) feet provided at the end of all dead end streets. Right of way widths for service roads along main arterial highways may be a minimum of 50 feet, including those designated MSA.

B. The typical cross-section may be of either a rural design, with roadside ditches, or of an urban design, with boulevards, whichever is recommended by the City engineer subject to City Council approval. A rural section will typically be allowed only in wetland impact areas

when an urban section would result in greater wetland impact. An urban section with 3:1 (horizontal:vertical) slopes will be allowed in wetland impact areas. All streets shall have adequate sub-base and shall be constructed in accordance with the design standards filed in the office of the City Engineer. Roadside ditch slopes shall not exceed a ratio of 4:1 (horizontal:vertical).

C. The centerline grades of all roads shall be a minimum of six tenths (.60) percent, but shall not exceed a maximum of six (6%) percent.

D. All streets shall have a 3-foot plus separation from highest annual ground water. If less separation is proposed, the project proposer and/or engineer shall obtain a soils report recommending the street design section to the approval of the City Engineer.

E. The plans shall indicate how all drainage from the roadway, from the abutting parcels, and through drainage from other parcels is being handled. The roadway and drainage facilities shall then be constructed in accordance with the approved plan.

F. Storm sewer and culverts required to carry surface run-off shall be sized to carry the anticipated flows for a 10-year, 24 hour event, with minimum diameters of fifteen (15) inches for storm sewers and twelve (12) inches for individual driveway culverts and catch basin leads less than 40 feet in length. The drainage systems shall be designed per the Watershed District, Watershed Management Organization and Local Watershed standards, in addition to those design requirements on file in the office of the City Engineer.

G. All rubbish or trees dug out in the building of roads shall be disposed of immediately upon completion of the road by the contractor.

H. The residential roadway surfaces shall be stabilized by one of the following methods or an acceptable equivalent.

1. The base shall consist of a minimum of four (4) inch thick compacted layer of Class 5 aggregate base, constructed in accordance with Section 2211 of the latest edition of the Minnesota Department of Transportation “Standard Specification for Construction”. Other base designs, with a granular equivalent of at least 4.0, may be presented to the City for consideration. Sufficient technical detail shall be presented so as to provide a complete basis for comparison of the proposed alternate design to those specified.

2. The wearing surface shall consist of a minimum 1 inch thick bituminous, wear course, constructed in accordance with Section 2350, LVWE45030B or MVWE45035B over 2 inch thick bituminous base nonwear course constructed in accordance with Section 2350, LVNW35030B or MVNW35035B of the latest edition of the Minnesota Department of Transportation “Standard Specification for Construction”.

3. All new streets shall have modified D312, D412, B612 or

B618 concrete curb and gutter installed in accordance with Section 2531 of the latest edition of the Minnesota Department of Transportation "Standard Specification for Construction" and standards on file in the office of the City Engineer. Valley gutter is not allowed.

4. Adequate financial security in favor of the City of Ham Lake, in a form acceptable to the City Council, shall be furnished by the developer to insure that any defects in the road occurring within a period of one (1) or two (two) years after completion, will be repaired and paid for by the developer, and such security shall be in the sum and format as set by the City Council. A two year security will be required when any of the density test requirements are not met.

I. All roadside areas whose surface vegetation was disturbed during the construction of the roadway, shall be reseeded with a blend of grain, such as rye or oats, and permanent grasses. Where concentrations of run-off will cause erosion problems, the installation of sod with topsoil may be required at the discretion of the City Council.

J. An easement for said roadway right-of-way as a public right-of-way shall be granted to the City by proper conveyance or dedication and accepted by the City Council, if the roadway is otherwise in compliance with requirements of this Code.

K. Street signs shall be erected at all intersections and elsewhere as required by the City Council and such signs and the poles to which same are attached shall meet the construction and design requirements of the City Council.

L. Table 11-4 shall, subject to the design standards filed in the office of the City Engineer and review by the City Engineer, govern other physical standards for roadways:

M. A 2% minimum cross slope shall be required on all cul-de-sacs.

N. Vertical curves are required if the algebraic difference of the curves is greater than 1%. The Rate of Vertical Curvature, K, is to meet MnDOT Design Policy and Criteria for sag and crest vertical curves. Sag curves required to have a minimum K of 37 and crest curves required to have a minimum K of 30 for a 30 mph design speed.

11-720 Special Standards for MSA and CSAH Roads

A. Excluding main arterial highway service roads, all roads and streets designated or hereafter designated as Municipal State Aid roads, the minimum right-of-way required shall be 66 feet, for County State Aid Highway roads 120 feet.

11-730 Residential Driveway Widths (also see Article 10-430)

A. Maximum width of a driveway at the curb to the right-of-way line to be 30 feet.

B. Driveways on cul-de-sacs to be a maximum width of 24 feet from the curb to the right-of-way line. All properties on cul-de-sacs will be allowed only one driveway from the street.

C. For parcels not on a cul-de-sac, a secondary driveway may be constructed with a maximum width of 24 feet at the curb to the right-of-way line.

11-800 Building Numbering System

11-810 Uniform Numbering System

A uniform system of numbering properties and principal buildings is hereby adopted for use in the City of Ham Lake, as indicated on the certain map or maps identified as the City of Ham Lake Number index on file in the office of the City Clerk. Said index and all explanatory matter thereon is hereby made a part of this Code.

11-820 Assignment of Numbers

All properties or parcels of land within the City of Ham Lake shall hereafter be identified by reference to the Uniform Numbering System adopted herein. Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such building shall bear a separate number.

11-830 Display of Numbers

It shall be the duty of the owner, lessor or occupant of every house, industrial, commercial or other building, to have proper house or building numbers either by affixing such number assigned in metal, glass, plastic or other curable material. The number shall **be not less than 4-inches in height on all commercial/industrial/residential buildings,** and in a contrasting color to the building. Said numbers are to be placed on structures, not garage doors, and to be easily seen from the street fronting the building. Said numbers are also to be placed on both sides of mailboxes, except where mailboxes are in a group, the numbers shall be placed on the front and on the side of each end mailbox. All auxiliary buildings within a unit having an assigned number, such as a garage, barn and buildings of the like nature, are not affected by the code.

11-840 Administration

The Building Inspector shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned under this Code. The Building Inspector shall issue to any property owner upon request and without charge a number for each principal building or separate front entrance to such building. The Building Inspector shall issue only the number assigned to such building under the provisions of the Code, provided, however, that the Building Inspector may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has resulted to any property owner.

The property owner shall be responsible for obtaining suitable numbers for property identification.

11-900 Demolition and Moving-In of Buildings

11-910 Definitions

11-911 Building

Building shall mean a structure supported by three or more walls, covered by a roof supported by said walls. This definition shall exclude any metal or wooden shed which contains less than 120 square feet of available floor space, and shall exclude manufactured mobile homes as that term is governed and defined in Article 9-340.2 of this Code.

11-912 Moving-In

Moving-In means the transporting of any building to any designation in the City, regardless of the point of origin.

11-913 Demolition

"Demolition" – means the razing or other destruction or partial destruction of any structure which, if being constructed anew, would require the issuance of a building permit. For structures located on agriculturally used lands that do not require building permits, the term "structure" shall include any barn, shed, or other facility containing walls and a roof, and having 120 square feet or more in area.

11-920 Permit Required for Moving In Buildings

No person shall move in any building to the City of Ham Lake without first obtaining a permit from the Zoning Officer. Only buildings which are intended to be placed upon permanent foundation, for permanent usage as an occupied structure at that location shall be eligible for a permit. The moving in of buildings to serve as inventory for resale, temporary usage, or other storage is prohibited. No permit for a building which is eligible for a permit shall be issued unless the following are complied with:

A. The applicant shall furnish to the Zoning Officer a drawing of the lot upon which the building is to be placed. Said drawing shall be at a scale of not less than 1 = 100 feet, and shall include the following:

1. Distances from lot lines to the foundation of the proposed location.

2. Acres on the lot containing highest known ground water elevations not less than five and one-half feet from the land surface.

B. The applicant shall furnish to the Zoning Officer such plans or photographs of the building as the Zoning Officer desires, and shall, if requested by the Zoning Officer, permit inspection of the building.

C. The Zoning Officer shall verify, by inspection if necessary, that the building site upon which it will be occupied, and the usage of the building will meet all applicable State and City Codes including but not limited to building construction, lot size, frontage, setbacks, livability, zoning and access to public roads. If any of said codes are not satisfied, or cannot be satisfied, no permit shall be issued.

D. The applicant shall have paid a fee required by City Council Resolution.
E. The applicant shall post cash security in an amount to be established by the Building Official sufficient to pay for 150% of the Building Official's estimate of the cost of remediating any condition created by the failure of the applicant to properly install the moved-in building on the site intended. In addition, the applicant shall sign a "Right-of-Trespass" granting to the City or its agents the right to enter the property and to complete all remediation activity if the applicant shall fail to do so in a timely manner. The Right-of-Trespass shall contain a clause allowing the City to reimburse itself for the actual costs thereof from the applicant's cash deposit, refunding the balance, if any, to the applicant when the activity is completed.

11-930 Permit for Demolition

Prior to commencing any demolition activity, the applicant shall first apply for and obtain a Demolition Permit from the City's Building Official. Fees for such permits shall be established from time to time by resolution of the City Council. It shall be a violation of this ordinance to conduct any demolition activity without first having obtained a permit, or to fail to observe any condition of issuance of the permit.

A. **Information Required** In making application for the permit, the applicant shall provide the following information:

1) The street address where the proposed demolition will occur;
2) A photograph of the structure to be demolished;
3) The existence, if known, of any asbestos or other hazardous material on the site, together with a disposal plan for such materials in accord with applicable laws and regulations of all agencies having jurisdiction over such matters;
4) A disposal plan listing the manner of disposal and destination sites of all other materials created by the demolition.
5) A restoration plan showing the topography, landscaping and ground cover to be established following the demolition. If a new structure is to be immediately commenced replacing the demolished structure, and if a building permit for the new structure is applied for at the time of the application for the demolition permit, then no restoration plan shall be required.

B. Required Elements of Permit Every Demolition Permit issued by the City's Building Official shall contain the following elements, each of which is to be a condition of issuance of the permit.

1) A time limit in which the demolition, removal of all materials created by the demolition, and restoration plan completion (if required) shall occur;
2) A requirement that the applicant post cash security in an amount to be established by the Building Official sufficient to pay for 150% of the Building Official's estimate of the cost of demolition,

transporting all materials created by the demolition to an approved disposal site, and restoration in accord with the restoration plan, if a restoration plan is needed.

3) A requirement that the applicant sign a "Right-of-Trespass" granting to the City or its agents the right to enter the property and to complete all demolition or disposal activity if the applicant shall fail to do so in a timely manner; the Right-of-Trespass shall contain a clause allowing the City to reimburse itself for the actual costs thereof from the applicant's cash deposit, refunding the balance, if any, to the applicant when the activity is completed.

4) A requirement that the demolition include removal of all foundation material, and the filling of all sub-surface cavities created by the demolition, to match existing grades;

5) A requirement that the demolition include the removal of all paved surfaces unless these surfaces are to be re-used in connection with a replacement structure.

6) A requirement that all abandoned Wells, abandoned Individual Sewage Treatment Systems, abandoned Fuel Oil Tanks or other abandoned underground construction be properly capped, removed, treated or disposed of in accord with the regulations of any agency having jurisdiction over such features.

11-1000 Solid Fuel Burning Appliances

11-1001 Adoption by Reference

Certain portions of that certain document entitled "Installation and Operation of Solid Fuel Burning Appliances" prepared by the International Conference of Building Officials, Copyright 1981, are hereby adopted by reference. Hereinafter, in this ordinance, all references to page numbers, figures or tables, are to the page numbers, figures or table numbers found in said document.

11-1002 Definitions

The definitions as found on page 9 and page 10 are hereby adopted by reference.

11-1003 Permit Required

No chimney, fireplace, fireplace stove or other device designed or intended for usage for the combustion of any solid fuel in any such device located within a dwelling or other building shall be installed unless a permit shall first have been obtained for such installation and unless a Certificate of Compliance with specifications for installation shall have been obtained as hereafter provided. Permit forms shall be prepared by the zoning officer. There shall be a fee for any such permit, which fee shall be set from time to time by the City Council, and which permit shall be known as a Solid Fuel Burning Appliance Permit. Notwithstanding the foregoing language, any such device which is included with the plans and specifications for any new construction of any building, and which is subsequently inspected by the

zoning officer in the same manner as provided in Article VII hereof in connections with the issuance of a Certificate of Occupancy for completion of said building shall be excepted from the requirements of obtaining a solid fuel burning appliance permit. Any such devices installed in connection with building construction shall, however, be subject to the same requirements of installation and materials as is found in this ordinance.

11-1004 Standards for Installation

The following standards for installation are hereby adopted by reference.

- **A**. Requirements for masonry fireplaces, figure No. 4 and accompanying table, pages 14 and 15.
- **B**. Separation of flues in masonry fireplaces, figure 5 (page 16)
- **C.** Clearances to combustibles (masonry fireplaces and chimneys,) Figure No. 6 (page 16)
- **D.** Change in size or shape of masonry chimneys, Figure No. 7 (page 17)
- **E.** Corbeling (masonry chimneys), Figure No. 8 (page 17)
- **F.** Factory built chimneys and accessories, Figure No. 11 (page 25); Figure No. 12 (page 26); Figure No. 13 (page 27); Figure No. 14 (page 28); Figure No. 15 (page 29).

11-1005 Identification Labels

Every manufactured heating appliance shall bear a permanent and legible nameplate, factory applied, and bearing the Manufacturer's name and address, model number, serial number, clearances to combustibles, details of hearth extension, and chimney, research report number and name of inspection agency. Operation of warnings such as type of fuel, manner of burning, cleaning, use of doors and other accessories are to be included as necessary on said labels. Said labels should, as closely as possible, be similar to those examples noted on Figure No. 19, page 33, Figures Nos. 20 and 21 on page 34, and figure No. 22 on page 35, all of which are adopted by reference.

11-1006 Inspection and Installation and Certificate of Compliance

Following installation of any solid fuel burning appliance, the zoning officer shall inspect the installation thereof, and if found to be in conformance with the requirements of this ordinance a Certificate of Compliance shall be issued. Hereafter, in addition to such criminal sanctions as may be imposed for the violations of this ordinance, in the event that any fire call is necessitated as a result of a fire in connection with a solid fuel burning appliance installed after the effective date of this ordinance, and for which no permit was obtained or for which no Certificate of Compliance was obtained, then in that event, the actual cost to the City of Ham Lake of answering any such fire call shall be the responsibility of the building owner. All Certificates of Compliance shall bear the following disclaimer:

NOTICE: THE CITY OF HAM LAKE HAS ADOPTED CERTAIN STANDARDS FOR THE INSTALLATION AND OPERATION OF SOLID FUEL BURNING APPLIANCES, WHICH STANDARDS WERE PREPARED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS. THE CITY OF HAM LAKE WILL ENDEAVOR TO INSPECT ALL NEW INSTALLATIONS OF SUCH DEVICES TO INSURE COMPLIANCE, BUT CANNOT GUARANTEE TO ANY INDIVIDUAL BUILDING OWNER THAT SUCH INSPECTIONS WILL BE SUCCESSFUL AT DETECTING ERRORS IN CONSTRUCTION, MANUFACTURE, OR THE LIKE. THE CITY OF HAM LAKE DISCLAIMS ANY LIABILITY TO ANY BUILDING OWNER FOR ANY INJURY OR DAMAGE ARISING OUT OF THE USAGE OF ANY SOLID FUEL BURNING APPLIANCE BY ANY APPLICANT, AND ADVISES ALL APPLICANTS THAT THE USAGE OF SAID DEVICES ARE DONE AT THE RISK OF THE APPLICANT.

11-1007 Miscellaneous

A. The standards and specifications contained within this ordinance are supplementary to, and not in place of any portion of the Uniform Building Code or the Minnesota State Building Code, also adopted by reference by the City of Ham Lake. All provisions of said building codes remain in full force and effect.

B. One copy of the document entitled “Installation and Operation of Solid Fuel Burning Appliances”, prepared by the International Conference of Building Officials, Copyright 1981, and any supplements thereto, shall be kept at all times at City Hall, and maintained by the Zoning Officer for inspection by members of the public. The City shall also endeavor to obtain copies of said documents for purchase by members of the public.

11-1100 Hotels, Motels and Lodging Houses

The City Council of the City of Ham Lake finds that there is a need to protect the safety and welfare of those members of the public utilizing the services of hotels, motels or lodging houses with the City. As a result of the high turnover rate for guests in such facilities, complaints about unsafe or unsanitary conditions are often not made to municipal authorities; however, as a result of the disproportionately high number of police calls to such facilities responding to problems and complaints, the City is aware that such complaints do exist. As a result of these public safety concerns, it is the intention of the City to enforce the licensing and regulatory provisions of the ordinance against existing as well as future hotels, motels and lodging houses.

