



Environmental Quality and Energy Commission

February 13, 2024

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Call to Order

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approve the Minutes from the Environmental Quality and Energy Commission meeting of December 12, 2023

New Business

- [2.](#) Chapter 512 Erosion Control and Stormwater Management Recodification
- [3.](#) 2024 Sustainability Tour

Old Business

- [4.](#) Title 5 Updates
- [5.](#) Energy Action Plan Updates
- [6.](#) Outreach and Events Updates
- [7.](#) Grant Updates

Other Items

- [8.](#) Informal Status Reports

Adjournment

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Approve the Minutes from the Environmental Quality and Energy Commission meeting of December 12, 2023

Background

Approve the minutes from the Environmental Quality and Energy Commission meeting of December 12, 2023.

Recommendation

Approve the minutes from the Environmental Quality and Energy Commission meeting of December 12, 2023.

Attachments and Other Resources

- Environmental Quality and Energy Commission Minutes- December 12, 2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



ENVIRONMENTAL QUALITY & ENERGY COMMISSION MEETING

December 12, 2023

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

MINUTES

Call to Order

Chair Klemz called the Environmental Quality and Energy Commission to order at 7:07 p.m.

Roll Call

Present: Aaron Klemz
Heidi Ferris
Nick Olberding
Justin Foell
Sam Stoxen
Amy Dritz

Absent: Mark Hansen

Others Present: Rachel Workin, Environmental Planner

Approval of Agenda

Motion by Commissioner Olberding to approve the meeting agenda. Seconded by Commissioner Dritz. The motion carried unanimously.

Approval of Meeting Minutes

1. Approval of November 14, 2023 Environmental Quality and Energy Commission Meeting Minutes

Motion by Commissioner Ferris to approve the November 14, 2023 meeting minutes. Seconded by Commissioner Foell. The motion carried unanimously.

New Business

2. Pilot Voluntary Boulevard Planting Program

Ms. Workin shared that the City was interested in piloting a voluntary boulevard tree planting program that any resident could opt into. She shared that the City would pilot the program with 25 trees. In the event that more than 25 trees were requested, commissioners recommended prioritizing trees that were in areas that had both low canopy coverage and were mapped as environmental justice areas by

the MPCA. Commissioner Ferris recommended considering fruiting trees and reaching areas with low canopy coverage by phrasing outreach as an invitation and an opportunity to build community.

Old Business

3. Energy Action Plan updates

Ms. Workin shared an update on adding solar to the Moore Lake Park Community Building.

4. Outreach and Event updates

Ms. Workin shared that she planned to attend Winterfest to talk about recycling.

5. Grant Updates

Ms. Workin shared that the Moore Lake Biochar and Iron Enhanced Sand Filter is constructed but operations had not started due to supply chain issues delaying the delivery of the control panel for the pump/getting power to the site. She said that it should be operational this spring.

Other Items

6. Informal Status Reports

Ms. Workin shared items she planned to bring to the EQEC in 2024 and asked for commissioner feedback on work activities and speakers. Ideas suggested including looking at rule changes to include training requirement for salt applicators and deconstruction. Suggested speakers included someone who could speak to the history of the river as well as representatives from the Fridley High School or Middle School Grean Team. Ms. Workin said she would contact the schools and asked for assistance identifying speakers on the topic of the river. Commissioners also discussed assembling a 2024 self-guided sustainability tour. It was recommended that the commission discuss locations at a future meeting.

Adjournment

Motion by Commissioner Dritz to adjourn the meeting. Seconded by Commissioner Olberding. The Motion carried unanimously. The meeting was adjourned at 7:53 p.m.



AGENDA REPORT

Meeting Date: December 12, 2023 **Meeting Type:** Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Chapter 512 Erosion Control and Stormwater Management

Background

In 2021, the Fridley City Council initiated a full recodification effort of the City Code. Staff are currently reviewing chapters within the proposed Title 5 Lands and Building section including Chapter 512 Erosion Control and Stormwater Management. This chapter regulates land disturbing activities, protects the quality of stormwater runoff, and provides the framework for the City's land alteration (grading) permit and enforcement of the illicit discharge program. This Chapter was created by repealing and combining the existing Chapters 208 Erosion Control and 224 Illicit Discharge. The proposed changes clarify the trigger for a grading permit and the standards that must be followed during/post-construction. As part of the revisions, technical information was updated to reflect modern best practices and placed in a separate policy document for easier review by permit applicants. More detailed information regarding wetland impacts was included to facilitate the future repeal of the Wetland Overlay District chapter. Additionally, language was added to the code requiring a maintenance agreement for new stormwater infrastructure completed for large projects and to provide the City the ability to remediate infrastructure not being maintained to the standards of this agreement.

Additionally, staff have developed an Engineering Standards document to include the technical information related to the City's erosion control and stormwater management program. This includes required erosion control, water quality, wetland management and inspection standards that permit applicants must comply with.

Recommendation

Commissioners recommend Chapter 512 Erosion Control and Stormwater Management for approval to the City Council.

Attachments and Other Resources

- Chapter 512 Erosion Control and Stormwater Management
- City of Fridley Engineering Standards

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Code
Chapter 512. Erosion Control and Stormwater Management

512.01 Purpose

The purpose of this Chapter is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the City of Fridley (City) as required by federal and state law. This Chapter establishes standards and specifications for conservation practices and planning activities, which minimize stormwater pollution, soil erosion and sedimentation.

512.02 General Provisions

1. Severability. If any section, clause, provision, or portion of this Chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter will not be affected.
2. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter will prevail. All other Chapters inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.
3. Minimum Standards. The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. This Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.
4. Responsibility. The City will administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed on the City may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

512.03 Scope

All land alteration or drainage alteration must meet the requirements of this Chapter and the City's Public Works General Specifications and Standards.

512.04 Definitions

Applicant: Any person, firm, sole proprietorship, partnership, corporation, company, state agency or political subdivision that applies for a permit from the City proposing or performing a land alteration or drainage alteration. Applicant also means agents, employees, contractors and others acting under the applicant's direction. Applicant also refers to the permit holder and their agents, employees and others acting under the permit holder's direction.

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 the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies.

Drainage alteration: An increase in stormwater flows or a change in existing flow route at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet.

Erosion: Any process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover and construction phasing.

Fully reconstructed: Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

General permit: A permit issued under Minnesota Rules 7001.0210 to a category of owners/operators whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

Hazardous substances: 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.

Illicit connection:

1. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drainage system including but not limited to sewage, processed wastewater, wash water and any connections to the storm drainage 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

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

Illicit discharge: Any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted by this Chapter.

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.

Industrial activity: Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14) titled Storm water discharge associated with industrial activity.

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 the City, including construction, clearing and grubbing, grading, excavating, transporting, and filling of land. Also referred to as "land alteration."

Linear project: Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.

Municipal separate storm sewer system (MS4): The system of conveyances, including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains owned and operated by the City and designed or used for collecting or conveying stormwater-that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge: Any discharge to the storm drainage system that is not composed entirely of stormwater.

Permit: Written permission granted by the City for construction, subdivision approval, or land disturbing activities.

Sediment: The product of an erosion process, including solid materials, both mineral and organic, that are in suspension, are being transported, or have been moved by water, wind, or ice, and have come to rest on the earth's surface either above or below water level.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.

Stormwater (or storm water): Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater management 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 stormwater, stormwater conveyance systems, or receiving waters to the maximum extent practicable.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a premises.

Watercourse: A ditch, stream, creek, or other defined channel intended for the conveyance of water runoff, groundwater discharge, or similar hydraulic or hydrologic purpose.

Waters of the State: 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" as currently defined in Minnesota Statutes §115.01, Subdivision 22.

512.05 Technical Guides

The following are adopted by reference:

1. The Minnesota Wetland Conservation Act, Minnesota Statutes (M.S.) §§ 103G.221 - 103G.2372, and its implementing rules, Minnesota Rules 8420.
2. The City's "Public Works General Specifications and Standards" (most current version to govern).

512.06 Administration

1. A permit is required for any land alteration within the City that results in:
 - (a) The creation of 5,000 square feet or more of land disturbance or new or fully reconstructed impervious surface.

(b) The creation of 1,000 square feet or more of land disturbance or movement of 10 cubic yards or more of material within the water quality impact zone as described in the Critical Area Overlay District Chapter of the Code.

(c) The movement of 10 cubic yards or more of material on steep slopes or within the bluff impact zone or shore impact zone as described in the Shoreland Overlay District Chapter of the Code.

(d) The movement of 50 cubic yards or more of material not on steep slopes or within the bluff impact zone or shore impact zone as described in the Shoreland Overlay District Chapter of the Code.

(e) Temporary soil stockpiles of 50 cubic yards or more.

(f) Impacts to wetlands.

(g) Construction of retaining walls that in combination are four feet tall or higher.

(h) Drainage alterations resulting in an increased rate of flow onto adjacent properties.

2. Calculations of areas of land disturbance or movement of material to determine if a permit is required will be based on cumulative project impacts.

3. No land alteration or drainage alteration within the thresholds established in TBD.06.01 may occur until a permit is issued by the City.

4. Applications for permits required under this Chapter must submit the following information unless the City Engineer or their designee determines that the information is not needed to determine compliance with this Chapter:

(a) The name and address of the applicant and the location of the activity.

(b) A description of the project including the nature and purpose of the land alteration activity and the amount of grading, utilities, new and reconstructed impervious surface and building construction involved.

(c) A map of the existing site conditions including existing topography, property information, steep and very steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, designation of the site's areas that have the potential for serious erosion problems, and floodplain boundaries.

(d) A site construction plan that includes the location of the proposed land alteration activities and phasing of construction.

- (e) An erosion and sediment control plan meeting the requirements of the City's Public Works General Specifications and Standards.
- (f) A permanent stormwater management plan meeting the requirements of the City's Public Works General Specifications and Standards.
- (g) A wetland management plan meeting the requirements of the City's Public Works General Specifications and Standards if proposing impacts to wetlands.
- (h) Copies of any necessary easements or other property interests concerning the flow of water if drainage is directed off-site.
- (i) Copies of any inspection schedules as required by the Minnesota Pollution Control Agency's (MPCA) NPDES/SDS Construction Stormwater General and meeting the City's Public Works General Specifications and Standards.
- (j) Copies of any necessary easements for maintenance and access meeting the City's Public Works General Specifications and Standards.
- (k) A signed stormwater maintenance agreement meeting the requirements of Section TBD.12.
- (l) Proof of any necessary permits from other agencies including watershed districts, Minnesota Department of Transportation, Anoka County, or other jurisdictional agencies.
- (m) For sites with proposed disturbance greater than one acre, any other items necessary to determine compliance with the MPCA's NPDES/SDS Construction Stormwater General Permit MNR100001.

512.07 Wetlands

1. Runoff must not be discharged directly into wetlands except as allowed within the City's Public Works General Specifications and Standards.
2. Wetlands must not be drained, filled, excavated, or otherwise altered except in conformance with the provisions of M.S. §§ 103G.221-103G.2372, Minnesota Rules 8420 and Section 404 of the Federal Clean Water Act.

512.08 Drainage Alterations

1. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate whenever practical. The discharge rate must be controlled so that no erosion occurs in the pervious areas.

2. Drainage may not be altered to be directed onto adjacent property in so far as practical except as allowed with a City permit.

512.09 Illicit Discharge

1. Prohibition of illicit discharges. No person may throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement or continuance of any illicit discharge to the storm drainage system is prohibited except as described below:

(a) Discharges from the following sources are exempt from discharge prohibitions established by this Chapter: flows from riparian habitats and wetlands, diverted stream flows, rising groundwater, springs, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, uncontaminated water from foundation or footing drains, crawl space pumps, air conditioning condensate, irrigation water, lawn watering discharge, individual residential car washing, water hydrant flushing or other water treatment or distribution system, discharges from potable water sources, and street wash water.

(b) Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may contain sediment or other forms of pollutants may not be discharged directly to a gutter or storm sewer. This discharge must flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City.

(c) Discharges or flow from firefighting and other discharges specified in writing by the City as being necessary to protect public health and safety.

(d) Discharges associated with dye testing. This activity requires a verbal notification to the City prior to the start of any testing.

(e) Discharges associated with the necessary use of snow and ice control materials on paved surfaces.

(f) Any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of Minnesota Pollution Control Agency (MPCA), 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 drainage system.

2. Prohibition of illicit connections.

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited.
- (b) 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.
- (c) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (d) Connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.
- (e) Any drain or conveyance that has not been documented in plans, maps or similar documents, and which may be connected to the storm sewer system, must be located by the owner or occupant of that property at the owner's or occupant's sole expense upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. The results of these investigations must be documented and provided to the City.

3. 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 stormwater, the storm drain system, or waters, said person must 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 must immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person must notify the City no later than the next business day. Notifications must be confirmed by written notice addressed and mailed to the City 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 must also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three years.

4. Management Practices

(a) The City will adopt requirements identifying BMPs for any activity, operation, or premises which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or Waters of the State. The owner or operator of such activity, operation, or premises must provide, at their owner's or operator's sole expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of structural and nonstructural BMPs.

(b) Any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's sole 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 stormwater associated with industrial activity, to the extent practicable, must be deemed proof of compliance with the provisions of this Section. These BMPs will be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

512.10 Watercourse Protection

Every person who owns property through which a watercourse passes, or such person's lessee, must keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, 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 must maintain existing privately owned structures at the owner's or lessee's sole expense 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.

512.11 Inspections

1. All erosion and sediment control measures and permanent stormwater BMPs must be inspected by the applicant to ensure integrity and effectiveness as outlined in the City's Public Works General Specifications and Standards and any approved Maintenance Agreements.

2. The City and its authorized representatives must be allowed to:

- (a) Enter upon a site for the purpose of obtaining information, examination of records, conducting investigations, or performing inspections or surveys as often as may be necessary to determine compliance with the Chapter.

- (b) Where feasible, the City will give 24-hours advance notice. In cases of emergency or ongoing discharge, the City must be given immediate access.

- (c) Unreasonable delay in allowing the City access to the premises is a violation of this Chapter.

(d) The City may seek issuance of an administrative search warrant from any court of competent jurisdiction if it has been refused access to any part of the premises from which storm water is discharged, and 1) is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or 2) that there is a need to inspect or sample as part of a routine inspection and such sampling program is designed to verify compliance with this Chapter or any order issued hereunder, or 3) to protect the overall public health, safety, and welfare of the City.