11-1101 Definitions

11-1101.1 Hotel/Motel

A hotel or motel refers to a business in which one or more units are rented out to persons for stays generally less than one month’s duration, but which do not contain housekeeping facilities such as stoves or

refrigerators, and which are not intended to serve as a temporary dwelling, but merely to provide temporary lodging.

11-1101.2 Lodging House
A Lodging House is a business engaged in the rental of dwelling units containing housekeeping facilities, including stoves, refrigerators and other food storage or preparation facilities to provide all of the basic habitation needs for occupancy thereof as a self-contained dwelling unit. Buildings that otherwise meet this definition, but which contain four or fewer dwelling units shall be exempt from this definition. In addition, a facility that would otherwise meet the definition of a Lodging House, but which is owned and/or operated by a government entity subject to operational and other standards promulgated by the federal housing administration, any state agency, or any local housing and redevelopment authority shall be exempt from this definition.

11-1102 License Required

11-1102.1 Annual license
Every hotel, motel or lodging house shall be required to secure a license from the City of Ham Lake. Licenses, when issued, shall be issued for one (1) year and a fee to be established from time to time by the City Council shall be charged for the issuance of the license.

11-1102.2 Procedure for Issuance
Applications for issuance shall be prepared by the City Administrator. All applicants shall complete the application and present it to the City Administrator along with the required license fee. The application shall be referred to the Planning Commission for its review and recommendations, and final action shall be taken by the City Council after review by the Planning Commission.

11-1102.3 Additional Conditions
In addition to the conditions imposed by the terms of this ordinance, the City Council may, in its discretion, impose such additional conditions as may be necessary to protect the public health, safety or welfare in any given case.

11-1102.4 Existing Facilities
All existing hotels, motels and lodging houses shall be required to complete the above licensing procedure, but shall be entitled to the presumption that the usage of the property upon which the existing facility sits is appropriate and within the zoning codes. In addition, existing facilities shall have ninety (90) days from the effective date of this ordinance to apply for a license, and after the date of issuance, shall have twelve (12) months in which to come into compliance with all of the conditions imposed by this ordinance, and any other conditions which may be imposed as a condition of issuance of the license.

11-1102.5 Violation of Terms

In the event that a violation of any of the terms of this ordinance or any of the conditions of an issued license are found to exist, the zoning officer shall issue a DEFICIENCY REPORT which shall be a written advisory to the licensee specifying the conditions which were found to be in violation. In the event the deficiency requires time to correct, the zoning officer shall also state in the deficiency report a reasonable period of time in which the licensee is to complete corrective action. If the deficiency report refers to only one or more certain individual rental units, then, as to those units, the licensee shall not rent them to any person until the corrective action has been taken. If the deficiency report refers to conditions which are general to the business, then the following shall apply:

a. If the deficiency is physical in nature, requiring repair or other physical activity, then the licensee shall not be permitted to rent out any units to new customers until the corrective action has been completed;

b. If the deficiency refers to a behavioral aspect such as failure to control noise or illegal activity, then the deficiency report shall advise the licensee that the license has been given probationary status, and that unless the behavioral deficiencies are found to be corrected in the ensuing ninety (90) days, that the City may take action to revoke the license. The zoning officer shall monitor the progress of the licensee, and if no further complaints are received in the ensuing ninety (90) days, the licensee shall be deemed to have corrected the deficiency. If, however, complaints continue to be received, the zoning officer shall refer the matter to the City Council for possible revocation.

11-1102.6 Revocation

The following conditions shall be grounds for revocation of a license:

a. Failure to correct a deficiency report within the prescribed timeframe;

b. Chronic or repeated deficiency reports, whether or not corrected, covering the same subject matter.

The issuance of six or more deficiency reports within any twelve (12) month period shall be deemed to be chronic and repeated violations. If the zoning officer or City Council feels that revocation of a license is warranted, the City Council shall notify the licensee in writing, and provide a public hearing at a regular or special City Council meeting at which the licensee may appear to show cause why the license should not be suspended. At such a hearing, the Zoning Officer shall present to the City Council justification for revocation, and the licensee may present such evidence to the City Council as the licensee deems appropriate. The licensee is entitled to be represented

by legal counsel and a written transcript shall be made. Following the hearing, the City Council shall take action by majority vote and if a majority of the City Council members voting determine to revoke the license, written notice of the reasons for the revocation, together with a notice of revocation, will be issued to the licensee. Upon revocation, the licensee shall be given thirty (30) days in which to cause all occupants of the facility to vacate the premises, after which time any usage of the premises as a hotel, motel or lodging house shall be prohibited unless a new license is obtained. The operation of any premise as a hotel, motel or lodging house without a valid license in place, shall be a misdemeanor.

11-1103 Standards of Operation

11-1103.1 Sanitation

a. Septic Systems

All septic systems located upon the premises of any hotel, motel or lodging house shall be constructed in accordance with applicable building and health codes. In addition, the Zoning Officer shall inspect on an annual basis the septic system at each hotel, motel or lodging house.

b. Bathrooms

Group or shared bathrooms shall be prohibited. Each individual rental unit shall be provided with a separate and enclosed bathroom, including sink, toilet and shower.

c. Washing Facilities

Lodging houses must provide facilities for washing and drying clothes and linens. Outside clothes lines shall be prohibited. Clothes washing facilities may be shared by occupants but at least one washing machine and dryer shall be provided for each six units.

d. Cooking Facilities

For lodging houses, where cooking and food storage facilities are provided, stoves and refrigerators shall meet all applicable codes pertaining to electrical and gas connections; in addition, when occupancy of a particular unit changes, food storage in it shall be thoroughly emptied and disinfected prior to occupancy by another tenant.

e. Recreation Facilities

Any outside cooking facilities, such as barbecues, picnic tables or the like, shall be cleaned on a regular basis and be kept free of grease or accumulated grime. All recreation areas or picnic areas shall be fenced and shall not be open to the general public.

f. Trash Storage

All trash for pick-up by a sanitation service shall be stored in a single location, outside of the buildings in a container capable of being

completely closed which container itself be enclosed in a fenced area made up of opaque material.

g. Painting and Peeling

All exterior surfaces of the buildings comprising the business operation shall be maintained as follows:

i. Wood Surfaces

For wood surfaces, all such surfaces shall be stained or painted, and maintained in such a manner as to prevent mildew, warping, rot, or other conditions which might tend to harbor or permit access to the building by vermin or rodents. All peeling paint surfaces shall be promptly scraped and repainted so as to prevent the possibility of ingestion by infant children.

ii. Metallic Surfaces

All metallic surfaces shall be kept painted or otherwise treated in such a manner as to prevent rust, and to prevent deterioration which would attract nesting places or access points for vermin or rodents. As for wood, surfaces containing peeling paint shall be promptly scraped and repainted.

iii. Concrete or Masonry Surfaces

Concrete or masonry surfaces shall be painted or otherwise treated so as to completely seal said surfaces to prevent nesting places or access points for vermin and rodents and any peeling paint shall be treated as for wood and metal surfaces.

iv. Asphalt and Concrete Pavements

All asphalt and concrete surfaces shall be maintained so as to prevent cracks and holes, and all cracks and holes appearing shall be promptly filled or sealed. Parking lots shall be striped, and all parking lots shall be in sufficient size to provide for one parking stall for each rental unit, one parking stall for each employee, and one additional parking stall for every five (5) rental units.

v. Roof Surfaces

All roofing surfaces shall be maintained in good repair, completely covered by shingles or other suitable roofing materials so as to prevent leakage of water or melting snow into any of the buildings.

11-1103.2 Health, Fire and Building Codes

a. Observance

The licensee shall observe all health, fire, and building codes which apply to any aspect of the licensee's operation. In particular, for lodging houses, individual rental units shall meet the same standards for construction, wiring, plumbing and the like as are found for permanent residential dwellings.

b. Sprinkler Systems

All new hotels, motels or lodging houses shall be equipped with a fire control sprinkler system or automatic sprinkler system meeting applicable fire codes.

11-1103.3 Quiet Enjoyment and Safety

a. Security

Every hotel, motel or lodging house shall have a designated security person on duty twenty-four (24) hours per day. The security person may be the desk clerk. The security person shall be available by telephone, or when on patrol, by a paging device. Commencing at 10:00 p.m. each day and every hour thereafter until sunrise, the security person shall make an hourly patrol of the premises, touring each and every corridor, inspect each and every entrance and exit, and tour the outside perimeter of the buildings and parking lot. This requirement may also be satisfied by the installation of a closed- circuit television monitoring system which provides constant surveillance of all such areas on a scanning basis, observable from the desk clerk's location, and capable of picking up sound.

b. Disturbances

Every hotel, motel and lodging house shall post rules prohibiting excessive noise, disturbances and illegal activity of any kind from taking place within any rental unit. The security person shall be responsible to enforce these rules.

c. Telephones

Every rental unit shall be equipped with a working telephone, capable of dialing outside the hotel, motel or lodging house, as well as capable of connecting to the security person, and capable of being separately traced by all operators to identify the source of any 911 call by unit number.

d. Lighting

All entrances, exits, hallways and parking lots shall be sufficiently illuminated to prevent the concealment of persons or the placement of obstructions to pedestrian traffic.

e. Tenant or Guest Complaints

All complaints received by the licensee from any guest or tenant regarding any physical condition or behavioral aspect found within or about the licensed premises, shall be reported to the Zoning Officer on forms to be prescribed by the Zoning Officer, within twenty-four (24) hours after the complaint is received. The report shall contain the description of the complaint, the name of the complaining party, and the remedial action, if any taken by the licensee.

11-1103.4 Compliance with Zoning Code

It shall be the responsibility of each licensee to ensure that all aspects of the City's zoning code are observed by occupants of its rental units. If the licensee is aware of any zoning violation, such as the carrying on of a

business from a hotel, motel or lodging house unit, or if the licensee is aware of any illegal activity, such as the sale or usage of controlled substances, it shall not only be the responsibility of the licensee to report such activity to the Zoning Officer, but it shall also be the responsibility of the licensee to evict occupants engaging in such activities. Failure by the licensee to control such activities shall be grounds for the issuance of a deficiency report and may be grounds for the eventual revocation of the license.

11-1103.5 Nuisances

The following are declared to be public nuisances, and are the responsibility of the licensee to control. The failure on the part of the licensee to abate any of the following nuisances, after notification of their existence through a deficiency report, may be grounds for revocation of the license.

a. The interior or exterior piling or storage of trash, debris, discarded property or the like;

b. Loud noise or disturbances which interfere with the quiet enjoyment of the premises by other tenants or occupants;

c. Illegal activities including but not limited to the usage or distribution of illegal drugs or controlled substances, the illegal or unlicensed sale of alcoholic beverages, acts of prostitution, or the commission of acts of domestic violence;

d. Storage of unlicensed motor vehicles;

e. Unrepaired conditions, including but not limited to windows, window screens, doors, locks, appliances, heating systems, air conditioning systems or electrical systems;

f. Obstructions to pedestrian traffic in corridors, hallways, or other areas of pedestrian traffic;

g. Exterior areas of bare ground;
To this end, all licensees shall be required to pave all surfaces upon which automobiles are stored or driven, provide paved sidewalks from the parking lots to all entrances and exits, and for all areas not paved, the licensee shall be required to maintain grass cover which is free of noxious weeds or heavy pollen producing vegetation.

h. The storage of any rubbish or trash for pick-up in containers which are not completely closed and which are not completely enclosed by an opaque fence.

i. Failure to promptly repair or repaint any deteriorating exterior surface of the building, roof, parking lot, or sidewalks.

j. Maintenance of conditions which attracts, harbors or provides access points for vermin or rodents.

k. The usage of any trailer or vehicle for storage of any stock in trade or item which would constitute a nuisance.

11-1104 – LOCAL LODGING TAX

11-104.1 Definitions: As used in this Article, the following words and terms shall have meanings given to them by this section.

A. ADMINISTRATOR. The Administrator of the City.

B. CITY. The City of Ham Lake.

C. LODGING. The furnishing for consideration of lodging by a hotel, motel, rooming house, tourist court, or resort, except where such lodging shall be for a continuous period of thirty (30) days or more to the same lodger.

D. OPERATOR. A person who provides lodging to others, or any officer, agent of employee of such person.

E. PERSON. Any individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate or any other combination of individuals. Whenever the term "person" is used in any provision of this Article prescribing and imposing a penalty, the term as applied to a corporation, association, or partnership, shall mean the officers, or partners thereof as the case may be.

F. RENT. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

G. LODGER. The person obtaining lodging from an operator.

11-1104.2 Imposition of Tax. There is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator authorized and required by this Article to collect from a lodger.

11-1104.3 Collections. Each operator shall collect the tax imposed by this Article at the time rent is paid. The tax collections shall be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging.

11-1104.4 Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing under penalty of

perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Article.

11-1104.5 **Advertising No Tax**. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any party thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

11-1104.6 **Payments and Returns**. The taxes imposed by this Article shall be paid by the operator to the City not later than twenty-five (25) days after the end of the month in which the taxes were collected. At the time of payment the operator shall submit a return upon such forms and containing such information as the City may require. The return shall contain the following minimum information:

A. The total amount of rent collected for lodging during the period covered by the return.
B. The amount of tax required to be collected and due for the period.
C. The signature of the person filing the return or that of an agent duly authorized in writing.
D. The period covered by the return.
E. The amount of uncollectible rental charges subject to the lodging tax.
F. A copy of the Minnesota State Sales and Use Tax Return submitted by the operator for the period covered by the return.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this Article previously paid as a result of any transaction the consideration for which became uncollectible during such reporting period, but only in proportion to the portion of such consideration which became uncollectible.

11-1104.7 **Examination of Return, Adjustments, Notices and Demands**.

The Administrator may rely upon the Minnesota State Sales and Use Tax Return filed by the operator with the State of Minnesota in determining the accuracy of a return filed under this Article. However, the Administrator shall be authorized to make any investigation or examination of the records and accounts of the person making the return, if the

Administrator reasonably determines that such steps are necessary for determining the correctness of the return. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten (10) days after receipt of a notice thereof, given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

11-1104.8 **Refunds**. Any person may apply to the Administrator for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one year after such tax was paid, or within one year from the filing of the return, whichever period is the longer. The Administrator shall examine the claim and make and file written findings thereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is allowed in whole or in part, the Administrator shall credit the amount of the allowance against any taxes due under this Article from the claimant and the balance of said allowance, if any, shall be paid by the Administrator to the claimant.

11-1104.9 **Failure to File a Return**.

A. If any operator required by this Article to file a return shall fail to do so within the time prescribed, or shall make, willfully or otherwise, an incorrect, false, or fraudulent return, the operator shall, upon written notice and demand, file such return or corrected return within five (5) days of receipt of such written notice and shall at the same time pay any tax due on the basis thereof. If such person shall fail to file such return or corrected return, the Administrator shall make a return or corrected return, for such person from such knowledge and information as the Administrator can obtain, and assess a tax on the basis thereof, which tax, less any payments theretofore made on account of the tax for the taxable period covered by such return shall be paid within five (5) days of the receipt of written notice and demand for such payment. Any such return or assessment made by the Administrator shall be prima facie correct and valid, and such person shall have the burden of establishing its

incorrectness or invalidity in any action or proceeding in respect thereto.

B. If any portion of a tax imposed by this Article, including penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action as may be necessary to recover the amount due plus interest, penalties, the costs and disbursements of any action.

C. Upon a showing of good cause, the Administrator may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this Article provided that interest during such period of extension shall be added to the taxes due at the rate of ten percent (10%) per annum.

11-1104.11 Penalties. If any tax imposed by this Article is not paid within the time herein specified for the payment, or an extension thereof, there shall be added thereto a specific penalty equal to ten percent (10%) of the amount remaining unpaid. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of ten percent (10%) per annum from the time such tax should have been paid until it is paid. Any interest and penalty shall be added to the tax and be collected as part thereof.

11-1104.12 Administration of Tax. The Administrator shall administer and enforce the assessment and collection of taxes imposed by this Article. The Administrator shall cause to be prepared blank forms for the returns and other documents required by this Article and shall distribute the same throughout the City and furnish them on application, but failure to receive or secure them shall not relieve any person from any obligation required of him or her under this Article.

11-1104.13 Examination of Records. The Administrator and those persons acting on behalf of the Administrator, authorized in writing by the Administrator, may examine the books, papers and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this Article. Every such operator is directed and required to give to the Administrator, or such other authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

11-1104.14 Violations. Any person who shall willfully fail to make a return required by this Article; or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any

penalty or interest imposed by this Article, after written demand for such payment, or who shall refuse to permit the City to examine the books, records and papers under his or her control, or who shall willfully make any incomplete, false or fraudulent return shall be guilty of a misdemeanor.

11-1104.15 Use of Proceeds. Ninety-five percent (95%) of the proceeds obtained from the collection of taxes pursuant to this Article shall be used in accordance with Minnesota Statutes §469.190, as the same may be amended from time to time, to fund a local convention or tourism bureau for the purpose of marketing and promoting the City as a tourist or convention center.

11-1104.16 Appeals.