(e) Bring equipment on the site as is necessary to conduct any surveys and investigations or require the property owner/discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality must be calibrated to ensure their accuracy.

(f) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the City's Public Works General Specifications and Standards.

(g) Inspect the erosion and sediment controls and permanent stormwater BMPs.

(h) Remove any temporary or permanent obstruction to the safe and easy access of an inspection.

(i) Correct deficiencies in stormwater and sediment and erosion control measures

3. The cost of providing access to inspectors and correcting deficiencies must be paid as outlined in Section TBD.13 and Section TBD.15.

512.12 Maintenance

1. Maintenance of erosion and sediment control devices must occur in conformance with the Public Works General Specifications and Standards and the approved Maintenance Agreement.

2. All stormwater BMPs must be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound.

3. A Maintenance Agreement must be developed for the ongoing inspection maintenance of all permanent structural stormwater BMPs that documents all responsibilities for operation and maintenance. The Maintenance Agreement will be executed and recorded against the parcel. The Maintenance Agreement must be in a form approved by the City and must, at a minimum:

(a) Designate the Responsible Party who is responsible for ongoing inspection and maintenance of the permanent structural stormwater BMPs and the costs of any needed inspection and maintenance to be completed by the City as outlined in Section TBD.15.

(b) Pass responsibilities for such maintenance to successors in title.

(c) Include a maintenance plan that contains, but is not limited to the following:

(1) Identification of all structural permanent stormwater BMPs.

(2) A schedule for regular inspection, monitoring, and maintenance of each structural BMP. Monitoring must verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.

(3) Include a schedule and format for reporting compliance with the maintenance agreement to the City.

(d) Allow the City and its representatives the right-of-entry for the purpose of inspecting all permanent stormwater BMPs.

(e) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the Responsible Party, at the cost to the Responsible Party as outlined in Section TBD.15.

4. The Responsible Party must make records of the installation and of all maintenance and repairs of the stormwater BMPs and must retain the records for at least three years. These records must be made available to the City during inspection of the stormwater BMPs and at other reasonable times upon request.

512.13 Financial Securities

1. The applicant must provide a financial security for the performance of the work in conjunction with a permit in the amount outlined in the Fees Chapter of the Code.

2. This security must be available prior to commencing the project. The form of the security must be:

(a) By a cash security deposited to the City for 30% of the total financial security when less than five acres of soil will be simultaneously exposed. When over five acres of soil will be simultaneously exposed to erosion, the cash security increases to the first \$5,000 or 10% of the total financial security, whichever is greater.

(b) The remainder of the financial security must be placed either with the City, a responsible escrow agent, or trust company, at the option of the City. Such security must

contain money, an irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges that the funds are on deposit and guaranteed for payment. This security must declare the City free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement, or storage of rock, sand, gravel, soil, or other like material within the City. The type of security must be of a type acceptable to the City.

3. The City may request a greater financial security from an applicant if the City determines that the development site is especially prone to erosion or the resource to be protected is especially valuable. If more soil is simultaneously exposed to erosion than originally planned, the amount of security must increase in relation to this additional exposure.

4. If at any time during the work the deposited security amount falls below 50% of the required deposit, the Applicant must make another deposit in the amount necessary to restore the deposit to the required amount within five days. If a deposit is not made, the City may:

(a) Withhold the scheduling of inspections or the issuance of a Certificate of Occupancy.

(b) Revoke any permit issued by the City to the applicant for the site in question and any other of the Applicant's sites within the City's jurisdiction.

(c) When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by one-third, if recommended in writing by the City Engineer. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the City may reduce the total required amount of the financial security by two-thirds of the initial amount, if recommended in writing by the City Engineer.

(d) Any unspent amount of the financial security deposited with the City for faithful performance of the permit and permit related remedial work must be released not more than one full year after the completion of the installation of all such measures and the establishment of final stabilization.

512.14 Enforcement.

1. In the following instances, the City may take enforcement actions against the applicant or property owner:

(a) The applicant or property owner ceases land disturbing activities and abandons the work site prior to completion of the permit requirements.

(b) The applicant or property owner fails to conform to this Chapter, the approved permit, City's Public Works General Specifications and Standards, the approved erosion and sediment control plan, the permanent stormwater management plan, or related supplementary instructions.

(c) The Responsible Party does not follow the approved Maintenance Agreement

2. When an applicant, property owner, or Responsible Party fails to conform to any provision of this Chapter, the City's Public Works General Specifications and Standards, an approved permit, or an approved Maintenance Agreement within the time stipulated by the City, the City may take the following actions:

(a) Issue a stop work order, withhold the scheduling of inspections or the issuance of a Certificate of Occupancy.

(b) Suspend or revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

(c) Perform corrective work to address the violation either utilizing City staff or by a separate contract.

3. Additionally the City may undertake the following enforcement actions against the property owner for violations related to Section TBD.09 Illicit Discharge:

(a) Written warnings. When the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter and the violation or failure to meet a requirement has no ongoing adverse impact to the MS4 or Waters of the State, City staff may issue a written warning to the violator, provided that it is the person's first violation or failure to meet a requirement, to obtain voluntary compliance with this Chapter.

(b) Notice of violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City may order compliance by written notice of violation to the person. Such notice may require without limitation:

(1) The performance of monitoring, analysis, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations must cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) The implementation of source control or treatment BMPs. If abatement of a violation or restoration of affected property is required, the notice will set forth a deadline within which such remediation or restoration must be completed. Said notice must advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense will be charged to the violator as outlined in Section TBD.15;

(c) Suspension due to illicit discharge. The City may suspend MS4 discharge access under the following circumstances:

(1) Suspension due to illicit discharge 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 that 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 State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as it deems necessary to prevent or minimize damage to the MS4 or Waters of the State.

(2) Suspension due to detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have its MS4 access suspended if such suspension would abate or reduce an illicit discharge. The City will notify the violator of the proposed suspension of its MS4 access. The person may petition the City for reconsideration and hearing. A person commits an offense if the violator reinstates MS4 access to premises suspended pursuant to this Chapter, without the prior approval of the City.

4. The City will begin corrective work under the following schedule:

(a) For failures of erosion and sediment control devices, illicit discharges, and illicit connections:

(1) Except during an emergency action, 48 hours after notification by the City or 72 hours after the failure of erosion and sediment control measures, whichever is less, or the date listed within the notice of violation, the City at its discretion may begin corrective work.

(2) Notification of the need to perform corrective work 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 the corrective work.

(b) For failures of permanent stormwater BMPs or failures to comply with an approved maintenance plan, the City will provide the applicant, property owner, or the Responsible Party notice in writing that it intends to correct a violation of the design standards or

maintenance plan by performing all necessary work to place the stormwater BMP in proper working condition. The notified party will have 30 days to perform the required maintenance and repair of the BMP in an approved manner. After 30 days, the City may proceed with the corrective work.

(c) If circumstances exist such that noncompliance with this Chapter poses an immediate danger to the public health, safety, and welfare as determined by the City Engineer or their designee, the City may take emergency preventative action. During such a condition the City may take immediate action prior to notifying the applicant and notify the applicant as soon as possible after work commences. Any cost to the City may be recovered from the applicant or property owner.

5. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance as outlined in the Public Nuisances Chapter of the Code.

6. Remedies not exclusive The remedies listed in this chapter are not exclusive of any other remedies, including but not limited to civil action to enjoin or otherwise compel the cessation of any violation of this Chapter, available under any applicable federal, state or local law, and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

512.15 Abatement

1. All costs incurred by the City during inspection and enforcement actions including but not limited to site access, staff time, contractor fees, and attorney's fees, must be reimbursed to the City. If payment is not made within 30 days after costs are incurred by the City, payment will be made from the applicant's financial securities.

2. If there is an insufficient financial amount in the financial securities to cover the costs incurred by the City or if no financial security was provided, then the City may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner will waive notice of any assessment hearing to be conducted by the City, concurs that the benefit to the property exceeds the amount of the proposed assessment, and waives all rights by virtue of M.S. § 429.081 to challenge the amount or validity of the assessment.

512.16 Fees

The fees for this chapter are set in the Fees Chapter of the Code.



Public Works General Specifications and Standards

Draft January 10, 2024



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EROSION CONTROL AND STORMWATER MANAGEMENT

1. Overview

It is the intent of the City to control or eliminate stormwater pollution along with soil erosion and sedimentation through its Stormwater Pollution Prevention Plan and as required by its Municipal Separate Storm Sewer System Permit from the Minnesota Pollution Control Agency (MPCA). These standards establish specific erosion and sediment control as well as permanent stormwater management practices that must be followed during land and drainage altering activities to reduce the risk of soil erosion and stormwater pollution.

2. Definitions

These definitions apply to this guide. Unless specifically defined below, the words or phrases used in this Chapter shall have the same meaning as they have in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

Applicants: Any person, group, or organization that applies for a building permit, subdivision approval, critical area permit, right-of-way permit or a land alteration permit proposing a land alteration or drainage alteration. Applicant also means agents, employees, and others acting under the initial applicant's direction. Applicant also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under the permit holder's direction.

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

Buffer Zone: An undisturbed area.

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.

Discharge: The release, conveyance, channeling, runoff, or drainage of stormwater, including snowmelt, from a construction site.

Drainage alteration: An increase in stormwater flows or a change in existing flow route at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet.



Erosion: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed Soil Areas: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has 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. Once soil is exposed, it is considered "exposed soil," until it meets the definition of "final stabilization."

Final Stabilization: When all soil disturbing activities at the site have been completed, and a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Sowing grass seed alone is not considered final stabilization. Examples include established grass, gravel, asphalt, and concrete. Also referred to as "permanent cover".

Fully reconstructed: Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

General permit: A permit issued under Minn. R. 7001.0210 to a category of owners/operators whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

Impaired water: A water with a United States Environmental Protection Agency approved Total Maximum Daily Load (TMDL) for any of the impairments and waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, TSS, dissolved oxygen or aquatic biota (fish bioassessment, aquatic plant bioassessment and aquatic macroinvertebrate bioassessment).

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.

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 the City, including construction, clearing and grubbing, grading, excavating, transporting, and filling of land. Also referred to as "land alteration".

Linear project: Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.

Permit: With in the context of this code a “permit” is written permission granted by the City for construction, subdivision approval, or to allow land disturbing activities

Public Waters: All water basins and watercourses described in Minn. Stat. Sect. 103G.005 subp. 15.

Sediment: The product of an erosion process, including solid materials, both mineral and organic, that are in suspension, are being transported, or have been moved by water, wind, or ice, and have come to rest on the earth's surface either above or below water level.

Sedimentation: The process or action of depositing sediment.

Sediment Control: The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices include but aren't limited to silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sediment basins.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this Chapter, temporary stockpiles of clean sand, gravel, aggregate, concrete, or bituminous materials are not considered “soil” stockpiles.

Stabilized: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement, or other material that prevents erosion. Sowing grass seed alone is not considered stabilization.

Steep Slope: Any slope steeper than 15 percent (15 feet of rise for every 100-foot horizontal run).

Stormwater: Precipitation runoff, stormwater runoff, snow melt off, and any other surface runoff and drainage. Stormwater does not include construction site dewatering.

Surface Water: All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include stormwater treatment systems.

Wetlands: Having the meaning given under M.S. § [103G.005](#).

3. Technical Guides

The following guides are adopted by reference:

1. “Stormwater and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands,” by the MPCA (most current version to govern).

2. "Soil Survey of Anoka County," by the United States Department of Agriculture, Natural Resources Conservation Service (most current version to govern).
3. "Minnesota Stormwater Manual" by the MPCA (most current version to govern).
4. "Standard Specifications for Construction" by the Minnesota Department of Transportation (most current version to govern).
5. "Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas" by the Minnesota Department of Health (most current version to govern).

4. Erosion and Sediment Control Plan

- A. All applicants regulated under City Code Chapter 208.06.01 must submit an erosion and sediment control plan demonstrating that the applicant can meet the erosion and sediment control standards listed in Section 5 of this document. The plan shall include the location, phasing and type of erosion and sediment control BMPs including but not limited to:
 - 1) Downgradient sediment controls
 - 2) Soil stabilization (temporary and permanent) and vegetative restoration
 - 3) Vehicle tracking.
 - 4) Pipe outlet energy dissipation
 - 5) Buffer zones
 - 6) Inlet protection
 - 7) Stockpiles
 - 8) Temporary or permanent sediment basins and containment systems
 - 9) Dewatering and basin draining
 - 10) Schedule and method of disposal for all temporary materials
 - 11) Schedule and method of disposal for all collected sediment and floating debris.
- B. If the approved erosion and sediment control plan is not sufficient to manage erosion and sedimentation on site as determined by the City Engineer or their designee, the erosion and sediment control plan must be



updated to a standard approved by the City.

5. Erosion and Sediment Control Standards

All land alteration activities must meet the following standards:

- A. All projects proposing more than one acre of land alteration activities must meet the standards established by the MPCA's NPDES/SDS Construction Stormwater General Permit MNR1 Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as amended in its entirety as now constituted and from time to time amended.
- B. Erosion and sediment control BMPs must be properly installed before construction activity begins and left in place until permanent cover is established.
- C. Erosion and sediment control BMPs may be adjusted during dry weather to accommodate short term activities, such as those allowing the passage of very large vehicles. As soon as this activity is finished, or before the next runoff event, the erosion and sediment control structures must be returned to the configuration specified by the City.
- D. Erosion and sediment control BMPs must be established on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems.
- E. Erosion and sediment control BMPs must be located upgradient of any buffer zones.
- F. If downgradient erosion and sediment control BMPs are overloaded, based on frequent failure or excessive maintenance requirements, additional upgradient or redundant BMPs must be installed to eliminate the overloading.
- G. Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions,
- H. A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control in this part except when working on a shoreline or below the waterline. When applicable, after the short-term construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, upland perimeter control practices must immediately be installed if exposed soils still drain to a surface water.
- I. If silt fence is installed it shall conform to Sections 3886.1 and 3886.2, Standard Specifications for Construction, Minnesota Department of Transportation.
- J. The netting and fill material of all temporary rolled erosion prevention blanket shall be made from only natural fibers and conform to Section 3885, Standard Specifications for Construction, Minnesota Department of Transportation.