A. Any operator aggrieved by any notice, order or determination made by the Administrator under this Article may file a petition for review of such notice, order or determination detailing the operator's reasons for contesting the notice, order or determination. The petition shall contain the name of the petitioner, the petitioner's address and the location of the lodging subject to the order, notice or determination.

B. The petition for review shall be filed with the City within ten (10) days after the notice, order or determination for which review is sought has been mailed or served upon the person requesting review.

C. Upon receipt of the petition, the City Administrator, or the Administrator's designee, shall set a date for a hearing and give the petitioner at least five (5) days prior written notice of the date, time and place of the hearing.

D. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order or determination should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's own expense.

E. The hearing shall be conducted by the City Council.

F. The City Council shall make written findings of fact and conclusion based upon the applicable sections of this Article and evidence presented. The City Council may affirm, reverse or modify the notice, order or determination made by the Administrator.

11-1200 Natural Gas Pipelines and Installers.

11-1201 Legislative Purpose.

The City Council of the City of Ham Lake, after study by a qualified consultant, finds that a potentially serious public safety hazard exists where natural gas pipelines from competing suppliers are charged with natural gas in locations in close proximity to charged lines of other natural gas suppliers. Specifically, the public safety hazards are:

A. A loss of ability to identify the source of a leak or explosion, and a concomitant loss of ability to effect immediate repair;
B. The danger of an explosion causing a nearby pipeline to rupture, thereby increasing the potential intensity of accidental leaks or explosions;
C. Increased danger or ruptures where other underground construction is taking place;
D. Increased congestion where emergency repair work is necessitated;

The purpose of this Ordinance is, therefore, to protect public safety by prohibiting the charging of natural gas pipelines in close proximity to charged pipelines which exist as of the effective date of the Ordinance.

11-1202 Prohibited Activity

A. Definitions.

1. **Natural Gas** - a product in gaseous form designed and used for the purpose of incineration in furnaces and appliances, to supply energy for public or private consumption, and which is sold by utility companies subject to the regulatory authority of the Minnesota Public Utilities Commission;
2. **Pipeline** - any pipeline, above or underground, which has been installed by any party for the purpose of transmitting natural gas, including mains and lines connecting mains to individual buildings;
3. **Charged Pipeline -** any pipeline which is filled with natural gas.

B. Conduct Prohibited

1. **Crossing Charged Pipeline.** No person, corporation or other entity shall cause or permit a pipeline to become a charged pipeline where the pipeline to be charged is within 100 feet of another charged pipeline which exists as of August 21, 1989.
2. **Exception.**

a. Mains. A charged pipeline may exist within 100 feet of another charged pipeline where both charged pipelines are mains, and neither is a connection to a building, and only where the existence of the second pipeline to be charged is necessary to extend the delivery of natural gas to customers located outside of the corporate limits of the City of Ham Lake.

b. Common Ownership. Exceptions may also be granted in circumstances where two proposed charged pipelines meet the following criteria:

i. Both pipelines are owned and maintained by the same company;
ii. The owner is able to demonstrate that there is no significant public safety problem inherent in the proposal;

c. Permits Required. Prior to charging the second pipeline to be charged, under either a or b above, the owner thereof shall first obtain a permit from the City Clerk-Treasurer, after completion of application forms to be supplied by the Clerk-Treasurer. No permit shall be issued until the Clerk-Treasurer shall have received a set

of written recommendations and construction specifications from a professional consultant conversant in the field of pipeline safety, to be selected by the Clerk-Treasurer. The Clerk- Treasurer shall charge a fee of $200.00 plus an amount equal to the actual expense incurred by the City in reviewing the application, including all professional and consulting fees charged to the City. Exceptions granted under this section shall be extremely limited, and economic considerations alone shall not justify the issuance of a permit where another practical means of delivering natural gas is available without creating a situation in which two charged pipelines exist within 100 feet of each other.

11-1203 Service Areas.

Where the City has granted a franchise to any utility to deliver natural gas within the City, and has reserved the right to designate specific service areas for such delivery, the designation of such service areas shall be by resolution of a majority of the City Council. Further, this Ordinance shall in all respects apply to all natural gas pipelines, charged or not charged, which exist in the City of Ham Lake as of August 21, 1989.

11-1204 Installers

A. Definitions of:

Natural Gas Installer Any person or company engaging in the business of installing new piping to connect charged gas pipelines to a serviced location for consumption and combustion of natural gas.

B. License Required

No person or corporation shall perform any work meeting the definition of a Natural Gas Installer unless they have obtained a license from the City Building Official.

1. Application shall be made on forms to be prepared by the Building Official.

2. A fee for a license shall be charged, to be set from time to time by resolution of the City Council.

3. The Building Official shall review the qualifications of each person applying for a license, and shall, in his discretion, disapprove any individual or firm not displaying suitable experience and training in the various fields of endeavor which are required to insure safe and efficient installation and working condition of the completed installation. Such fields include, but are not limited to steam fitting, plumbing, basic electrical and wiring, excavation and underground construction.

11-1300 Pawn Shops

11-1310 Legislative Findings of Fact

The City Council of the City of Ham Lake finds as follows:

A. Pawn shops as defined below, create a need for municipal legislation. There is little, if any, state regulation of the activities of pawn shops, which are involved in the lending of money and the pledging of property as security for the repayment thereof. Pawn shops are not subject to regulation and examination as are other lending institutions, and the very nature of the business lends itself to a possibility greater than for other businesses and lenders, that stolen property may be pledged to secure credit. Additionally, without regulations, pawn shops present an attractive nuisance to minors seeking to pledge the property of others. The physical location of pawn shops must, therefore, be regulated as well. Based upon the foregoing on the findings of need, and based upon the fact that the Minnesota State Legislature has also seen fit to regulate many of the above concerns through criminal statutes, specifically Minnesota Statutes Chapter 609.81, the City adopts these regulatory provisions.

11-1320 Definitions

A. Pawn Shop

Pawn shop shall be defined as in Minnesota Statutes Chapter 471.925, and any amendments thereto, and in the event of any repeal of said statute, for the purposes of this ordinance, the definition of pawn shop shall be as that definition appeared in said statute on the effective date of this ordinance.

B. Active Participant

An active participant shall be defined to mean the owner of a pawn shop, any person in responsible control of a pawn shop, the manager of a pawn shop, or, in the case of a corporation, the holder of any block of stock comprising ten percent (10%) or more of the capital stock of the corporation owning the pawn shop. In the case of a partnership, all partners shall be deemed active participants.

11-1330 License Required

Prior to commencing business activities within the City of Ham Lake, the owner and/or operator of a pawn shop shall first obtain a license from the City. The following provisions shall apply to license applicants:

A. The Application Form

The applicant shall fill out an application form, on forms provided by the City Clerk/Treasurer, which, at a minimum, shall contain the following information:

1. Name, address and birthdate of the owner of the pawn shop, and the person who will be in responsible management control of the pawn shop. If the pawn shop is a corporation, this information shall be provided for any person owning ten percent (10%) or more of the capital stock of the corporation.
2. Complete financial statement for each of the active participants.

3. A complete occupational resume of each active participant, including all periods of time from the applicant's 18th birthday through the date of the application.

4. A complete listing of the adult criminal record of each active participant, excluding therefrom traffic violations of a misdemeanor level or less.

5. The residence address of each active participant for the preceding ten years.

6. A statement as to whether or not any active participant has had any of the following within the preceding fifteen (15) years:

a. A petition in voluntary or involuntary bankruptcy;

b. Civil lawsuits, including a complete summary of the nature of the proceedings and the outcome;

c. Any business licenses of any kind revoked, suspended, or otherwise challenged, particularly and licenses to operate a pawn shop;

7. A complete floor plan of the proposed location of the pawn shop, together with a site plan of the lot upon which the pawn shop will be situated. The floor plan will be drawn to the scale of not less than one inch equals four feet (1" = 4'), and the site plan that a scale of not less than one inch equals twenty feet 1" = 20'). The floor plan shall clearly indicate the areas within the pawn shop designated to contain the requirement elements as found in Article 11-1350. The site plan shall contain all of the information normally required for a commercial building permit site plan review.

B. Application Fee

Along with the application submitted above, the applicant shall submit a license fee to be determined from time to time by resolution. If a license is denied, that portion of the application fee not used for investigation and inspection purposes shall be refunded.

C. Review Procedure

Upon receiving the application and all required data, the City Clerk/Treasurer shall submit copies of the application to the City Building Official, and to the City Attorney. The City Attorney shall conduct an investigation of the background of each active participant, and shall request a Bureau of Criminal Apprehension criminal background check from the Office of the Anoka County Sheriff. The City Building Official shall review the proposed site plan and building plan to ascertain its conformance with the building code and the provisions of this ordinance. Such review shall be complete within sixty (60) days after receipt of the application, and the City Attorney and Building Official shall each prepare a written report to be forwarded to the City Clerk/Treasurer. Upon receipt of the written report, the City

Clerk/Treasurer shall refer the matter to the Planning Commission, which shall, after notice provided for in the same manner as conditional use permits, conduct a public hearing on the proposed pawn shop. Following a public hearing, the Planning Commission shall make its recommendation to the City Council, and the City Council shall, within ninety (90) days after receipt of the recommendations of the Planning Commission, act upon the application.

11-1340 Conditions of Every License

As a condition of receiving a license to operate a pawn shop in the City of Ham Lake, every licensee shall, by its application and acceptance of the license, consent to the following terms and conditions:

A. Inspection by Law Enforcement Personnel

The premises of the applicant shall be open for inspection by the City's law enforcement personnel at all hours during which the pawn shop is open for business, and said inspection shall include the right to inspect any and all objects which have been pledged as security for loans, the business records of the pawn shop including the names, addresses and other written information of parties pledging property for loans, and any other data or information reasonably requested by the law enforcement personnel.

B. Observances of Ordinances and Regulations

It shall be grounds for revocation of a pawn shop license if the applicant, or any active participant, does any of the following.

1. Commits any violation of Minnesota Statutes Chapter 609.81.

2. Is convicted of any crime of a level higher than a misdemeanor, which involves theft, concealment or receiving of stolen property, fraud, embezzlement, forgery, burglary, robbery, any form of homicide, arson, trespass, assault, or any other crime involving damage to persons or property.

3. Fails to observe any condition of this ordinance, or fails to keep the premises in conformance with the physical requirements of this ordinance as contained in Article 11-1350.

C. Non-Transferable

The license, when issued, shall be issued only to the person signing the shall not be transferable to any other person or entity.

11-1350 Physical Requirements

The following physical requirements shall be observed by each pawn shop:

A. Security

Each pawn shop shall be equipped with fireproof vault for the storage of valuable papers, records, currency, jewelry, coins, or other items of value commonly stored in a vault, of adequate size to meet the needs of the

Pawn Shop, as recommended by the Building Official. The vault shall have a fire rating of one hour. The vault shall be permanently affixed to the building in a manner deemed reasonably permanent by the City Building official. The vault shall be in a location which is non-accessible to the public.

B. Display items

Items for display, whether for resale or simply for display, shall be in locked, secure cages or shelves, and not capable of being touched or handled by persons other than active participants or pawn shop employees, unless with the consent and under the observation of pawn shop employees.

C. Minors Prohibited

Minors shall be absolutely prohibited from being inside the pawn shop premises at any time, for any purpose. The pawn shop owner shall prominently post a sign on the outside of the building in which the pawn shop is located, advising of the prohibition of minors.

D. Doors and Windows

Exterior doors and windows shall be of the same quality and shall meet the same standards as those required for banking houses under Minnesota Banking Regulations, and under Minnesota Building Code.

E. Sprinkling Systems

All pawn shops shall be equipped with an automatic fire sprinkler system in accordance with standards to be established by the City Building Official from time to time.

F. Exterior Parking

Off-street parking shall be provided for all employees and customers of all pawn shops, in accordance with standards as found in the City Zoning Code.

G. Location

No pawn shop shall be permitted to be located closer than one-half mile from any public or private high school, junior high school or elementary school as measured from nearest building corner to building corner.

11-1360 Records Required To Be Kept.

A. Receipt

Every pawnbroker purchasing or receiving on deposit for a loan any article of personal property shall give to the person selling or depositing such article a written or printed ticket or receipt for the article so sold or deposited, showing the terms of such sale or loan.

B. Transaction Record

Each licensee hereunder shall keep a record of each transaction made in the course of his business. Such records shall be in a form prescribed by the City Clerk/Treasurer and shall, in all instances, be legibly made in ink

and be in the English language. The records so kept shall include the following information about each transaction:

1. The name, address and date of birth of the person pledging or selling the item;
2. The time and date of the transaction;
3. A complete description of the item pledged or sold, including all identifying numbers and identifying marks;
4. A physical description of the person pawning or selling the items, including:
  a. Race;
  b. Sex;
  c. Height;
  d. Weight;
  e. Color of eyes;
  f. Color of hair;
5. The amount of money paid or loaned for the item.
6. The signature of the person pledging or selling the item.
7. The identification number from any of the following forms of identification of the seller:
  a. Valid driver's license containing a picture;
  b. Picture identification;
  c. Medicard
8. Any other information the law enforcement personnel shall require.

Every pawnbroker shall make available to the law enforcement personnel every day, before the hour of 12:00 noon, a complete, legible and correct copy of the records required by this Section for all transactions which occurred on the previous day. The records required herein shall be kept at the licensee's place of business for three years, and shall be available for police inspection at any reasonable time.

11-1370 Holding of Property

A. Retaining of Property

When the City's law enforcement personnel notifies any pawnbroker not to sell any property received on deposit or purchased by him, or not to permit the same to be redeemed, the pawnbroker shall not sell nor permit such property to be redeemed until such property is released in writing by the City's law enforcement personnel.

B. Prohibition on Redemption

No personal property deposited with or purchased by any licensee under this Chapter shall be sold or permitted to be redeemed from the place of business of licensee until 48 hours after the copy of the records required by Article 11-1360 have been made available to the City's law enforcement personnel, except upon written permission of the City's law enforcement personnel.

11-1380 Hours of Operation

No pawn shop shall be open for business after the hour of 10:00 p.m. on any evening, or before the hour of 8:00 a.m. on any morning, or between the hours of 10:00 p.m. Saturday through 8:00 a.m. on Monday, nor any time on any legal holiday, including but not limited to Christmas Day, Thanksgiving Day, Labor Day, Fourth of July, New Year's Day, Memorial Day, President's Day and Martin Luther King Day.

11-1390 Surety Bond Required

Prior to opening for business, every licensed pawn shop owner shall furnish to the City a surety bond, in an amount of not less than $10,000.00 guaranteeing that the pawn shop and every active participant therein, shall observe all of the provisions of this ordinance, all of the provisions of Minnesota State Law regulating pawn shops, and providing for a penal sum of $10,000.00 in the event of default thereon.

ARTICLE 11-1400 SHADE TREE DAMAGE

It is the intention of the City of Ham Lake to make reasonable efforts to preserve and protect certain species of shade trees that are threatened by various pests or diseases. These species include the Ash Group (*Fraxinus* species – White, Black and Green - Ash trees that are affected by the Emerald Ash Borer); the Elm Group (American Elm, Red Elm, Rock Elm, Siberian Elm and Chinese Elm); and the Red Oak Group (Red Oak, Pin Oak, Northern Pin Oak, Scarlet Oak and Black Oak). These three groups may be collectively referred to herein as the "Target Trees". The specific tree damages that are addressed are damage caused by the Emerald Ash Borer; Dutch Elm Disease, and Oak Wilt, sometimes collectively referred to herein as "Target Damage".

11-4000.1 Tree Inspections The City's Tree Inspector shall inspect trees from the Ash Group, the Elm Group and the Oak Group if requested by a property owner who suspects a tree to be diseased on their property. The inspection shall be carried out by a tree inspector or inspectors certified by the State of Minnesota (the "Inspector").

11.1400.2 "No-Cut" Period No person shall cut, trim or otherwise wound any Red Oak Group tree between April 1 and July 15 of any given year, unless the person has obtained a Permit from the City.

A. Permit Permits may be issued to any person with approval of a certified tree inspector engaged or employed by the City where the Inspector, in his or her sole discretion, deems that the cutting, trimming or wounding of the tree does not present a significant danger of the spread of Oak Wilt. Permits so

issued may contain specific requirements or conditions to observe in the activity. The City may impose a fee for such permits, and if so, the permit fees so collected shall be placed in a dedicated fund to re-forest areas on public or private property that have been affected by Target Damage.

B. Violation Any person who violates the provisions of the "No-Cut" period or who violates the conditions of a permit issued in connection therewith shall be guilty of a misdemeanor, punishable in the manner prescribed by Minnesota Statutes for that offence level.

11-1500 FLEA MARKETS

11-1510 Definitions

A. Flea Market- A location at which space is provided by the owner or lessee of facilities at which individual vendors may temporarily occupy space in which to conduct retail or wholesale sales, barter or other exchange of goods or services. This definition shall apply to this type of activity, regardless of the name given to the venture. This definition is not intended to apply to bona fide landlord-tenant relationships between building owner and full-time business tenants, such as are commonly found, but rather to daily or weekly rental arrangements for vendors operating in booths, tents or other freestanding structures.