- K. Activity shall be phased to minimize disturbed areas subject to erosion at any one time.
- L. No more land can be disturbed (i.e., phasing) than can be effectively inspected and maintained in accordance with inspection and maintenance requirements.
- M. All areas not to be disturbed must be delineated onsite before work begins.
- N. Movement of sediment on to adjacent properties, roadways, and other designated areas such as streams, wetlands, lakes, and unique vegetation (oak groves, rare and endangered species habitats, etc.) is not allowed.
- O. Perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 1/2 of the height of the device.
- P. Disturbance of steep slopes should be minimized. If steep slopes must be disturbed, techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing) must be implemented.
- Q. All exposed soil areas, including stockpiles, must be stabilized.
 - 1) Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (or seven calendar days on a project that is within one mile (aerial radius measurement) of and flows to an impaired water).
 - 2) Stabilization must be completed no later than 14 calendar days after the construction activity has ceased (or seven calendar days on a project that is within one mile (aerial radius measurement) of and flows to an impaired waters).
 - 3) Stabilization is not required on constructed base components of roads, parking lots and similar surfaces.
 - 4) Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile.
 - 5) All exposed soil areas within 200 feet of the water's edge, and that drain to Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, must be stabilized within 24 hours during the restriction period.
 - 6) The normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site must be stabilized within 24 hours after connecting to a surface water or property edge.

- 7) Stabilization of remaining portions of temporary or permanent ditches or swales must be completed within 14 calendar days after connecting to a surface water or property edge and after construction in that portion of the ditch temporarily or permanently ceases.
- 8) Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Stabilization of these areas must be completed within 24 hours after their use as a sediment containment system ceases.
- 9) Mulch, hydro mulch, tackifier, polyacrylamide or similar erosion prevention practices must not be used within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than 2 percent.
- R. Temporary or permanent energy dissipation must be provided at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system.
- S. Stockpiles: Silt fence or other effective sediment controls must be provided at the base of stockpiles on the downgradient perimeter.
 - 1) All stockpiles must be located outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater.
 - 2) For 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.
- T. Vehicle tracking of sediment from the site must be minimized by BMPs such as temporary rock construction entrances, stone pads, concrete or steel wash racks, or equivalent systems.
- U. Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.
- V. Streets must be cleaned and swept by the applicant whenever tracking of sediment occurs. Sediment shall not be allowed to remain on the streets if the site is to be left idle for weekends or holidays. A regular sweeping schedule must be established.
- W. Sediment must be removed from all paved surfaces within one calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets.
- X. Any sediment entering public waters must be removed.
 - 1) All necessary permits to work in public waters must be obtained prior to commencing work.
- Y. All storm drain inlets must be protected using appropriate BMPs during construction until permanent cover has been established on all areas with potential for discharging to the inlet.

- 1) Inlet protection for a particular inlet may be removed if a specific safety concern (e.g. street flooding/freezing) is identified. The need for removal must be documented in the site plan.

Z. Temporary sediment basins must be installed consistent with the following standards:

- 1) Where 10 or more acres of disturbed soil drain to a common location or where 5 or more acres of undisturbed soil drain to a common location on the project that is within one mile (aerial radius measurement) of an "impaired water", the applicant must provide a basin to provide treatment of the runoff before it leaves the construction site or enters surface waters.
- 2) Temporary sediment basins may be converted to a permanent basin after construction is complete; however, the basin must be restored to the design in the approved permanent stormwater management plan prior to final stabilization.
- 3) Temporary basins may be removed when permanent cover has reduced the acreage of disturbed soils to less than 10 (or 5 when applicable) acres draining to a common location.
- 4) Temporary basins must provide live storage for a calculated volume of runoff from a two (2) year, 24-hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1,800 cubic feet of live storage per acre drained to the basin.
- 5) Where the two (2)-year, 24-hour storm runoff amount is not calculated, the temporary sediment basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area.
- 6) Outlets must be designed to prevent short-circuiting and the discharge of floating debris.
- 7) The outlet structure must be designed to withdraw water from the surface to minimize the discharge of pollutants. The use of a surface withdrawal mechanism may be temporarily suspended during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity.
- 8) Energy dissipation must be provided for the basin outlet within 24 hours after connection to a surface water.
- 9) Temporary sediment basins must be situated outside of surface waters.
- 10) The temporary basins must be constructed and made operational prior to disturbing 10 or more acres of soil draining to a common location.
- 11) Temporary sediment basins must be drained when the depth of sediment collected in the basin reaches 1/2 the storage volume.
- 12) Where a temporary sediment basin meeting the above requirements is infeasible, effective sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures must be installed as dictated by individual site conditions, including all down-slope boundaries and side-slope boundaries. In determining whether installing a

sediment basin is infeasible, the applicant must consider public safety and may consider factors such as site soils, slope, and available area on site. The determination of infeasibility must be documented in the site plan.

- AA. In any areas of the site where final vegetative stabilization will occur, vehicle and equipment use must be restricted to minimize soil compaction.
- BB. Discharges from BMPs must be directed to vegetated areas unless it is infeasible.
- CC. A 50-foot buffer zone must be preserved or, if a buffer is infeasible on the site, redundant (double) perimeter sediment controls must be provided when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water.
 - 1) Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space.
 - 2) Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins.
 - 3) If preserving the buffer is infeasible, the reasons must be documented in the site plan.
 - 4) Sheet piling is a redundant perimeter control if installed in a manner that retains all stormwater.
- DD. Polymers, flocculants, or other sedimentation treatment chemicals must be used in accordance with accepted engineering practices, dosing specifications and sediment removal design specifications provided by the manufacturer or supplier.
- EE. Conventional erosion and sediment controls must be used prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge.
- FF. Dewatering and Basin Draining
 - 1) Water impacted by the construction activity and removed from the site by pumping must be treated by temporary sediment basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls.
 - 2) Turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) must be discharged to a temporary or permanent sediment basin on the project site unless infeasible.
 - 3) Dewatering to surface waters may be conducted if visual checks are completed to ensure adequate treatment has been obtained and nuisance conditions (see Minn. R. 7050.0210, subp. 2) will not result from the discharge.

- 4) If turbid or sediment-laden water cannot be discharged to a sedimentation basin prior to entering a surface water, the discharge must be treated with appropriate BMPs such that the discharge does not adversely affect the surface water or downstream properties.
- 5) An oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) must be used prior to discharge of water containing oil or grease.
- 6) Water from dewatering or basin-draining activities must be discharged in a manner that does not cause erosion or scour in the immediate vicinity of discharge points.
- 7) Dewatering or basin-draining activities cannot cause inundation of wetlands that causes significant adverse impact to the wetland in the immediate vicinity of discharge points.
- 8) If filters with backwash water are used, all backwash must be hauled away for disposal, returned to the beginning of the treatment process, or incorporated into the site in a manner that does not cause erosion.

GG. Topsoil must be preserved on the site. Removal of topsoil on site requires written permission from the City Engineer or their designee.

HH. The following Pollution Prevention Management Measures should be followed:

- 1) Building products and landscape materials must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means as designed to minimize contact with stormwater.
- 2) Products which are either not a source of contamination to stormwater or designed to be exposed to stormwater are not required to be covered or protected.
- 3) Pesticides, herbicides, fertilizers and treatment chemicals must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means designed to minimize contact with stormwater.
- 4) Hazardous materials and toxic waste (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) must be stored in sealed containers to prevent spills, leaks or other discharge.
- 5) Hazardous materials must be stored and disposed of in accordance with Minn. R. ch. 7045.
- 6) Solid waste must be stored, collected, and disposed of in accordance with Minn. R. ch. 7035.
- 7) Portable toilets must be positioned so that they are secure and will not tip or be knocked over.
- 8) Sanitary waste from the portable toilets must be properly disposed in accordance with Minn. R. ch. 7041.

- 9) Reasonable steps must be taken to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible.
- 10) Adequate supplies must be available at all times to clean up discharged materials and an appropriate disposal method must be available for recovered spilled materials.
- 11) Spills must be immediately reported and cleaned up as required by Minn. Stat. Sect. 115.061, using dry clean up measures where possible.
- 12) Vehicle exterior washing and equipment shall be limited to a defined area of the site.
- 13) Runoff from the washing area must be contained in a sediment basin or other similarly effective controls.
- 14) Waste from the washing activity must be disposed of properly.
- 15) Soaps, detergents, and solvents must be properly used and stored.
- 16) Liquid and solid wastes generated by washout operations (e.g. concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity must be contained and not contact the ground. A sign, indicating the location of a washout facility, must be installed.

208.02 Steep Slopes

1. Work on steep slopes should be avoided where practical.
2. No reconstructed slopes shall be steeper than four feet horizontal to one foot vertical except that steeper slopes may be permitted with the use of an approved retaining wall or other support.

6. Permanent Stormwater Management Plan

- A. All applicants regulated under City Code Chapter 208.06.01 performing work above the following thresholds must submit a permanent stormwater management plan:
 - 1) Non-linear projects that create 5,000 square feet or more of new or reconstructed impervious surface.
 - 2) Linear projects that create one acre or more of soil disturbance.
- B. The permanent stormwater management plan shall include:



- 1) Copies of all calculations to determine conformance with the permanent stormwater management standards listed in Section 7 of this document.
- 2) Runoff rates for the proposed activity and pre-development shall be determined using an Atlas 14-based (nested, regional, state) rainfall distribution using NRCS approved methodology.

b. A geotechnical report containing a map and copy of all soil borings and soil boring logs.

7. Permanent Stormwater Management Standards

A. Rate Control: The discharge rates at the property line from the predevelopment 24-hour, two-year, 10-year, and 100-year peak storm discharge rates may not be increased.

- 1) These predevelopment rates shall be based on the last 10 years of land use.
- 2) All areas contributing to the practice shall be accounted for in the design of the rate control practice. This includes areas off-site and beyond the public right-of-way that will be contributing to the practice.
- 3) Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity.

B. Water Quality Treatment

- 1) For nonlinear projects, without limitations, that create 5,000 square feet of new or reconstructed impervious surface, 1.1 inches of runoff from the new and fully reconstructed impervious surfaces shall be captured and retained on site.
- 2) For linear projects on sites, without limitations, that disturb one or more acre of land, the larger of the following shall be captured and retained on site:
 - a. 0.55 inches of runoff from the new and fully reconstructed impervious surfaces
 - b. 1.1 inches of runoff from the net increase in impervious area
 - c. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, the MIDS Design Sequence Flow Chart shall be used.



- 3) Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited, as described in the Minnesota Stormwater Manual, other volume reduction practices, a wet sedimentation basin, or filtration may be considered.
- 4) For projects on sites with limitations, the MIDS Design Sequence Flow Chart included in the Minnesota Stormwater Manual or a City-approved alternative shall be used to identify a path to compliance through flexible treatment options.
- 5) The City will develop a Memorandum of Understanding with applicants to address flexible treatment option #3 off site mitigation conditions listed within the MIDS Design Sequence Flow Chart or for the use of regional treatment systems to provide the required water quality treatment.
- 6) Specific site conditions may make infiltration difficult, undesirable, or impossible. Some of these conditions are listed in the MIDS Design Sequence Flow Chart.

C. Soil borings

- 1) Infiltration volumes and facility sizes shall be calculated using the appropriate hydrologic soil group classification, ASTM Unified Soil Class Symbol, and design infiltration rate from the Minnesota Stormwater Manual.
- 2) The design infiltration rate will be based on the least permeable soil horizon within the first five feet below the bottom elevation of the proposed infiltration management practice.
- 3) Soil borings shall be conducted in the exact location of the proposed infiltration BMPs and in the quantity as described in the Minnesota Stormwater Manual as amended.
- 4) Soil borings should be logged using the USDA Soil Textural Classification System and the ASTM Unified Soil Class Symbol.
 - a. A permit applicant can submit field measurements and revised rates (using the correction factors provided in the Minnesota Stormwater Manual) if there is reason to believe the long-term infiltration rates will be other than the design infiltration rates provided in the Minnesota Stormwater Manual.
 - b. A geotechnical investigation shall be performed in the location of the proposed volume control practices to confirm or determine underlying soil types, the depth to the seasonally high groundwater table, and the depth to bedrock or other impermeable layer.

- D. Drawdown time and maximum ponding depths shall not exceed the amounts defined in the Minnesota Stormwater Manual.
- E. Infiltration stormwater management practices must be designed to include adequate pretreatment measures before discharge of runoff to the primary infiltration area, consistent with the Minnesota Stormwater Manual.
- F. Design and placement of infiltration stormwater management practices shall be done in accordance with the Minnesota Department of Health guidance called "Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas."

8. Wetland Management Plan

- A. All permit applicants regulated under Chapter 208.06.01 proposing potential impacts to wetlands including but not limited to filling, draining, or changes in drainage must submit a wetland management plan to be approved by the City Engineer or their designee.
- B. The Wetland Management Plan shall include:
 - 1) Calculations demonstrating conformance with Section 9 of this document.
 - 2) An approved Notice of Decision from the Local Government Unit administering the Wetland Conservation Act as needed to authorize any impacts to wetlands.
- C. This rule does not regulate alteration of incidental wetlands as defined in Minnesota Rules chapter 8420, as amended. An applicant must demonstrate that the subject wetlands are incidental.

9. Wetland Management Standards

- A. Runoff must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity runoff control, based on the Minnesota Pollution Control Agency's publication, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands" as follows:
 - 1) Wetland Susceptibility Class = Highly Susceptible; Permit Storm Bounce = Existing; Inundation Period for 2-Year event = Existing; Inundation Period for 10-year or Greater Event = Existing.

- 2) Wetland Susceptibility Class = Moderately Susceptible; Permit Storm Bounce = Existing plus 0.5 feet; Inundation Period for 2-Year event = Existing plus 1 days; Inundation Period for 10-year or Greater Event = Existing plus 7 days.
 - 3) Wetland Susceptibility Class = Slightly Susceptible; Permit Storm Bounce = Existing plus 1.0 feet; Inundation Period for 2-Year event = Existing plus 2 days; Inundation Period for 10-year or Greater Event = Existing plus 14 days.
 - 4) Wetland Susceptibility Class = Least Susceptible; Permit Storm Bounce = No Limit; Inundation Period for 2-Year event = Existing plus 7 days; Inundation Period for 10-year or Greater Event = Existing plus 21 days.
- B. Wetlands must not be drained, filled, excavated, or otherwise altered except in conformance with the provisions of the Minnesota Wetland Conservation Act, Minnesota Statutes 103G.221-103G.2372, Minnesota Rules 8420, and Section 404 of the Federal Clean Water Act and as outlined in an approved Notice of Decision from the Local Governmental Unit.
- C. Work in and around wetlands must be guided by the following principles in descending order of priority:
- 1) Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
 - 2) Minimize the impact by limiting the degree or magnitude of the wetland related activity.
 - 3) Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
 - 4) Reduce or eliminate the adverse impact over time with preservation and maintenance operations during the life of the activity.