B. Vendor- A person or business entity occupying space as an exhibition or offering goods for sale or barter at a flea market.

C. Exemption - Organizations which are non-profit organizations, and exempt from federal income taxation by virtue of non-profit and charitable organization status shall be exempt from the provisions of Article 11-1500 so long as the scope of Flea Market activity engaged in by such organizations meets the following criteria:

1) The organization shall sponsor no more than three weekend Flea Markets per year, on non-successive weekends, limited to activity between Friday and Sunday;

2) At least two weeks prior to conducting the activity, the organization shall notify the City Administrator of the dates and scope of the activity;

3) The activity shall not generate any hazardous traffic or other public safety condition, and the sponsor shall provide adequate sanitation and other public service facilities for patrons.

Notwithstanding the foregoing, if the City, in its sole discretion, determines that any particular organization has conducted a Flea Market without observing the above criteria, the City may, by resolution, revoke the exempt status of that organization and require compliance by the organization with the conditions of Article 11-1500 for any subsequent Flea Market activity.

11-1520 Conditional Use Permit Required

No flea market shall be permitted in any district other than in a C-D district, and then only under Conditional Use Permit. Application for Conditional Use Permit shall be made under Article 9 of the Ham Lake City Code, but the following conditions shall apply to all conditional use permits issued for flea markets:

A. **Parking** - Adequate off-street parking on paved surfaces shall be provided in sufficient area to accommodate all vendors and customers of the flea market.

B. **Security** - The Conditional Use Permit holder shall be responsible to provide adequate security to protect the personal safety of all vendors and customers, and to protect the personal property and stock in trade of all vendors.

C. **Alcohol** - No alcoholic beverages shall be permitted in the area of the flea market, including the parking areas.

D. **Sanitation**- Adequate permanent restroom facilities shall be provided in sufficient quantities for all vendors and customers. Trash and debris shall be stored in enclosed trash containers and picked up at least once weekly.

E. **Codes** - All Codes and regulations of all jurisdictions shall be observed at all times, including Fire Codes, Building Codes, and Health Codes. These codes shall apply to the individual spaces of all vendors, as well as to the facilities being provided by the Conditional Use Permit holder, whose responsibility it shall be to insure code compliance by the individual vendors.

F. **Traffic Control** - The Conditional Use Permit holder shall not permit local traffic hazards to result from patrons exiting and entering the premises, and shall cooperate with local law enforcement officials in erecting such temporary traffic control devices as may be necessary during peak hours to control traffic. If it becomes necessary, in the judgment of the local police authority, to engage a uniformed officer to direct traffic during peak hours, it shall be the duty of the Conditional Use Permit holder to reimburse the City for the labor cost incurred for such traffic direction personnel.

G. **Individual Policies** - The Conditional Permit holder shall establish written internal policies that the holder intends to enforce and shall provide to the City Administrator a copy of such policies, including any changes made from time to time.

H. **Character of Vendors** - The Conditional Use Permit holder shall make best efforts to screen and monitor the activities of the vendors, and shall endeavor to require the following standards of performance:

1) No merchandise shall be sold which does not meet the standard of any agency or institution which has control over product safety, sanitation or integrity;

2) No vendor shall be permitted to continue to market their wares who:

(a) Fail to collect and remit all required sales or excise taxes;

(b) Repeatedly or habitually fails to respond to customer complaints about product quality;
(c) Engages in acts of fraud, theft or swindle;
(d) Meets the definition of a Sexually Oriented Business or Pawn Shop as found elsewhere in the City Code;
(e) Violates the internal rules of the Flea Market;
(f) Engages in acts of assault; disorderly conduct or breach of the peace.
(g) Engages in the sale or exchange of stolen goods, or goods prohibited by law from being sold or exchanged.

11-1600 RADIO SIGNAL TOWERS

11-1610 DEFINITIONS

The following definitions shall apply to this Article:

11-1611 ANTENNA - A device used to transmit or receive radio, television, electromagnetic or other waves used in connection with communication devices including but not limited to radios, television, cellular or digital personal telephones, pagers, or the like.

11-1612 TOWER - A freestanding structure constructed for the purpose of mounting antennae, exceeding fifteen feet in height, and intended for or actually used for the mounting of antennae owned, used, leased or operated by one or more commercial ventures engaged in the pursuit of mercantile trade in communications technology, apparatus or peripheral fields. The existence of non-commercial antennae on a tower is not intended to change or alter the character of this definition. Structures such as Ham Radio towers which are used solely for the personal hobby use of the owner shall not be considered “towers”.

11-1613 TOWER USER - Any entity which owns, operates, leases or uses any antenna affixed to any tower.

11-1620 TOWER LOCATIONS

No Tower shall be located on any land within the City except land which owned by the City of Ham Lake, or upon which the City of Ham Lake holds an easement for road or utility purposes.

11-1630 PHYSICAL STANDARDS

11-1631 Height - No tower shall exceed a height which is reasonable for the area in which it is proposed to be located, as determined by the City at the time of license application.

11-1632 Construction Standards - All towers shall be constructed in accord with the regulations of any governmental agency having jurisdiction over the activities of Tower Users.

11-1634 **Number of Tower Users** - No tower shall be constructed which cannot accommodate the affixation of the equipment for at least four Tower Users.

11-1635 **Aesthetics and Landscaping** - The City shall review each proposed tower plan, and may require architectural treatment, screening and landscaping for aesthetic purposes.

11-1640 LICENSE

Any entity seeking to erect or maintain a Tower within the City of Ham Lake, and any Tower User shall be required to obtain a License from the City.

11-1641 Term of License

11-1641.1 **Tower Owner License** - A license issued to an entity desiring to construct and maintain a tower shall be issued for period of five years.

11-1641.2 **Tower Use License** - A license issued to a Tower User shall be issued for a period of one year.

11-1642 **License Fee** - The Ham Lake City Council shall from time to time establish a fee schedule for licensing of all Tower Owners and Tower Users. The City may, in its discretion, establish a different fee schedule for different classes of Tower Users, charging a lower license fee for public entities such as police, fire or public works departments, than for commercial users.

11-1650 Conditions of Issuance

11-1651 **Maintenance** - The owner of every tower shall maintain the structural integrity of the tower, and all components thereof, in strict conformance with the regulatory codes and rules of any agency having jurisdiction over the activities thereof. In addition, the City may require, as a condition of issuance of any license for a tower owner, that additional safety measures, fencing, prevention of attractive nuisance, and the like, be taken at or after the time of issuance of the license.

11-1652 **Security** - In the discretion of the City Council, the operator of a tower may be required to post adequate security to guarantee compliance with City codes and regulations pertaining to the particular tower operation, maintenance and the like.

11-1653 **Priority of Tower Users** - The City may, in its discretion, by resolution establish a priority for licensing of Tower Users, giving preference to governmental agencies for usage of any tower space not used directly by the tower owner. In

addition, the City may require that one antenna space be provided on each tower for exclusive use by the City.

11-1654 **Violation of License Terms** - In addition to taking corrective action as may be required for a violation of any license term, the City may revoke the license of any Tower User or Tower Owner, after affording a reasonable opportunity to correct deficiencies, for repeated violation of license terms.

11-1660 MISCELLANEOUS PROVISIONS

11-1661 Eminent Domain - The City may, in its discretion, use the power of eminent domain to acquire the site for a proposed tower, where all statutory elements regarding the usage of the power of eminent domain are met.

11-1662 - Termination of License - Upon the termination or expiration of the license of any Tower Owner, the owner shall remove all tower components and restore the premises upon which the tower and its components were located to the condition of the land at the time of construction of the tower.

11-1663 **Existing Towers** - Existing structures which meet the definition of “tower” including poles housing siren warning systems, shall be exempt from the provisions of this Article 11-1600.

11-1664 **Conflict of Law** - If any of the foregoing municipal regulation is found by any tribunal of competent jurisdiction to conflict with, be superseded, or be preempted by the laws, regulations or codes of any other entity having regulatory authority over the activities of tower owners or Tower Users, such finding shall effect only those portions of this code found to be incapable of municipal enforcement, and the remainder of this Article shall remain in full force and effect.

Article 11-1700 Right-of-Way Ordinance

Sec. 1.01. Findings, Purpose, and Intent.

To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights of way, the city strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this chapter of this code relating to right of way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights of way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights of way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights of way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and 2017 Minn. Laws, ch. 94, art. 9, amending the Act, and the other laws governing applicable rights of the city and users of the right of way. This chapter shall also be interpreted consistent with Minn. R. 7819.0050–7819.9950 and Minn. R., ch. 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

Sec. 1.02. Election to Manage the Public Rights of Way

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minn. Stat. 237.163 subd. 2(b), to manage rights of way within its jurisdiction.

Sec. 1.03. Definitions.

The following definitions apply in this chapter of this code. References hereafter to "sections" are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

Abandoned Facility. A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right of way user.

Applicant. Any person requesting permission to excavate or obstruct a right of way.

City. The City of Ham Lake, Minnesota. For purposes of section 1.29, city also means the City's elected officials, officers, employees, and agents.

Collocate or Collocation. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

Commission. The State Public Utilities Commission.

Congested Right of Way. A crowded condition in the subsurface of the public right of way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in

conformance with Minn. Stat. § 216D.04, subd. 3, over a continuous length in excess of 500 feet.

Construction Performance Bond. Any of the following forms of security provided at permittee's option:

- Individual project bond;
- Cash deposit;
- Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
- Letter of Credit, in a form acceptable to the city;
- Self-insurance, in a form acceptable to the city;
- A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

Degradation. A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation or disturbance did not occur.

Degradation Cost. Subject to Minn. R. 7819.1100, means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minn. R., parts 7819.9900 to 7819.9950.

Degradation Fee. The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the degradation cost.

Department. The department of public works of the city.

Director. The director or superintendent of the department of public works of the city, or her or his designee.

Delay Penalty. The penalty imposed as a result of unreasonable delays in right of way excavation, obstruction, patching, or restoration as established by permit.

Emergency. A condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

Equipment. Any tangible asset used to install, repair, or maintain facilities in any right of way.

Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right of way.

Excavation permit. The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right of way. An Excavation permit allows the holder to excavate that part of the right of way described in such permit.

Excavation Permit Fee. Money paid to the city by an applicant to cover the costs as provided in Section 1.13.

Facility or Facilities. Any tangible asset in the right of way required to provide Utility Service.

Five-Year Project Plan. Shows projects adopted by the city for construction within the next five years.

High Density Corridor. A designated portion of the public right of way within which telecommunications right of way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

Hole. An excavation in the pavement, with the excavation having a length less than the width of the pavement.

Local Representative. A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

Management Costs. The actual costs the city incurs in managing its rights of way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right of way work; determining the adequacy of right of way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right of way or small wireless facility permits. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Section 1.31 of this chapter.

Obstruct. To place any tangible object in a right of way so as to hinder free and open passage over that or any part of the right of way.

Obstruction Permit. The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein.

Obstruction Permit Fee. Money paid to the city by a permittee to cover the costs as provided in Section 1.13.

Patch or Patching. A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's five-year project plan.

Pavement. Any type of improved surface that is within the public right of way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit. Has the meaning given "right of way permit" in Minn. Stat. § 237.162.

Permittee. Any person to whom a permit to excavate or obstruct a right of way has been granted by the city under this chapter.

Person. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Probation. The status of a person that has not complied with the conditions of this chapter.

Probationary Period. One year from the date that a person has been notified in writing that they have been put on probation.

Registrant. Any person who (1) has or seeks to have its equipment or facilities located in any right of way, or (2) in any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

Restore or Restoration. The process by which an excavated right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Restoration Cost. The amount of money paid to the city by a permittee to

achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

Public Right of Way or Right of Way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the city has an interest, including other dedicated rights of way for travel purposes and utility easements of the city. A right of way does not include the airwaves above a right of way with regard to cellular or other non-wire telecommunications or broadcast service.

Right of Way Permit. Either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

Right of Way User. (1) A telecommunications right of way user as defined by Minn. Stat., § 237.162, subd. 4; or (2) a person owning or controlling a facility in the right of way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right of way.

Service or Utility Service. Includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right of way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. ch. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., ch. 308A; and (6) water, and sewer, including service laterals, steam, cooling, or heating services.

Service Lateral. An underground facility that is used to transmit, distribute or furnish ‘gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises.

Small Wireless Facility. A wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
(ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public

view within or behind an existing structure or concealment.

Supplementary Application. An application made to excavate or obstruct more of the right of way than allowed in, or to extend, a permit that had already been issued.

Temporary Surface. The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's two-year plan, in which case it is considered full restoration.

Trench. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Telecommunications Right of Way User. A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. ch. 453 and 453A, or a cooperative electric association organized under Minn. Stat. ch. 308A, are not telecommunications right of way users for purposes of this chapter except to the extent such entity is offering wireless service.

Two Year Project Plan. Shows projects adopted by the city for construction within the next two years.

Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.

Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile

device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

Wireless Support Structure. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Sec. 1.04 Administration.
The director is the principal city official responsible for the administration of the rights of way, right of way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

Sec. 1.05. *Reserved*

Sec. 1.06. Registration and Right of Way Occupancy.
Subd. 1. *Registration.* Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the city. Registration will consist of providing application information.

Subd. 2. *Registration Prior to Work.* No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the city.

Subd. 3. *Exceptions.* Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. ch. 216D, Gopher One Call Law.
Sec. 1.07. Registration Information.
Subd. 1. *Information Required.* The information provided to the city at the time of registration shall include, but not be limited to:

(a) Each registrant's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
(b) The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(c) A certificate of insurance or self-insurance:

(1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the city;

(2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right of way by the registrant, its officers, agents, employees, and permittees, and (ii) placement and use of facilities and equipment in the right of way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;

(3) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and

(5) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.

(6) The city may require a copy of the actual insurance policies.

(7) If the person is a corporation, a copy of the certificate is required to be filed under state law as recorded and certified to by the secretary of state.

(8) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

Subd. 2. ***Notice of Changes.*** The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

Sec. 1.08. Reporting Obligations.

Subd. 1. ***Operations****.* Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to

be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way.
The plan shall include, but not be limited to, the following information:

(a)The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a “next-year project”); and

(b)To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a “five-year project”).

The term “project” in this section shall include both next-year projects and five-year projects.

By January 1 of each year, the city will have available for inspection in the city’s office a composite list of all projects of which the city has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the city and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. *Additional Next-Year Projects.* Notwithstanding the foregoing, the city will not deny an application for a right of way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

Sec. 1.09. Permit Requirement.

Subd. 1. *Permit Required.* Except as otherwise provided in this code, no person may obstruct or excavate any right of way, or install or place facilities in the right of way, without first having obtained the appropriate right of way permit from the city to do so.

(a) *Excavation Permit.* An excavation permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.

(b) *Obstruction Permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(c) *Small Wireless Facility Permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

Subd. 2. *Permit Extensions.* No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right of way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. *Delay Penalty.* In accordance with Minn. Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this Section, the city shall establish and impose a delay penalty for unreasonable delays in right of way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

Subd. 4. *Permit Display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

Sec. 1.10. Permit Applications.
Application for a permit is made to the city. Right of way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

(a) Registration with the city pursuant to this chapter.
(b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
(c) Payment of money due the city for:
  (1) permit fees, estimated restoration costs, and other management costs;
  (2) prior obstructions or excavations;
  (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the city;
  (4) franchise fees or other charges, if applicable.
(d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing.
(e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction

performance bond inadequate under applicable standards.

Sec. 1.11. Issuance of Permit; Conditions.

Subd. 1. *Permit Issuance.* If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

Subd. 2. *Conditions.* The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560.

Subd. 3. *Small Wireless Facility Conditions*. In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

(a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
(b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
(c) No wireless facility may extend more than 10 feet above its wireless support structure.
(d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
(e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
(f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

Subd. 4. *Small Wireless Facility Agreement.* A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard

collocation agreement may require payment of the following:

(a) Up to $150 per year for rent to collocate on the city structure.
(b) $25 per year for maintenance associated with the collocation;
(c) A monthly fee for electrical service as follows:
    1. $73 per radio node less than or equal to 100 maximum watts;
    2. $182 per radio node over 100 maximum watts; or
    3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant,

Sec. 1.12 Action on Small Wireless Facility Permit Applications.

Subd. 1. *Deadline for Action*. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

Subd. 2. *Consolidated Applications*. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

(a) are located within a two-mile radius;
(b) consist of substantially similar equipment; and
(c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subd. 3. *Tolling of Deadline*. The 90-day deadline for action on a small wireless facility permit application may be tolled if:

(a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.
(b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.
(c) The city and a small wireless facility applicant agree in writing to toll the

review period.

Sec. 1.13. Permit Fees.

Subd. 1. *Excavation Permit Fee.* The city shall impose an excavation permit fee in an amount sufficient to recover the following costs:

(a) the city management costs;
(b) degradation costs, if applicable.

Subd. 2. *Obstruction Permit Fee.* The city shall impose an obstruction permit fee in an amount sufficient to recover the city management costs.

Subd 3. *Small Wireless Facility Permit Fee.* The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

(a) management costs, and;
(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

Subd. 4. *Payment of Permit Fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

Subd. 5. *Non Refundable.* Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 1.23 are not refundable.

Subd. 6*. Application to Franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right of way user in the franchise.

Sec. 1.14. Right of Way Patching and Restoration.

Subd. 1. *Timing*. The work to be done under the excavation permit, and the patching and restoration of the right of way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 1.17.

Subd. 2. *Patch and Restoration.* Permittee shall patch its own work. The city may choose either to have the permittee restore the right of way or to restore the right of way itself.

(a) ***City Restoration***. If the city restores the right of way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.
(b) ***Permittee Restoration.*** If the permittee restores the right of way itself, it shall at the time of application for an excavation permit

post a construction performance bond in accordance with the provisions of Minn. Rule 7819.3000.

(c) ***Degradation Fee in Lieu of Restoration.*** In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. ***Standards.*** The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rule 7819.1100.

Subd. 4. ***Duty to Correct Defects.*** The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.17.

Subd. ***5. Failure to Restore****.* If the permittee fails to restore the right of way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right of way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

Sec. 1.15. Joint Applications.

Subd. 1. ***Joint application.*** Registrants may jointly apply for permits to excavate or obstruct the right of way at the same place and time.

Subd. 2. ***Shared fees****.* Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. ***With city projects.*** Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

Sec. 1.16. Supplementary Applications.

Subd. *1. Limitation on Area.* A right of way permit is valid only for the area of the right of way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. *Limitation on Dates.* A right of way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

Sec. 1.17. Other Obligations.

Subd. 1. *Compliance with Other Laws.* Obtaining a right of way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01-.09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.

Subd. 2. *Prohibited Work.* Except in an emergency, and with the approval of the city, no right of way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. *Interference with Right of Way.* A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Subd. 4. *Trenchless excavation*. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minn. Stat. ch. 216D and Minn. R., ch. 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

Sec. 1.18. Denial or Revocation of Permit.
Subd. 1. *Reasons for Denial.* The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right of way and its current use.

Subd. 2. *Procedural Requirements.* The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

Sec. 1.19. Installation Requirements.
The excavation, backfilling, patching and restoration, and all other work performed in the right of way shall be done in conformance with Minn. R. 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat., §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minn. R., ch 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 1.23 subd. 2 of this ordinance.

Sec. 1.20. Inspection.
Subd. 1. *Notice of Completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rule 7819.1300.

Subd. 2. *Site Inspection*. Permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. *Authority of City*.

(a) At the time of inspection, the City may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(b) The City may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City

that the violation has been corrected. If such proof has not been presented within the required time, the City may revoke the permit pursuant to Sec. 1.23.

Sec. 1.21. Work Done Without a Permit.

Subd. 1. *Emergency Situations.* Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Subd. 2. *Non-Emergency Situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right of way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right of way, and comply with all of the requirements of this chapter.

Sec. 1.22. Supplementary Notification.

If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

Sec. 1.23. Revocation of Permits.

Subd. 1. *Substantial Breach.* The city reserves its right, as provided herein, to revoke any right of way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

(a) The violation of any material provision of the right of way permit.
(b) An evasion or attempt to evade any material provision of the right of way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.
(c) Any material misrepresentation of fact in the application for a right of way permit.
(d) The failure to complete the work in a timely manner, unless a permit

extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.

(e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 1.20.

Subd. 2. ***Written Notice of Breach.*** If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. ***3. Response to Notice of Breach.*** Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year. Icon

Subd. 4. ***Cause for Probation****.* From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right of way grossly outside of the permit authorization.

Subd. ***5. Automatic Revocation.*** If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

Subd. 6. ***Reimbursement of city costs.*** If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

Sec. 1.24. Mapping Data.

Subd. 1. ***Information Required.*** Each registrant and permittee shall provide mapping information required by the city in accordance with Minn. R. 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned, and maintained by the permittee. Such maps

and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

Subd. 2. ***Service Laterals****.* All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minn. R. 7560.0150, subp. 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after Dec. 31, 2005, shall be a condition of any city approval necessary for:

a) payments to contractors working on a public improvement project, including those under Minn. Stat. ch. 429, and

b) city approval under development agreements or other subdivision or site plan approval under Minn. Stat. ch. 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

Sec. 1.25. Location and Relocation of Facilities.

Subd. 1. ***Placement, location, and relocation*****.** Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. R. 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. ***Undergrounding****.* Unless otherwise agreed in a franchise or other agreement between the applicable right of way user and the City, Facilities in the right of way must be located or relocated and maintained underground in accordance with Section 10-430 of the City Code.

Subd. 3. ***Corridors.*** The city may assign a specific area within the right of way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will someday be located within the right of way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right of way in a position at variance with

the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right of way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the registrant.

Subd. 4. ***Nuisance.*** One year after the passage of this chapter, any facilities found in a right of way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right of way to a useable condition.

Subd. 5. ***Limitation of Space.*** To protect the health, safety, and welfare of the public, or when necessary to protect the right of way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right of way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right of way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right of way, the time of year with respect to essential utilities, the protection of existing facilities in the right of way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

Sec. 1.26 Pre-Excavation Facilities Location.

In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right of way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

Sec. 1.27. Damage to Other Facilities.

When the city does work in the right of way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right of way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

Sec. 1.28. Right of Way Vacation.

Reservation of right. If the city vacates a right of way that contains the facilities of a registrant, the registrant's rights in the vacated right of way are governed by Minn. R. 7819.3200.

Sec. 1.29. Indemnification and Liability
By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rule 7819.1250.

Sec. 1.30. Abandoned and Unusable Facilities.
Subd. 1. ***Discontinued Operations.*** A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

Subd. 2. ***Removal****.* Any registrant who has abandoned facilities in any right of way shall remove it from that right of way if required in conjunction with other right of way repair, excavation, or construction, unless this requirement is waived by the city.

Sec. 1.31. Appeal.
A right of way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, subd. 6; or (5) disputes a determination of the director regarding Section 1.24, subd.2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right of way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Sec. 1.32 Reservation of Regulatory and Police Powers
A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

Sec. 1.33. Severability.
If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

11-1800 LANDSCAPING IN COMMERCIALLY ZONED AREAS

In all areas of the City zoned CD-1, CD-2, CD-3 or CD-4, the following conditions shall apply to landscaping and ground cover.

11-1810 Landscape Plan Required No building permit shall be issued for construction on a vacant lot, nor for any addition to an existing building involving the addition of 500 square feet or more of additional building space, unless the applicant shall have first submitted and obtained approval of the City Council, after review by the Planning Commission, of a landscaping plan meeting the requirements of this code.

11-1820 Installation Required No certificate of occupancy shall be issued for any construction which required a landscaping plan unless the applicant has installed all of the elements of the landscaping plan, or unless the applicant has posted security acceptable to the City to guarantee timely installation of all landscaping.

11-1830 Time for Submission The landscaping plan shall be submitted, whenever possible, at the time of site plan approval. If the landscaping plan is not submitted at the time of site plan approval, it must be separately reviewed by the Planning Commission and approved by the City Council prior to the issuance of any building permits.

11-1840 Contents and Specifications

The landscaping plan shall be a quality document prepared at a scale of one-inch equals thirty feet, showing all relevant dimensions. Fifteen copies of the plan shall be submitted by the applicant. The following data shall be displayed on the plan, legibly labeled:

A. Perimeter of all buildings, signs or other structures;
B. Parking lots and walkways, identifying pavement material;
C. Areas of decorative rock, identifying type of rock;
D. Areas of lawn;
E. Other areas where other than natural wooded vegetation is to be used as ground cover, identifying the ground cover to be used;
F. Locations, trunk size, height and species of all trees to be planted;
G. Locations where existing natural wooded vegetation will remain undisturbed;
H. All other landscaping features to be used.

11-1850 MINIMUM LANDSCAPING REQUIREMENTS

11-1851 Paved Surfaces All surfaces upon which motor vehicles will be parked or driven, and all areas in which pedestrians will be walking from point to point shall be surfaced with asphalt or concrete, to specifications established by the City's engineer.

11-1852 Ground Cover On any side of a lot which abuts a public road, the area from the road right-of-way to the nearest building side shall be entirely covered with ground cover consisting of pavement, decorative rock bordered with edging, lawn grass intended for regular mowing, mulch, bark, wood chips or other commonly used landscaping ground cover. Shingles, aggregate and clay mixtures such as Class V material, recycled concrete or asphalt, and other non-conventional ground covers shall not be permitted. Loose ground cover shall be installed to a depth of at least three inches. Any area which is covered by landscaping ground cover (not lawn or pavement) shall also include one decorative shrub for each ten square feet of ground cover.

Side yards and rear yards which do not contain existing natural wooded vegetation shall either be covered with ground cover in the manner stated above for front yards, or shall be planted so as to encourage the emergence of natural wooded vegetation, through the planting of tree species expected to reach a height of at least twenty five feet. Areas so prepared shall not be required to have mown lawn areas, but may be allowed to return to a natural state.

11-1853 Tree Plantings Trees which are planted outside of areas intended to return to a natural wooded state shall be of a variety indigenous to the local climate. Deciduous trees shall, when planted, have a trunk size of at least one and one half inches at a height of four feet from ground level. Conifers shall have a height of at least five feet. Tree locations are subject to review and approval of the City in the landscaping plan review process, and while no specific number of trees are required, the following general principles shall be observed;

A. Where property lines are adjacent to residential areas, a planting screen of conifers shall be required, of sufficient size and proximity to provide an intermingled screen within five years;

B. Decorative trees shall be planted along the right of way lines of adjacent public roadways;

C. The use of conifers shall be encouraged and preferred.

D. Whenever possible, an attempt will be made to preserve stands of existing vegetation, particularly treed or wooded areas.

11-1860 Case by Case Evaluation

Recognizing that the City contains a wide variety of commercial land, the landscape approval process shall be on a case by case basis. Where wetlands are present, or where large distances separate a commercial lot from adjacent lands, for example, strict adherence to screening requirements may be unnecessary. Likewise, strict adherence to the remaining provisions of Article 11-1800 may be unnecessary where size, spatial relationships, topography or other physical features render a given landscaping plan aesthetically acceptable, and departures from the strict observance of the elements of Article 11-1800

shall not be considered variances requiring a showing of physical hardship. Conversely, an applicant shall be expected to meet the general spirit of this article in establishing an aesthetically pleasing landscaping plan.

11-1900 ILLICIT DISCHARGES AND CONNECTIONS TO STORM DRAINAGE SYSTEM

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Ham Lake through the regulation of non-storm water discharges to the storm sewer drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate and minimize the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

11-1900.10 DEFINITIONS

For the purposes of this Code, the following shall mean:

a) Authorized Enforcement Agency: employees or designees of the Administrator of the City of Ham Lake designated to enforce this Ordinance.

b) Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

c) Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

d) Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

e) Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity,

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

f) Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 11-1900.31 of this Ordinance.

g) Illicit Connections: An illicit connection is defined as either of the following:

i) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

ii) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

h) Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

i) Municipal separate storm sewer system (MS4): A system of conveyances, owned and operated by the City, and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

j) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

k) Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

l) Person: any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

m) Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage,

fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

n) Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

o) Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

p) Storm Water: Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

q) Storm Water Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm Water Conveyance Systems and/or Receiving Waters to the Maximum Extent Practicable.

r) Wastewater: any water or other liquid, other than uncontaminated storm water, discharged from a facility.

s) Watercourse: A ditch, stream, creek, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

11-1900.20 GENERAL PROVISIONS

This Code shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

11-1900.21 RESPONSIBILITY FOR ADMINISTRATION

The City of Ham Lake shall administer, implement and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Authorized enforcement agency may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the Authorized enforcement agency.

11-1900.22 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

11-1900.23 INDUSTRIAL OR CONSTRUCTION ACTIVITY

DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Ham Lake prior to the allowing of discharges to the MS4.

11-1900.24 CRIMINAL PROSECUTION

Nothing in this Article 11-1900 shall be deemed a waiver or abrogation of the right of the City to seek criminal prosecution under its general code enforcement authority.

11-1900.30 DISCHARGE PROHIBITIONS AND CERTAIN REMEDIES

11-1900.31 PROHIBITION OF ILLEGAL DISCHARGES

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

a) The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities and any other water source not containing Pollutants.

b) Discharges specified in writing by the Authorized enforcement agency as being necessary to protect public health and safety.

c) Dye testing is an allowable discharge, but requires a verbal notification to the Authorized enforcement agency prior to the time of the test.

d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the storm drain system.

11-1900.32 PROHIBITION OF ILLICIT CONNECTIONS

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this Code if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

11-1900.33 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

11-1900.34 SUSPENSION DUE TO ILLICIT DISCHARGES IN EMERGENCY SITUATIONS

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

11-1900.35 SUSPENSION DUE TO THE DETECTION OF ILLICIT DISCHARGE

Any person discharging to the MS4 in violation of this Code may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing.

11-1900.40 MONITORING OF DISCHARGES

11-1900.41 APPLICABILITY

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

11-1900.42 ACCESS TO FACILITIES

a) The City and its authorized agents shall be permitted to enter and inspect facilities subject to regulation under this Code as often as may be necessary to determine compliance with this Code. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water and the performance of any additional duties as defined by state and federal law.

c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

d) The City of Ham Lake has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

f) Unreasonable delays in allowing the City access to a permitted facility is a violation of a storm water discharge permit and of this Code. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Code.

11-1900.50 BEST MANAGEMENT PRACTICES

The City will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense,

additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of the Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

11-1900.60 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Ham Lake within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

11-1900.70 ENFORCEMENT

11-1900.71 NOTICE OF VIOLATION

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Code, the City staff may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

a) The performance of monitoring, analyses and reporting;

b) The elimination of illicit connections or discharges;

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; and

e) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed.

11-1900.72 NUISANCE ABATEMENT PROCEEDING

If an ordered abatement or correction has not been implemented by the deadline for compliance, the condition shall be considered a public nuisance and subject to abatement under the City's nuisance abatement codes.

11-1900.73 EMERGENCY ABATEMENT

Notwithstanding the foregoing, if the situation meets the criteria for emergency abatement under the City's nuisance code, the City may proceed under the emergency provisions thereof.

11-2000 SOIL EROSION AND SEDIMENT CONTROL

INTRODUCTION/PURPOSE:

During the construction process, soil and debris is highly vulnerable to erosion by wind and water. Eroded soil and debris endangers water resources by reducing water quality and causing the siltation of aquatic habitat or fish and other desirable species. Eroded soil and debris also necessitates cleaning sewers and ditches.

The purpose of this Code is to control and eliminate, to the greatest extent possible, storm water pollution and soil erosion and sedimentation in order to protect and safeguard the general health, safety, and welfare of the public. It establishes standards and specifications for development and conservation practices and planning activities designed to:

1) Minimize increases in stormwater runoff from any new development or redevelopment in order to reduce flooding, siltation, streambank erosion and maintain the integrity of stream and ditch channels;

2) Minimize increases in non-point source pollution caused by stormwater runoff from new development or redevelopment which would otherwise degrade local water quality;

3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

The information in this Code is supplemental to language in other City Code, ordinances, plans, policies, guidelines and contracts included but not limited to the following:

1) City of Ham Lake Stormwater Pollution Prevention Plan (SWPPP);
2) Building Rules and Guidelines; and
3) Development contracts.

11-2000.10 DEFINITIONS

Best Management Practices (BMP'S): Technique or series of techniques, which are proven to be effective in controlling runoff, erosion, and sedimentation and construction debris confinement.

City: City of Ham Lake.

City Engineer: Ham Lake City Engineer or other designated authority charged with the administration and enforcement of this Code.

Clearing and Grubbing: The cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots and other remains in the designated areas.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Construction Debris: Any waste generated as a result of construction including but not limited to discarded building materials, concrete truck washout, chemicals, litter or refuse and sanitary waste.

Contractor: Any person who's responsible for abiding by the applicable requirements set forth in this Code.

Detention facility: A temporary or permanent natural or man-made structure that provides for the temporary storage of stormwater runoff.

Discharge: The release, conveyance, channeling, runoff or drainage of stormwater, including snowmelt, from a construction or development site.

Disturbed ground: Any clearing, grading, excavating or other activity that removes vegetation and/or exposes or loosens the soil making it susceptible to erosion by wind, water, vehicular traffic or man-made activity.

DNR: Minnesota Department of Natural Resources.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

Erosion Control: A measure that prevents erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Established Yard: A yard that has permanent ground cover established suitable for long-term erosion control including but not limited to seed, sod, native plants, shrubbery, trees, rock or mulch.

Exposed soil areas: Areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surfaces have been removed, thus

rendering the soil more prone to erosion. This includes topsoil stockpile areas; borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection requirements. Once soil is exposed, it is considered "exposed soil", until it meets the definition of "final stabilization".

Fill: A deposit of soil or other earth materials placed by artificial means.

Final Stabilization: Requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a minimum density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

Floodplain: The channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

Final Stabilization: Requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a minimum density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

Grading, Erosion and Sediment Control Plan: A City and local watershed approved plan required prior to commencement of any site grading, which details grading requirements, drainage characteristics and erosion control methods.