10. Inspections

All permit applicants regulated under Chapter 208.06.01 must meet the following inspections standards:

- A. A trained person must inspect the entire construction site at least once every seven days during active construction and within 24 hours after a rainfall event greater than 1/2 inch in 24 hours.
- B. All erosion and sediment control measures and permanent stormwater management BMPs must be inspected to ensure integrity and effectiveness.
- C. All nonfunctional erosion and sediment control practices must be repaired, replaced, or supplemented with functional practices by the end of the next business day after discovery unless another time frame is specified below. Additional time, if field conditions prevent access to the area, may be taken at the discretion of the City Engineer or their designee.



- D. Surface waters must be inspected for evidence of erosion and sediment deposition.
- E. Construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project must be inspected for sedimentation from erosion or tracked sediment from vehicles.
 - 1) At least one individual present on the site (or available to the project site in three (3) calendar days) must be trained in the job duties of overseeing the implementation of, revising and/or amending the site plans and performing inspections for the project.
- F. Inspection schedules may be adjusted as follows:
 - 1) Inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site.
 - 2) Where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes.
 - 3) Where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first.
- G. Inspections and maintenance activities must be recorded within 24 hours of being conducted and these records must be retained with the site plan. These records must include:
 - 1) Date and time of inspections.
 - 2) Name of person(s) conducting inspections.
 - 3) Accurate findings of inspections, including the specific location where corrective actions are needed.
 - 4) Corrective actions taken (including dates, times, and party completing maintenance activities).
 - 5) Date of all rainfall events greater than 1/2 inches in 24 hours, and the amount of rainfall for each event. Rainfall amounts must be obtained by either a properly maintained rain gauge installed onsite, a weather station that is within one mile of the site's location, or a weather reporting system that provides site specific rainfall data from radar summaries.
 - 6) Observed discharges must be recorded, Discharges should be photographed, and the location of the discharge described (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants) and reported to the City.
- H. Any amendments to the site plan proposed as a result of the inspection must be documented within seven calendar days.

- I. All infiltration areas must be inspected during construction to ensure that sediment is not reaching infiltration areas and that these areas are also being protected from soil compaction from the movement of construction equipment.
- J. If sediment enters a permanent stormwater BMP during construction, it must be restored to its design specifications prior to final stabilization.
- K. The owner shall inspect all erosion and sediment control and permanent stormwater BMPs during construction, twice during the first year of operation and at least once every year thereafter. The City will keep all inspection records on file for a period of six years.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

2024 Sustainability Tour

Background

During the December 12, 2023 meeting, members of the commission suggested planning a "sustainability tour" to showcase different properties exemplifying sustainable practices.

Recommendation

Commissioners should discuss the format and potential sites for the tour.

Attachments and Other Resources

None

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Title 5 Updates

Background

In 2021, the Fridley City Council initiated a full recodification effort of the City Code. Staff are currently reviewing chapters within the proposed Title 5 Lands and Building section. This includes Chapters 502 Landscape Maintenance, 503 Tree Management, and 504 Winter Maintenance previously recommended for approval by the Environmental Quality and Energy Commission in 2022.

Recommendation

These chapters are presented for informational purposes due to the amount of time that has elapsed since action by the EQEC.

Attachments and Other Resources

- Chapters 502 Landscape Maintenance
- Chapter 503 Tree Management
- Chapter 504 Winter Maintenance

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Code
Chapter ~~105.TBD~~ Landscape Maintenance

~~105.01~~TBD.01 Purpose

The purpose of this ~~section of city code is to~~ Chapter is to establish minimum standards for landscape maintenance and to protect surface water quality by allowing natural areas where they can benefit water quality throughout the City of Fridley (City).

~~105.02~~TBD.02 Definitions

~~1.~~ Designated Natural Area: An area of native plants that has never been disturbed, or an area intentionally planted with native or naturalized perennial vegetation greater than ~~ten~~ (10) inches in height that has an edged border separating it from areas of turf grass.

~~2.~~ Garden: A cultivated area dedicated to the growing of vegetables, fruit, flowers, perennials, shrubs, and similar ornamental plants that were intentionally specifically planted in that location and where common weeds are not the predominant vegetation.

~~3.~~ Landscape: The area of a parcel of land that is not covered with an impervious surface.

~~4.~~ Lot: A parcel of land adjacent to a street or road, including the right-of-way between the property and the curb.

~~5.~~ Noxious Weeds: ~~includes both~~ Any prohibited noxious weeds and secondary noxious weeds as defined by the State of Minnesota Department of Agriculture, excluding dandelions. ~~(Note: this does not include dandelions.)~~

~~6.~~ Right-of-Way: The area on, below, or above a public roadway, highway, alley, street, bicycle lane, public sidewalk, ~~and or~~ boulevard in which the City has an interest, including the 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 ~~nonwire~~ wireless telecommunications or broadcast service.

~~7.~~ Waterway: Any body of water that receives storm water runoff, including wetlands, lakes, ponds, streams, rivers, and reservoirs. ~~Shall~~ Waterway does not include water flowing on streets, or water pooling for less than 24 hours on private property after a rain event.

~~8.~~ Wooded Area: An area of trees and other native plant materials. ~~identified as follows: wherefor~~ every 100 square feet of area ~~considered, contains at least there shall not be less than~~ six ~~(6)~~ trees, each of a six inch ~~(6")~~ caliper measurement when, measured at a point of six inches ~~(6")~~ above grade from the base of each tree measured.

~~105.03~~TBD.03 Required Maintenance

Landscaped areas of all properties must be maintained by the owner ~~to be and~~ free of noxious weeds. Ground cover, except for trees and shrubs, in landscaped areas may not exceed ~~ten~~ (10)

inches in average height except for ground cover in gardens and designated natural areas. Designated natural areas which do not need to be edged include: drainage ponds, ditches, lakeshore areas, parks, ~~3 to 4~~three to one or greater slopes, stream banks, vacant lots, wetlands, or wooded areas. Landscaped areas must be kept free of litter. Vegetation ~~shall~~must not be permitted to be overgrown or encroach onto adjacent properties. Failure to comply is a nuisance as defined in the Public Nuisance Chapter of the Fridley City Code (Code).

~~105.04~~TBD.04 Intervention by the City

If the provisions of ~~Section 105.03~~this Chapter are not complied with, the ~~city manager or his/her~~City Manager or their designee ~~shall~~will give written notice to the owner of the property in violation. If the property owner fails to bring the violating property into compliance with ~~Section 105.03~~this Chapter within the time specified in the notice, or if the owner of the property cannot be located, designated ~~city~~City staff ~~shall~~may perform the necessary work on the landscaping in order to have the landscape broughtbring the landscaping into compliance. ~~and The City will invoice the property owner for the cost~~The City will invoice the property owner for the costs incurred by the City for the work performed and of such service and abatement administrative costs associated with the abatement according to the procedures established in ~~Chapter 128~~the Abatement of Exterior Public Nuisances Chapter of the ~~City~~City Code.