Impaired Waters: Water bodies that do not meet water quality standards and designated uses because of pollutant(s), pollution, or unknown causes of impairment.

Impervious surface: 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 existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Class 5 gravel surfaces are considered to be impervious surfaces.

Land disturbance activity: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including, but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:

1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, home landscaping, minor repairs and maintenance work which do not disturb more than two thousand (2,000) square feet of land or exceed one hundred (100) cubic yards of earthwork provided work does not obstruct or modify a watercourse or storm sewer system and is not located in a floodplain

2) Installation and maintenance of fences, signs, posts, poles, electric,

telephone, cable television, utility lines or individual service connections to these utilities; or

3) General farming practices, or

4) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

Local Watershed: The local regulating authority for watershed management; the three servicing Ham Lake include the Coon Creek Watershed District (CCWD), Sunrise River Watershed Management Organization (SRWMO) and Upper Rum River Watershed Management Organization (URRWMO).

MPCA: Minnesota Pollution Control Agency.

Ordinary High Water Level (OHW): The boundary of water basins, watercourses, public waters, and public waters wetlands, and:

1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outfall: The point of discharge to any watercourse from a public or private stormwater drainage system.

Permanent cover: Means "final stabilization". Examples include grass, gravel, asphalt and concrete. See also the definition of "final stabilization".

Person: Any individual, firm, company, association, society, corporation or group.

Public Waters: Waters of the state as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Retention facility: A temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Rough Grade: The stage at which the grade approximately conforms to the approved plan.

Runoff: Rainfall, snowmelt, dewatering discharge, irrigation or any man-made sources of water flowing over the ground surface.

Sediment: The product of an erosion process; solid material both mineral and organic, which is in suspension, is being transported, or has been moved by water, wind, or ice and has come to rest on the earth's surface either above or below water level.

Site: Any real property upon which improvements are to be made.

Site Grading: Excavation or fill of material, including the resulting conditions thereof.
Special Water*:* Surface water or receiving water that is of a high quality or is deemed worthy to receive extra protection.
Stormwater: Under Minnesota Rule 7077.0105, Subpart 41b, storm water, "means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage". According to the Code of Federal Regulations (CFR), under 40 CFR 122.26 [b][13], "Stormwater means storm water runoff, snow melt runoff and surface and drainage". Stormwater does not include construction site dewatering.
Stormwater Pollution Prevention Plan*:* Joint stormwater, erosion prevention and sediment control plan that is a document containing the requirements of 11-2000.51. When implemented, the plan will define the methods to be used to reduce soil erosion on a parcel of land and off-site non-point pollution. The plan involves both temporary and permanent controls.
Stormwater pond: (also referred to as wet sedimentation basin, wet retention basin, or simply wet pond) is a man-made or modified natural basin constructed to capture and retain stormwater runoff for the purpose of removing pollutants and mitigating downstream water quantity impacts.
Storm sewer system: Includes but is not limited to, the combination of roadway gutters, roadway section ditches, culverts, storm sewer piping, overflow channels, infiltration trenches, detention and retention water quality treatment basins and other methods or devices used for capturing, conveying, controlling and treating stormwater and snow melt runoff.
Surface Waters: All streams, ponds, lakes, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.
Suspended Solids: Total suspended matter that either floats on the surface of, or is in suspension in water and/or other liquids.
Temporary Erosion Protection: Short-term methods installed to prevent erosion. Examples include: silt fence, straw mulch, wood fiber blanket, wood chips and erosion netting.
Vegetated (Grassy) swale: A vegetated earthen channel that conveys storm water while treating the stormwater by biofiltration. Such swales aid in the removal of pollutants by both filtration and infiltration.
Waters of the State: As defined in Minnesota Statutes Section 115.01, Subdivision 22, the term, " . . . waters of the state 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". *Commentary: According to Minnesota Rules 7050.0130, Subpart A, disposal systems or treatment works operated under either a Minnesota Pollution Control Agency (MPCA) permit or an agency certificate of compliance are not considered "waters of the state." Under Minnesota Rules 7050.0130, Subpart F,*

constructed wetlands designed for wastewater treatment are not "waters of the state." Also see the definition of "Wetlands".

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1) have a predominance of hydric soils;

2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

3) under normal circumstances support a prevalence of such vegetation (MN Statutes 103.G.005).

11-2000.20 APPLICATION AND SWPPP REQUIREMENTS FOR CONTRACTOR:

It is the responsibility of the Contractor to obtain all the necessary permits from The MPCA, City and local watersheds and abide by all the requirements set forth in the General Stormwater Permit for Construction Activity (Permit Number: MN R100001).

In order to achieve compliance with the Municipal Separate Storm Sewer System (MS4) permit coverage extended to the City by the Minnesota Pollution Control Agency (MPCA), and to be consistent with the Local Surface Water Management Plan adopted by the City of Ham Lake, all public and private development and redevelopment projects, alterations, or improvements shall meet the requirements of this ordinance, the NPDES Construction Stormwater Permit (if applicable) and the rules of whichever Water Management Organization has jurisdiction on the subject property. Except where a variance is granted or ordinance does not require, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the City shall apply to the City for project approval which shall include one or more of the following:

1) Grading, Erosion and Sediment Control Plan,

2) Stormwater Pollution Prevention Plan (SWPPP) and

3) Stormwater Management Plan.

No land shall be disturbed until the project is approved by the City, has received a watershed permit, any other applicable permits, and conforms to the standards set forth herein.

112000.21 GENERAL CRITERIA

The Grading, Erosion and Sediment Control plan shall be required for any land disturbance activity or project disturbing more than 10,000 square feet and shall minimize exposed soil and unstable soil conditions in area and duration, disturbance of natural soil cover and vegetation, work in and

adjacent to water bodies and wetlands, off-site sediment transport by trucks and equipment, and disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing. The Plan shall also protect receiving water bodies, wetlands, storm sewer inlets and adjacent properties from sediment deposition. It shall provide a plan for minimal compaction of site soils.

11-2000.30 RIGHT OF ENTRY AND INSPECTION PROVISION:

1) Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the grounds of the licensee at reasonable hours without a warrant for the purpose of obtaining information, examination of records, conducting investigations or surveys. The authorized representatives may bring in such equipment upon the permitted development as is necessary to conduct surveys and investigations, may examine and copy and books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.

11-2000.40 ONSITE ACTIVITY REQUIREMENTS:

1) **Debris Storage:** All construction debris shall be kept in an enclosed building or properly contained in a covered container designed for such purposes throughout the construction process.
2) **Waste Disposal:** It shall be the responsibility of the Contractor to dispose of all construction debris in a manner approved by the City.
3) **Construction Entrance Criteria:** The Contractor shall take all the necessary measures to prevent sediment from entering the City streets during the construction process. Such practices shall occur in the manner as prescribed in the Ham Lake Construction Requirements.
4) **Site Dewatering:** Water pumped from the site shall be treated prior to entering a wetland, lake, river or stream to meet requirements set forth by DNR, MPCA and local watershed rules and regulations.

11-2000-50 SUBMITTAL COMPONENTS

An acceptable application for construction will include the following requirements and contain the components detailed in the following sections.

11-2000-51 GRADING, EROSION AND SEDIMENT CONTROL PLANS

The Grading Plan Checklist should be used as a reference. These can be obtained from the City of Ham Lake. All grading and erosion and sediment control plans shall include the following items:

a) Plans for existing and proposed conditions. A complete site plan and specifications, signed by the person who designed the plan shall be in compliance with the City Engineer's requirements, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:

i) Project map indicating site boundaries and existing elevations, property lines and lot dimensions in relation to surrounding roads, buildings and other structures, and other significant geographic features

ii) Identification of all surface waters, on and adjacent to the site and within 1/2 mile of project boundary, including, but not limited to lakes, ponds, streams (including intermittent streams), wetlands, natural or artificial water diversion or detention areas, public and private ditches, subsurface drainage facility (including drain tile), stormwater conveyance, and storm sewer catch basins. Show ordinary high water marks of all navigable waters, 100-year flood elevations, normal and high water elevations of ponds, and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, maybe required at the applicant's expense.

iii) For projects that have a discharge point on the project that is within one mile of, and flows to, an impaired water, the applicant must identify the impaired water(s) in the SWPPP, and whether there is a USEPA approved TMDL for the pollutant(s) or stressor(s) identified in this part. Unless otherwise notified by the MPCA in writing, the applicant's identification of impaired waters must be based on the most recent USEPA approved section 303(d) Clean Water Act list of impaired waters and USEPA approved TMDLs at the time a complete permit application is submitted. The applicant's identification must include those TMDLs applicable to the project's stormwater discharge that were approved at any time prior to permit application submittal and are still in effect.

iv) Map of watershed drainage areas showing direction of flow for pre and post construction drainage, soil types, infiltration rates, and depth to seasonal high water table.

v) Existing and proposed grades showing drainage on and adjacent to the site using 2 foot contours or less

vi) Existing and proposed impervious surfaces.

vii) Steep slopes of 12% or more existing over a distance for 50 feet or more.

viii) Location of all areas not to be disturbed during construction

including trees, vegetation, and designated areas for infiltration.

ix) Proposed grading or other land-disturbing activity; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site, and delineated limits of disturbance.

x) Locations of proposed runoff control, temporary and permanent erosion and sediment control, and temporary and permanent soil stabilization measures.

xi) 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 special waters as defined by the NPDES Construction Permit requirements, then temporary sediment basins must be installed where 5 or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures as approved by the City may be used.

xii) Any mitigation measures required as a result of any review conducted for the project (e.g. wetland mitigation, etc.).

b) A Stormwater Pollution Prevention Plan (SWPPP) specific to the conditions and site.

11-2000-52 SWPPP DESIGN COMPONENTS

The SWPPP Review Checklist should be used as a reference. All SWPPPs shall be reviewed by the City for effectiveness of erosion and sediment control measures in the context of the site topography and drainage, proposed design, suggested location and phased implementation of effective practicable stormwater pollution prevention measures.

1) General Criteria. Design, engineering and implementation of these measures shall use the following performance standards, BMPs, and design criteria:

a) Project Compliance – Statement of how the project will comply with all requirements of the NPDES Phase II regulations.

b) Description – Explanation of the project and associated construction activity.

c) Contact information for the on-site individual responsible for implementation of the SWPPP; and for the project manager and contractor.

d) Training - The applicant must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction. Name of person(s) trained, proof of training, date and course name/provider must be on record and made available as part

of the permit application.

e) Runoff easements - If a stormwater management plan involves directing some or all runoff from the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

f) Scheduling site activities – The applicant shall schedule site activities to lessen their impact on erosion and sediment creation. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of erosion and sedimentation control measures; and permanent site stabilization measures shall be provided.

2) Best Management Practices Implementation. All erosion and sediment control and water quality BMP's must be constructed and or installed prior to the commencement of land disturbing activities. These measures shall be coordinated with the different stages of development.

3) Monitoring and inspection. The trained person identified in the SWPPP or their assigned designee must routinely inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following an inspection which occurs within 24 hours after a rainfall event, the next inspection must be conducted within seven (7) days after that. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the SWPPP in accordance with the NPDES Construction Site Permit.

4) Other information. The City will require additional or modified information as warranted.

a) The City may require soil borings or other site investigation to be conducted and may require submission of a soils engineering or geology report. The report shall include information as requested by the City.

b) The City may require a stormwater runoff volume and rate analysis report or other hydrologic, water quality and hydraulic computations to be submitted.

c) The SWPPP shall be modified when there is a change in design, operation, maintenance, weather or seasonal conditions that have a significant effect on discharge and/or inspections indicate that the plan is not effective and existing BMP's are not controlling pollutants and discharges from the site.

5) Contractor/Owner inspections and maintenance - The contractor or owner shall be responsible for inspections and maintenance on the site.

a) Inspections and maintenance must be documented and

readily available for review on-site. Inspections are required as follows:

i) Once every 7 days on exposed soil areas.

ii) Within 24 hours after a 0.5 inch rain event over 24 hours.

iii) Once every 30 days on stabilized areas.

iv) As soon as runoff occurs or prior to resuming construction on frozen ground.

a) Maintenance is required as follows:

i) When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours.

ii) If the perimeter control device is not functional it must be repaired or replaced within 24 hours.

iii) Temporary sediment basins shall be maintained when sediment reaches ½ the outlet height or ½ the basin storage volume. Basin must be drained or sediment removed within 72 hours.

iv) Sediment tracked from construction site vehicle entrance and exit locations must be removed from paved surfaces within 24 hours of discovery.

v) Inlet protection devices must be cleaned weekly or more frequently as necessary. Sediment and other debris captured in these devices must be deposited in appropriate locations or containers.

11-2000-53 SWPPP IMPLEMENTATION COMPONENTS

1) Minimize exposed soil – Land shall be developed in increments of workable size such that adequate erosion and sedimentation control can be provided as construction progresses. At no time shall more than 20 acres be exposed. Special consideration shall be given to the stabilization of steep slopes. Development shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.

2) Restabilization - The area exposed shall be covered by an approved ground cover within fourteen (14) days after work is completed. When construction work is completed, a minimum depth of four (4) inches of topsoil meeting current MnDOT specifications shall be spread over the developed area and turf establishment started

3) Reduce Compaction – To reduce soil compaction and enhance vegetation establishment all compacted soil shall be tilled to a depth of at least six inches before revegetation.

4) Perimeter sediment controls - Perimeter sediment control measures shall be properly installed before construction activity begins. These control measures shall be designed to contain sediment on site and control the quality and quantity of stormwater leaving a site

before, during, and after construction. Control measures may include sit fence, compost logs, berms, or other approved methods.

5) Channel protection - Channels shall be diverted around disturbed areas if practical, or other channel protection measures will be required. The normal wetted perimeter of any temporary or permanent drainage channel must be stabilized within 200 lineal feet of the property edge, or from a point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to surface water. Sediment control is required along channel edges to reduce sediment reaching the channel. Stabilization of all waterways and outlets shall conform with the stipulations of this ordinance.

6) Outlet Protection - Pipe outlets must have approved energy dissipation measures installed within 24 hours of connection to a surface water.

7) Slope Protection - The following control measures shall be taken to control erosion during construction.

- **a)** No exposed slopes shall be steeper in grade than four (4) feet horizontal to one (1) foot vertical.
- **b)** Exposed slopes steeper than ten (10) feet horizontal to one (1) foot vertical shall be stabilized to minimize erosion.
- **c)** At the foot of exposed slopes or slopes with long runs a channel and berm may be required to be constructed to control erosion. The channeled water shall be diverted to the sedimentation basin (debris basin, sediment basin, or silt trap) before being allowed to enter the natural drainage system.
- **d)** At the foot of exposed slopes or slopes with long runs a channel and berm may be required to be constructed to control erosion. The channeled water shall be diverted to the sedimentation basin (debris basin, sediment basin, or silt trap) before being allowed to enter the natural drainage system.
- **e)** Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils materials, and expected length of exposure. Slope protection shall consist of mulch, burlap, jute netting, sod blankets, fast growing seeds, temporary plantings or annual grasses. Mulch shall consist of hay, straw, or other approved protective materials. Mulch must be anchored to the slopes by an approved method to provide additional slope stability.
- **f)** Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will effectively protect exposed slopes and are approved by the Engineering Department.
- **g)** Wind Erosion. Snow fences or other wind reducing means

shall be employed during construction on-site to reduce wind erosion of the soil. These measures shall be employed as soon as construction has started and shall be extended as needed throughout the development.

h) All exposed soil areas with a continuous positive slope that are within 200 lineal feet of any surface water, or any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year around. The area shall be stabilized if it has not been worked for seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes. On sensitive sites or sites with special waters, exposed soil areas with a greater than three feet horizontal to one foot vertical (3:1) must be stabilized within three (3) days and slopes flatter than 3:1 must be stabilized within seven(7) days. All exposed soil areas must have temporary erosion protection or permanent cover no later than November 1st regardless of the stabilization requirements listed above. All exposed soils from construction activities taking place after November 1st must provide temporary erosion protection or permanent cover by the end of the work day if conditions warrant.

i) If more than 10 acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed. 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.

j) For disturbed areas less than ten (10) acres, temporary sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations that result in maximum protection and sediment capture. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc. must be regularly inspected and maintained.

8) Silt fence – Silt fence shall be properly installed by being trenched and buried at least six inches into the soil. Generally, sufficient silt fence will be required to contain sheet flow runoff generated at an individual site. This method is used to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, wetlands, etc. Provide that all silt fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the City and other permitting agencies have

determined that the site has been permanently stabilized and shall be removed within 30 days thereafter.

9) Soil stockpiling - Temporary stockpiling of one hundred (100) cubic yards or more of excess soil on any lot or other vacant area will not be allowed without issuance of a permit for the earth moving activity in question. Stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the down gradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use. No stockpiling is allowed in the street.

10) Stockpile protections - For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with perimeter control devices such as silt fence. If for any reason a soil stockpile is located closer than twenty-five (25) feet to a road, drainage channel or stormwater inlet, it must be covered with tarps or a more permanent protection and controlled with perimeter control devices immediately.

11) Vehicle exits/entrances - Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The exit must be at least 50 feet long, and the exit must be graded so runoff does not enter the adjacent street. Place a geotextile fabric under a layer of aggregate at least 6 inches thick. The aggregate size must be a minimum of 1 to 3 inches or an approved equal. Direction should be given to use the designated construction exits.

12) Street cleaning - Streets and outlying roads shall be cleaned and swept within 24 hours whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.

13) Dewatering treatment required – Sediment laden water that is being removed from the site by pumping or trenching shall be treated to remove a minimum of 80 percent of suspended solids before discharge. Water may not be discharged in a manner that causes erosion to receiving channels or flooding of the discharge site.

14) Storm drain protection - All storm drain inlets shall be protected during construction with control measures as approved by the City. These devices shall remain in place until final stabilization of the site. A regular inspection and maintenance plan shall be developed and implemented to assure these devices are operational at all times, providing protection of storm sewer infrastructure from

sediment loading/plugging. Silt fence fabric under catch basin grates will not be considered appropriate protection. Protective devices shall be removed prior to freeze up and replaced when temperature permits.

15) Waste Containment – Appropriate on-site containment must be provided for all trash, solid waste, construction debris, floating debris, and hazardous materials. Disposal of collected sediment shall be deposited only in approved locations.

16) Special Precautions – Extra precautions must be taken to contain sediment when working in or crossing water bodies.

11-2000-54 REVIEW

The City shall complete a review of the SWPPP concurrent with other submittals. City approval is contingent on issuance of all other permits required by other agencies having jurisdiction on the project. There shall be no work on the site until the requirements are met and approval has been granted.

1) Compliance – A SWPPP will be considered compliant when the City determines that the SWPPP meets the requirements of this ordinance and all other requirements for project approval. Compliance assumes implementation and maintenance of the SWPPP components.

2) Non-compliance - If the City determines that the SWPPP does not meet the requirements of this ordinance the City shall not issue approval for the land disturbance activity. The SWPPP must be resubmitted for approval before the land disturbance activity begins.

3) City inspections and enforcement - Inspections are required before any land disturbing activity begins, at the completion of the project and prior to the release of financial securities. The City shall also conduct inspections on a regular basis during the course of construction to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld or applicant fails to achieve compliance, enforcement proceedings will be applied as outlined in 11-2000.58 below. An inspection must be conducted before any work is allowed to restart.

11-2000-55 MODIFICATION OF PLAN

The applicant must amend the SWPPP as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:

1) A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters.

2) Inspections indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedences.

3) The SWPPP is not achieving the general objectives of controlling pollutants and sediments or is not consistent with the terms and conditions of the approved project plans.

11-2000-56 FINANCIAL SECURITIES

The applicant shall be subject to the financial security provisions of the Development Agreement or other Agreements.

11-2000-57 EMERGENCY ACTION

If circumstances exist such that non-compliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.

11-2000-58 NOTIFICATION OF FAILURE OF THE SWPPP

The City shall notify the project contact of the failure of the SWPPP's measures**.**

1) Initial contact. The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed with corrective work. If there are conditions when time is of the essence in controlling erosion, the City may take immediate action, and then notify the applicant as soon as possible. Any cost incurred by the City may be recovered from the applicant's financial security.

2) Erosion off-site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the

remedial work required. Any cost incurred by the City may be recovered from the applicant's financial security. When restoration to wetlands and other resources are required, the applicant will be required to work with the appropriate agency to ensure that the work is done properly.

3) Erosion into streets, wetlands or water bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

4) Failure to do corrective work. When an applicant fails to conform to any provision of this policy within the time stipulated, the City may take one or more of the following actions:

- **a)** Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy
- **b)** Correct the deficiency or hire a contractor to correct the deficiency. Project approval constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
- **c)** Require reimbursement to the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities.

11-2000.60 SANCTIONS FOR COMPLIANCE:

1) Violations Declared: A case where a BMP has failed, was removed, was not properly installed, was not installed or was not managed properly, which increases the potential for pollutants to waters of the state includes but is not limited to the following:

- **a)** Silt fence failure or improper installation;
- **b)** Non-storm water discharges on impervious surfaces;
- **c)** Garbage, refuse, construction debris; and
- **d)** The presence of barren soils for an extended period of time.

2) Corrective Measures: The following are corrective measures that shall be taken, as directed by the City:

- **a)** Repairing and/or adding silt fence;
- **b)** Removing pollutants from impervious surfaces including streets and gutters not limited to sand or other sediment, brush, garbage, refuse, construction debris, oils and concrete washout by an effective means;

c) Picking up garbage, refuse or construction debris in and amongst the grounds of the development and/or adjacent properties; and

d) Stabilizing the site by furnishing adequate ground cover to lessen wind and water erosion as prescribed in the Ham Lake Construction Requirements.

3) **Procedure for Correction:** Upon the determination of a violation, a deadline for correction shall be given with notification of penalties for failing to comply. The Contractor shall be notified both orally and in writing, and will be given a reasonable timeframe for correcting the violation.

4) **Penalties for Non-compliance:** Failure to meet the deadline will result in one or more of the following penalties:
   a) The City performing the necessary work or contracting for the completion of the work and billing the contractor for said services and/or using escrow funds;
   b) Discontinuing the issuance of any permits or Certificate of Occupancies development or for the individual lot;
   c) Stop work orders; and
   d) Discontinuing scheduled inspections.

Violation; Misdemeanor: Any person who is found to violate any section of this Code shall be charged with a misdemeanor and, upon conviction thereof, shall be subject to a misdemeanor penalty as then defined by Minnesota law. Additionally, the City may exercise any civil remedy available under Minnesota law for enforcement of this Code including civil action, mandamus, injunctive relief, declaratory action, or the levying of assessments.

11-2100 SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) AND WELL WATER LOAN PROGRAM

Pursuant to the authority of Minnesota Statutes Chapter 115.57, the City of Ham Lake hereby establishes the following SSTS and Well Loan Program. The program is intended to offer loans to eligible parties to repair or replace existing SSTS or water wells. The program is to be funded from monies made available from the Anoka County Housing and Redevelopment Authority (HRA) out of a special tax levy that has been and is being imposed on Ham Lake properties for the benefit of Ham Lake housing issues.

11-2110 Eligibility: Conditions

The conditions that are eligible for consideration for repair and/or replacement under this program include SSTS that have failed or which consist of leaking holding tanks, holding tanks which can be replaced by a

conventional or “other” SSTS”, privy vaults and straight pipe systems. An SSTS is a “failed” SSTS” if it is discharging effluent above ground level. These criteria shall be used in place of any other criteria that may be found in State or County health codes, and regardless of terminology as may be found therein.

The conditions that are eligible for consideration for repair and/or replacement of water wells are:

a. contamination making the water unfit for human consumption; or

b. lack of water pressure caused by a lack of well depth, a insufficient groundwater elevation or pipe sedimentation; or

c. mechanical or electrical failure of or in the pump apparatus; or

d. a well that needs to be abandoned and capped.

The City’s designated officials shall be the sole judge of whether or not the qualifying criteria are met.

11-2120 Eligibility: Financial

In order to qualify for the program, the property owner must be a natural person or persons, named in the title to the property as joint tenants or tenants in common, and meeting the following financial criteria.

a. The applicant(s) must meet the qualifying income limits as published by the United States Housing and Urban Development Department (HUD) as stated in the most current eligibility tabulations by HUD for qualification for Section 8 housing, according to household size, for the Minneapolis St. Paul Statistical Area.

b. Aggregate net worth of all of the owners must be less than $50,000.00 as disclosed on signed Financial Statements. Financial Statements must be in a form acceptable to persons designated by the City Administrator to review same.

c. A Title search must be prepared or reviewed by the City Attorney, and the property cannot be in foreclosure or encumbered by tax liens or mechanics liens. Real estate taxes must be current.

d. There must be reasonable positive equity in the property, meaning that the City staff’s estimate of fair market value must exceed the apparent amount of debt encumbering the property, and the decision as to whether or not to approve the application may be based on the City’s evaluation of the likelihood that the assessments will in fact be paid in full. No credit

check of the applicant(s) shall be required. The City may require a fee appraisal, the cost of which can be included in the loan, at the City's option, prior to making a decision on the application.

The applicant(s) shall furnish whatever financial information is requested of the City, including tax returns. Financial data will be considered private data to the extent permitted by law.

11-2130 Assistance and Assessments

a. Loan. Assistance to the property owner shall be in the form of a loan to the property owner(s) in an amount necessary to effect the replacement or repairs, not to exceed a total of $25,000.00. The loan shall become an assessment against the property on which the repair/replacement occurs pursuant to Minnesota Statutes Chapter 115.57 (Subd. 6). At the time of issuing the loan, the City shall provide the notices required by said statute. The assessment shall be certified for collection with real estate taxes on November 15 of the year in which the loan is made, and shall be payable over a ten year period, together with interest accruing at a rate established by City Council resolution at the time that the loan is made.

b. Prerequisites to Loan. Prior to closing the loan, the applicant(s) shall supply information satisfactory to the City documenting the need for the repair/replacement, and provide a quote or quotes from licensed and qualified septic and/or well installers documenting the cost of repair/replacement, and in the case of SSTS, providing a design plan for the new or repaired SSTS that meets City codes. The applicant(s) shall also provide evidence satisfactory to the City that they meet the financial eligibility requirements as contained in item 11-2120 above.

11-2140 Procedure for Approval

a. Submissions. Applicant(s) shall complete such forms as the City staff prepares in application for approval, and staff shall complete a report to the City Council for review when all application material is complete. The report shall not include the actual financial data provided by the applicant(s). Staff shall not forward an application to the City Council unless all eligibility and submission requirements are complete, and Staff shall have the authority to summarily reject an application for non-compliance with eligibility or submission requirements, provided that the applicant(s) receive written notice from Staff as to the reasons for rejection.

b. City Council Approval. The City Council shall review the staff report and shall act on the application by resolution. If disapproved, the resolution shall contain findings of fact supporting the disapproval. If approved, the resolution shall include an interest rate and such other matters as the City Council deems appropriate.

c. Appeal of Staff Decision. If Staff has summarily rejected an application, the applicant(s) may appeal the decision by requesting an appearance before the City Council.

d. Variances. The City Council may grant reasonable variances to the eligibility requirements if there are special circumstances which justify such variances. Special circumstances may include, without limitation, the use of shared SSTS systems or wells, unusual sub-surface conditions, or net worth affected by non-liquid assets.

11-2150 Closing

At the time that the loan is closed, the applicant(s) shall execute any and all documents deemed necessary and appropriate by the City in connection with the loan.

11-2200 Transport of Fill to Lands

No person shall transport or deposit any type of soil, gravel, rock, sand or other fill (hereafter, collectively referred to as "fill") on any parcel of land in the City of Ham Lake except in conformance with this Article 11-2200.

11-2210 – Permit Required

The transport of fill on to any parcel other than under the exceptions listed in Article 11-2220 below shall require a permit to be issued as provided in this Code.

11-2220 – Exceptions - the following activities shall not require a permit:

a) The transport of fill intended to be used as topsoil for the establishment of turf by sodding or seeding, intended to create a topsoil layer of not more than a depth of six inches over existing grade;
b) The transport of fill as needed to create a separation to mottled soils in the construction of any Subsurface Sewage Treatment System.
c) The transport of decorative rock, sand or gravel as a component of a bona fide landscaping project or driveway on a residential or commercial lot housing an existing building or a building under construction.
d) Fill activity carried on as a part of a City-approved Grading Plan in conjunction with a residential or commercial subdivision.
e) Fill activity carried on as a part of a City-approved Excavation Permit.
f) Fill activity involving the transport of less than 1200 cubic yards of fill within any given 36 month period.

11-2230 – Procedure

a) **Application -**Application for a Fill Permit shall be made to the City's Building Official. The Building Official may issue the permit for projects

involving the transport of less than 1,200 cubic yards of fill. For permits involving greater than 1,200 cubic yards of fill, the permit shall be reviewed by the Planning Commission with recommendations from the Building Official and Engineer, and acted upon by the City Council for final decision. The Building Official may, in his or her discretion, require a public hearing with such notice to nearby properties as is deemed reasonable by the Building Official.

b) **Conditions of Permit** – all Permits shall contain, at a minimum, conditions that regulate the routes and times of delivery, the frequency of delivery, the quantity of fill, and erosion or silt control deemed appropriate by the City, and a requirement that the applicant observe all of the regulations or rules of any other agency having jurisdiction over the activity, including, without limitation, the local watershed district.

c) **Development Agreement and Security for Performance and/or Maintenance** – on all Permits reviewed by the Planning Commission, it shall be a condition of issuance that the City and the applicant enter into a Development Agreement to enforce conditions, which may require the posting of adequate security by the Applicant to guarantee performance and maintenance, and reimbursement to the City for costs incurred in the review process.

d) **Fees –** Fees for Fill Permits shall be established by ordinance.

11-2300 POST-CONSTRUCTION STORM WATER MANAGEMENT

This Code shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City under the specifications of Article 11-2300.50 of this Code. This Code also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans. Projects disturbing more than one acre shall follow the most current General Permit to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination System/State Disposal System permit program (the Permit) issued by the MPCA, as amended, and shall take the necessary precautions to prevent soil erosion, damage to adjacent property and control runoff to surface water.

11-2300.10 Definitions

Accelerated Erosion: erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Applicant: a property owner or agent of a property owner who has filed an application for a storm water management permit.

Building: any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Best Management Practices (BMPs): erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of waters of the state, including avoidance of impacts, prohibitions of practices, general housekeeping practices, pollution prevention and educational practices, operating and maintenance procedures, and other applicable management practices.

Channel: a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Common Plan of Development: 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.

Construction Activity: a land disturbing activity where one half (1/2) acre or more new impervious surfaces is created and/or developed, or one (1) acre of land disturbance occurs. Construction activity includes land disturbing activities that are part of a large common plan of development.

Dedication: the deliberate appropriation of property by its owner for general public use.

Detention: the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention Facility: a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer: a person who undertakes land disturbance activities.

Drainage Easement: a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

Grading, Drainage and Erosion Control Plan: a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Green Infrastructure: a wide array of practices at multiple scales that manage wet weather and that maintains or restores natural hydrology by infiltrating, evapotranspiration, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape

features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce the overall imperviousness in a watershed. On a local scale, green infrastructure consists of the site and neighborhood-specific practices such as bioretention, trees, green roofs, permeable pavements and cisterns.

Hotspot: an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

Hydrologic Soil Group (HSG): a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Impervious Surface: 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 the development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, compacted gravel, concrete, asphalt, or gravel roads.

Industrial Storm Water Permit: a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

Infiltration: the process of percolating storm water into the subsoil.

Infiltration Facility: any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Jurisdictional Wetland: an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Disturbance Activity: any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landowner: the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land

New Development: all construction activity that is not defined as redevelopment.

Nonpoint Source Pollution: pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be

limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Off-Site Facility: a storm water management measure located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility: a storm water management measure located within the subject property boundary described in the permit application for land development activity.

Operation and Maintenance (O&M) Agreement: a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Recharge: the replenishment of underground water reserves.

Redevelopment: any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).

Stop Work Order: an order issued which requires that all construction activity on a site be stopped.

Storm Water Management: the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Storm Water Retrofit: a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

Storm Water Runoff: rain water runoff, snow melt and subsurface runoff and drainage.

Storm Water Treatment Practices (STPs): measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies.

Structural Stormwater BMPs: stationary and permanent BMPs designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.

Water Quality Volume (WQ_v): the storage needed to capture and treat 90% of the average annual storm water runoff volume. Numerically **(WQ_v)** will vary as a function of long term rainfall statistical data.

Watercourse: a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

11-2300.20 Applicability

To prevent the adverse impacts of storm water runoff, the City has developed a set of performance standards that must be met at new development sites.

These standards apply to any construction activity disturbing 10,000 or more square feet of land.

11-2300.21 Exemptions

The following activities may be exempt from these storm water performance criteria:

a) Any agricultural activity which is consistent with an approved localized or City-wide soil conservation plan or stormwater management plan prepared or approved by the City, and is consistent with the rules and regulations of other agencies having jurisdiction over such activities a

b) Additions or modifications to existing single family structures.

c) Repairs to any storm water treatment practice deemed necessary by the City.

d) Projects that are covered by other portions of this Code, which require City permits or other City approvals, and which contain requirements for dealing with stormwater runoff that are of equal or better effectiveness than the requirements of Article 11-2300, or which may be duplicitous of the requirements of Article 11-2300. Such portions of the City Code include, but are not limited to the Subdivision Code and portions of the Code dealing with excavations and land reclamation projects.

11-2300.22 Redevelopment Projects

When a Site Plan is submitted that qualifies as a redevelopment project as defined in Article 11-2300.30 of this Code, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in the current Storm Water Pollution Prevention Plan (see Article 11-2300.20 below). This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City of Ham Lake.

11-2300.23 Compatibility with Other Permit and Ordinance Requirements

This Code is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this Code should be considered minimum requirements, and where any provision of this Code imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

11-2300.30 Post-Construction Stormwater Standards

1) The following volume control standards shall be met as described below for all construction activities. Construction activities are land disturbing activities where one half (1/2) acre or more of new impervious surfaces are created and/or redeveloped, or one (1) acre of land disturbance occurs. Construction activity includes land disturbing activities that are part of a larger common plan of development.

a) All new development projects shall retain, on-site (i.e. infiltration or other volume reduction practices) and not discharge off-site, a runoff volume equal to 1 inch from the proposed increase of impervious surfaces.

b) All redevelopment projects, shall retain, on-site (i.e. infiltration or other volume reduction practices) and not discharge off-site, a runoff volume equal to 1 inch from the proposed increase of impervious surfaces.

c) To the maximum extent practicable, volume control measures should be distributed evenly throughout the development areas.

d) Green infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs), shall be given preference as design options consistent with zoning, subdivision and PUD requirements.

e) Best management practices must meet design specifications as outlined and incorporated in 11-2300.30.

f) For linear projects, a reasonable attempt must be made to obtain right-of-way during the project planning process for volume control practices. For linear projects where the lack of right-of-way precludes the installation of volume control practices, exceptions, as described 11-2300.30 can be applied.

g) Wetlands/ponds are considered to be an impervious surface. While subject to rate control requirements, rainfall on wetlands/ponds is not subject to volume control standards.

h) As sites redevelop, the proposed site modifications must meet or exceed the stormwater volume standards that were previously achieved.

2) Infiltration techniques are restricted, without detailed engineering review, when the infiltration device will receive discharges from, or be constructed in:

a) Areas of predominately Hydrologic Soils Group D (clay) soils.

b) Areas within 1,000 feet up-gradient, or within 100 feet down-gradient of active karst features.

c) Areas within a Drinking Water Supply Management Area (DWSMA) as defined in subpart 13 of Minnesota Rules 4720.5100.

d) Areas where soil infiltration rates are more than 8.3 inches per hour.

3) Infiltration treatment methods are prohibited in the following areas:

a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NDPES/SDS Industrial Stormwater Permit issued by the Agency.

b) Where vehicle fueling and maintenance occur.

c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.

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

4) The following rate control standards shall be met as described below:

a) Discharge rates shall be derived using the standards methods of the *Natural Resources Conservation Service TR-55 or TR-20* as defined in the current *Hydrology Guide for Minnesota.*

b) In cases where the downstream conveyance system is a clearly defined manmade system of limited capacity, the allowable discharge will be limited to the prorated share of the property to the overall service area. Typically, this type of system will require the 100-year post-development rate of discharge to be equal or less than the 5-year post-development rate of discharge, but it may be considerably less with no correlation to a given rainfall event frequency.

c) In cases where the downstream conveyance system is a natural system, features shall be incorporated into the stormwater management plan to meet the following requirements: 100-year post-development rate of discharge to be equal or less than the 10-year pre-development rate of discharge.

d) For receiving systems where rates are of limited concern, the rate of discharge after development/redevelopment must be equal or less than the existing rate of discharge for the following rainfall events: 2-year, 10-year and 100-year.

5) All stormwater design calculations, specifications, site plans and supporting hydraulic modeling are subject to the review and approval of the City Engineer or its designee.

6) Property owner shall maintain all stormwater facilities in proper condition Consistent

11-2300.40 Post-Construction Stormwater Standards Exceptions and Mitigation

1) Projects shall fully attempt to comply with the volume control requirements in 11-2300.30. A reduced volume control on the site of the original construction activity may be applied, at the discretion of the City, under the following circumstances:

a) The owner and/or operator of the construction activity is precluded from infiltrating stormwater through a designed system due to limitations as specified and incorporated in 11-2300.30(3).

b) The owner and/or operator of the construction activity implements to the maximum extent practicable volume reduction techniques, other than infiltration, on the site of the original construction activity that reduces stormwater discharge volumes.

2) If the owner and/or operator of a construction activity is granted a volume control exception, alternatives 1, 2 and 3 below are required to be followed. This process includes mitigation provisions for requirements that cannot be met on the site of the original construction activity.

a) Alternative #1: Applicant attempts to comply with the following conditions:

i) Achieve at least half of the volume reduction required.

ii) Remove 75% of the annual TP load from the increase in impervious surfaces if the

iii) site is new development or from the new and/or fully reconstructed impervious

iv) surfaces for a redevelopment site.

v) Options considered and presented shall examine the merits of relocating project

vi) Elements to address varying soil conditions and other constraints across the site.

b) Alternative #2: Applicant attempts to comply with the following conditions:

i) Achieve volume reduction to the maximum extent practicable.

ii) Remove 60% of the annual TP load from the increase in impervious surfaces if

iii) The site is new development or from the new and/or fully reconstructed

iv) Impervious surfaces for a redevelopment site.

v) Options considered and presented shall examine the merits of relocating project

vi) Elements to address varying soil conditions and other constraints across the site.

c) Alternative #3: Off-site mitigation, as approved by the City Engineer, equivalent to the volume reduction requirement for the construction activity, can be used in areas selected in the below order of preference. Off-site mitigation projects shall be completed within 24 months after the start of the original construction activity.

- **i)** Locations that yield benefits to the same receiving water that receives runoff
- **ii)** From the original construction activity.
- **iii)** Locations within the same Department of Natural Resources (DNR) catchment
- **iv)** Area as the original construction activity.
- **v)** Locations in the next adjacent DNR catchment area up-stream.
- **vi)** Locations anywhere within the City.

3) The owner and/or operator of a construction activity must provide appropriate documentation to the City as support for volume control exceptions and/or mitigation provisions above.

11-2300.50 Post Construction Maintenance and Inspections of Structural Stormwater BMPs

Any structural stormwater BMP that the City determines to be private shall meet the following requirements:

1) A permanent public easement shall be provided to the City for access for inspection and/or maintenance purposes. Costs incurred by the City for any maintenance of private systems will be billed and/or assessed to the owner per 11-2300.70.

2) The owner shall enter into a recorded Maintenance Agreement with the City. The agreement shall include as an attachment an inspection and maintenance plan. The terms and conditions of the Maintenance Agreement with attachments shall be binding upon, and shall insure to the benefit of the parties and their respective successors and assigns.

3) The permanent public easement and Maintenance Agreement shall be recorded with the County Recorder or Registrar of Titles in the respective County where the Structural Stormwater BMP is located. A copy of the recorded permanent public easement and Maintenance Agreement shall be provided to the City prior to the certificate of occupancy or one (1) year after the site's land disturbance permit is approved, whichever comes later.

4) The inspection and maintenance plan shall be developed, approved, and included as an attachment with the Maintenance Agreement. At a minimum, maintenance plans must include the following information:

a) Responsible person(s) for completing inspections and conducting maintenance;
b) Frequency of inspections of maintenance; and
c) Inspection checklist and type of maintenance anticipated

5) If site configurations or structural stormwater BMPs change, decreasing BMP effectiveness, new or improved structural stormwater BMPs must be designed and implemented to meet the requirements of this section. New and/or improved BMP plans must be submitted to the City Engineer for review and approval.

6) The property owner shall maintain all structural stormwater BMPs in proper condition consistent with the performance standards for which they were originally designed.

7) The property owner shall keep on file all structural stormwater BMP annual inspection and maintenance records for 5 years and submit to the City as requested.

11-2300.60 Public Structural Stormwater BMPs and Drainage Easements

Alterations affecting the function of a public structural BMP, and/or drainage easement, must be approved by the City Engineer.

11-2300.70 Violations and Enforcement

1) Violation Enforcement

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code, Development Agreements and recorded Operation and Maintenance Agreements.

a) Immediate Danger

Whenever in the judgment of the Public Works Superintendent or designee charged with enforcement, it is determined upon investigation the violation constitutes an immediate dance to the public health or public safety, an administrative citation may immediately be issued to the property owner. In other instances where an immediate public health or safety threat does not exist, the enforcement official may issue a notice and order to correct.

b) Notification

Upon the issuance of an immediate administrative citation, the Public Works Superintendent or designee will also send written notification of the violation to the person committing or maintaining the violation, and require the person to terminate and abate the violation within 24 hours or such other period specified by the enforcement official. The written notice will be served upon the person committing or maintaining the violation in person or by first class mail, or if unknown, then by posting a copy of the notice on the site.

2) Abatement of Violation

If the violation is not corrected as described in the notice and order to correct, the abatement of the violation will be under the direction of the Public Works Superintendent, or designee. The expenses for the abatement will include a $75.00 administrative fee in addition to the actual costs of the abatement. Abatement actions that require the presence of City staff for more than one hour during the abatement or other extraordinary coordination efforts will be billed to the property owner at the rate of $60.00 per hour. If abatement expenses are not paid, they will be levied against the property as a special assessment and collected as in the case of other special assessments. A $50.00 charge will be added to all accounts certified to the County Auditor's office for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of the certification.

3) Penalties

Any person who is found to have violated any provision of this Code, or permits, agreements, and orders issued hereunder, shall be fined in an amount not to exceed $1,000 per violation. Each calendar day on which noncompliance shall occur or continue shall be deemed a separate distinct violation. Unpaid charges, fines and penalties shall constitute a lien against the subject property. Users desiring to dispute such fines must file a request.

4) Costs

In addition to the penalties provided herein, the City may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this Code shall become liable to the City for any expense, loss or damage. The Public Works Superintendent may add to the violator's charges and fees, the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Additional inspections caused by noncompliance will be billed to the affected property owner at 2.5 times the base hourly salary of the inspector.

11-2300.80 Development of a Storm Water Pollution Prevention Plan

The City of Ham Lake may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this Code and may provide such information in the form of the Storm Water Pollution Prevention Plan. This Plan will include a list of acceptable storm water treatment practices, including the specific design criteria and operation and maintenance requirements for each storm water practice. The Plan may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering,

science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

11-2300.90 Permit Procedures and Requirements

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Code prior to commencing the proposed activity.

11-2300.91 Application Requirements

Unless specifically excluded by this Code, any land owner or operator desiring a permit for a land disturbance activity shall submit to the City of Ham Lake a permit application on a form provided for that purpose prior to the start of construction. Unless otherwise excepted by this Code, a permit application must be accompanied by the following in a form established by the City in order that the permit application be considered:

- **a)** a Site Plan, which includes post-construction stormwater management BMPs;
- **b)** an operation and maintenance agreement;
- **c)** a non-refundable permit review fee.

11-2300.92 Application Procedure

Applications shall be made on forms and to specifications established by City staff. All application materials will be forwarded to the City Engineer for review. Review shall be limited to evaluating compliance with the provisions of this Code and other regulations or rules of agencies having jurisdiction of the activities. Upon completion of review, the Engineer shall forward comments and recommendations to the City Council for final action. Final review shall not be deemed completed until all aspects of the review process have been completed. City Council action shall be completed within Minnesota statutory rules for such approvals, if applicable. Then Engineer's recommendations shall include a mandatory completion date and security requirements, if any.

Prior to making a decision on any application, the City Council may, but is not required to conduct a public hearing on the project, providing such published and mailed notice as is deemed appropriate by the City Council.

11-2300.93 Development Agreement

Projects approved for permits under this Code shall be contingent upon execution of a written Development Agreement between the City and the applicant addressing such matters as the City deems appropriate.

11-2300.94 Reimbursement of Costs

All costs incurred by the City in reviewing and inspecting projects covered by this Code shall be reimbursed by the applicant in the manner provided by the Development Agreement.

11-2300.95 Inspection

All projects for which a storm water management plan is required shall be subject to periodic inspections by the City's agent, as outlined in the Development Agreement.

11-2300.100 Waivers to Storm Water Management Requirements

In lieu of submitting the application and materials outlined in Article 11-2300.40, an applicant may submit a written request for a waiver of the requirements of this Code. The minimum requirements for storm water management may be waived in whole or in part by the City Council, on recommendation of the City Engineer, provided that at least one of the following conditions applies:

a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Code;

b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City Engineer and the implementation of the plan is required by local ordinance.

c) Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.

d) The City Engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

e) The project is covered by another portion of the City Code providing sufficient attention to stormwater runoff.

11-2300.110 General Performance Criteria for Storm Water Management
Unless judged by the City to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites:

11-2300.111 Peak Flow Rates
All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

11-2300.112 Discharge
Storm water runoff generated from new development shall not discharge untreated storm water directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City Engineer. In no case shall the impact on functional values be any less than allowed by the Army Corps of Engineers or the Watershed Management Organization/Watershed District responsible for natural resources.

11-2300.113 Channel Protection
To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the Storm Water Pollution Prevention Plan.

11-2300.114 Sensitive Areas
Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

11-2300.115 NPDES Compliance
Certain industrial sites are required to prepare and implement a storm water pollution prevention plan, and shall file a Notice of Intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The storm water pollution prevention plan requirement applies to both existing and new industrial sites.

11-2300.116 Hotspots
Storm water discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots”, may require the use of specific structural STPs and pollution prevention practices.

11-2300.117 Additional Requirements
Prior to design, applicants are required to consult with the City Engineer to determine if they are subject to additional storm water design requirements.

11-2300.118 Sizing
The calculations for determining peak flows as found in the Storm Water Pollution Prevention Plan shall be used for sizing all storm water management practices.

11-2300.120 Basic Storm Water Management Design Criteria
Stormwater practice plans shall meet the following design criteria.

11-2300.121 Minimum Control Requirements
All storm water management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10-year, 100-year) as identified in the current Storm Water Pollution Prevention Plan are met, unless the City grants the applicant a waiver or the applicant is exempt from such requirements. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

11-2300.122 Site Design Feasibility
Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

a) Topography
b) Maximum Drainage Area
c) Depth to Water Table
d) Soils
e) Slopes
f) Terrain
g) Head
h) Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Storm Water Pollution Prevention Plan for guidance on the factors that determine site design feasibility when selecting a storm water management practice.

11-2300.123 Conveyance Issues

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- **a)** Maximizing of flow paths from inflow points to outflow points
- **b)** Protection of inlet and outfall structures
- **c)** Elimination of erosive flow velocities
- **d)** Providing of under drain systems, where applicable

The Storm Water Pollution Prevention Plan shall provide detailed guidance on the requirements for conveyance for each of the approved storm water management practices.

11-2300.124 Pretreatment Requirements

Every storm water treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Storm Water Pollution Prevention Plan. Certain storm water treatment practices, as specified in the Storm Water Pollution Prevention Plan, are prohibited even with pretreatment in the following circumstances:

- **a)** Storm water is generated from highly contaminated source areas known as “hotspots”.
- **b)** Storm water is carried in a conveyance system that also carries contaminated, non- storm water discharges.
- **c)** Storm water is being managed in a designated groundwater recharge area.
- **d)** Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of storm water.

11-2300.125 Treatment/Geometry Conditions

All storm water management practices shall be designed to capture and treat storm water runoff according to the specifications outlined in the Storm Water Pollution Prevention Plan. These specifications will designate the water quantity and quality treatment criteria that apply to an approved storm water management practice.

11-2300.126 Landscaping Plans Required

All storm water management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect or soil conservation district.

11-2300.127 Operation and Maintenance Agreements

All storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

11-2300.128 Non-Structural Storm Water Practices

The use of non-structural storm water treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of storm water that must be managed can be earned through the use of non-structural practices that reduce the generation of storm water from the site. These non-structural practices are explained in detail in the current Storm Water Pollution Prevention Plan and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

TABLE NO. 11-4 (Physical Standards for Roadways)

	Arterial Roads	Collector Roads	Local Streets	cul-de-sacs	Alleys
Paving Width	52’	48’	26-28’	40’ radius	20’
Max. Grade	**4%**	**4%**	**6%**	**6%**	**8%**
Min Angle for Intersection in°	90°	80°	70°	70°	70°
Min. Curb Radius	35’	25’	25’	40’	5’
Maximum Grades for 25’ before Intersection	3%	3%	3%	3%	3%
Sight Triangles (distance along sides of through streets) along Stop Street	500 500.30	500 500.30	250 250.25	250 250.25	50 50.20
Horizontal Alignment (Min. Radii of Center Line)	600	400	200	100	100
Vertical Curves (Min. Sight Distance)	500	350	200	100	100

TABLE NO. 11-5 (Standards for Commercial Parking Lots Physical Standards)

	Class 5 Minimum Aggregate Thickness	Minimum Bituminous Thickness
Commercial Driveways and Truck Parking	6”	3” SPWEB240B
Industrial Driveways and Truck Parking	6”	3” SPWEB240B
Car Parking	4”	2” SPWEB240B
Dumpster & Loading Dock Approaches	Same as trucks	Same as trucks

Minimum reinforced concrete pavement is 6” with 6”x6”, 6/6 welded wire fabric with 1/8” wide contraction joint depth D/4 filled with hot poured sealer, MnDot Specification 3720.

UPDATED through Ordinance 18-02, 19-11, 20-11, 20-12, 21-01, 21-03, 21-06, 25-04, 26-09