~~105.05~~TBD.05 Protection of Waterways

~~1.~~1.—In addition to proper landscape maintenance, all property owners in the City ~~of Fridley~~of Fridley must protect surface water quality through the following measures:

~~A.1.~~A.1. No person is permitted to deposit leaves, grass clippings, or other plant waste within ~~twenty-five (25)~~ten (10) feet of a waterway or ~~ten (10)~~ten (10) feet of a bluff line, whichever is greater.

~~B.2.~~B.2. No person is permitted to deposit or store yard waste of any kind in a right-of-way or roadway, except as permitted in ~~Chapter 113~~the Solid Waste Management Chapter of the Code or in the process of maintaining the right-of-way.

~~C.3.~~C.3. Extreme care must be taken to prevent landscape fertilizers, pesticides, and herbicides from falling on a paved surface. Any applied granular landscape fertilizer, pesticide, or herbicide must be swept from any paved surfaces immediately upon completion of application as specified in State ~~Statutes~~law. Commercial lawn care product applicators must post public notification signs when lawn care products are applied. No person ~~shall~~may remove such signs for 48 hours ~~or~~as required by State law.

~~105.06~~ Penalties

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code. Each day the violation exists or continues to exist shall be deemed a separate offense.~~

Fridley City Code
Chapter ~~104.503~~. Tree Management

~~104.01. Declaration of Policy~~ 503.01 Purpose

~~The City Council of Fridley has determined that trees~~ Trees provide a public benefit including cleaner air, cleaner water, decreased soil erosion and increased property values in the City of Fridley (City). It is further determined that nuisance trees growing ~~upon on~~ public and private property impair the safety, ~~good~~ order, general welfare, and convenience of the public. ~~It is declared to be the intention of the Council to maintain a resilient urban forest and this Chapter is enacted for that purpose.~~

503.02 Definitions

Boulevard Tree: A tree growing within an improved street or alley right-of-way or an easement that has been acquired for an existing improved street or alley.

Removal: The cutting of a tree at the trunk to be level with the surrounding ground.

~~104.02.503.03~~ Forester Position Created

The powers and duties of the ~~City~~ Forester as set forth in this Chapter are hereby conferred ~~upon~~ on the Director of Public Works ~~and all designated representatives or their designee~~. It is the duty of the Forester to coordinate under the direction and control of the City Manager or their designee all activities of the City relating to the management of trees on City property, the control and prevention of tree pests that would threaten the integrity of the City's urban forest, and the elimination of nuisance trees. The Forester ~~shall will~~ recommend to the City Manager or their designee the details of the program for the maintenance of a resilient urban forest and perform the duties incident to such a program adopted by the Fridley City Council (Council).

~~104.03.503.04~~ Program

It is the intention of the Council ~~of Fridley~~ to conduct a Management Program directed at the maintenance of a resilient urban forest. The City ~~shall will~~ have the right to plant, prune, maintain, remove and replace all trees, shrubs, and other plantings now or hereafter on properties controlled by the City including in any street, park, boulevard, public right-of-way or easement as may be necessary to ensure public safety or to preserve and enhance the City's urban forest. The City ~~shall will~~ also have the right to require the abatement of any trees on public or private property deemed to be public nuisances as outlined in ~~the this~~ Chapter.

~~104.04.503.05~~ Nuisance Declared

The following are public nuisances ~~whenever they may be~~ when found within the City ~~of Fridley~~:

1. Any diseased or infested tree or part thereof, including logs, branches, stumps, firewood, or other wooden material which has been determined to present a condition which endangers

the safety or health of the public or urban forest and has not been abated according to the prescription of the ~~City~~ Forester.

2. Any hazardous tree ~~which is~~ determined to have structural defects in the roots, stem, or branches that may cause the tree or part ~~thereof of the tree~~ to fail, where such failure may cause personal injury or property damage to a "target." A "target" includes, but is not limited to, people, vehicles, buildings, and property, ~~etc.~~ Trees without targets are not considered hazards even if they are likely to fail and can be considered beneficial in habitat protection.

~~104.05.503.06~~ Abatement

1. It is unlawful for any person to allow a public nuisance as defined in ~~Section 104.04~~this Chapter to remain on any premises owned within, or controlled by, the ~~City of Fridley~~. Such nuisances may be abated in the manner prescribed by this Chapter and according to the procedures established in ~~Chapter 128~~the Abatement of Exterior Public Nuisances Chapter of the ~~City~~ Code.

2. In abating the nuisances defined in this Chapter, the Forester or their designee will prescribe the nuisance tree or wood to be evaluated, monitored, sprayed, root barriered, removed, burned or otherwise effectively treated so as to eliminate and prevent, as fully as possible, the nuisance. Such abatement procedures will be carried out in accordance with current technical and expert opinions and procedures.

~~104.06.503.07~~ Inventory, Inspection and Investigation

1. The Forester or ~~an agent thereof~~their designee may inspect all premises and places within the City as often as deemed appropriate to determine any condition described in ~~Section 104.04 of~~ this Chapter. The Forester ~~shall~~will investigate all reported incidents of nuisance trees.

2. The Forester or ~~an agent thereof~~their designee may enter ~~upon~~ private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Chapter.

3. The Forester or ~~an agent thereof~~their designee ~~shall~~will make a field diagnosis according to generally accepted field diagnosis procedures.

~~104.07. Abatement of Nuisances~~

~~In abating the nuisances defined in Section 104.04, the Forester or an agent thereof shall prescribe the nuisance tree or wood to be evaluated, monitored, sprayed, root barriered, removed, burned or otherwise effectively treated so as to eliminate and prevent, as fully as possible, the nuisance. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures.~~

~~104.08.503.08~~ Procedures for Removal of Infected Trees or Woods

When the Forester or their designee ~~thereof~~ finds that a public nuisance as defined in Section 104.04~~this Chapter~~ exists in any tree or wood in any public or private place in the City, the Forester ~~shall~~will:

1. On private property, notify the property owner in writing with a Nuisance Tree Abatement Notice. The property owner ~~shall~~must carry out any recommended abatement procedure(s) within ~~thirty (30) days from the date of receipt of the notification unless a written extension is granted by the Forester.~~a specified amount of time from the date of receipt of the notification unless a written extension is granted by the Forester.

(a) If the owner fails to follow the recommendation of the Nuisance Tree Abatement Notice within the designated time period, the Forester ~~shall~~will notify the property owner in writing that the City will contract for the abatement of the public nuisance. ~~The Forester shall then proceed to contract for the abatement procedures as soon as possible and shall report to the City Clerk all costs resulting from the abatement procedures carried out on such private property. The City Clerk shall list all such charges related to the City abatement administrative costs against each separate lot or parcel by September 15th of each year as special assessments to be collected commencing with the following year's taxes. All assessments and abatement-related costs shall be added to each assessment. and will follow the abatement processes established in the Abatement of Exterior Public Nuisances Chapter of the Code.~~

2. In the case of boulevard trees, ~~defined as a tree growing within an improved street or alley right-of-way or an easement that has been acquired for an existing improved street or alley,~~ notices will be mailed to the owner of the abutting property as previously described ~~in Section 104.08.1.~~ ~~However, the~~The City ~~shall~~will abate any nuisance boulevard tree at no cost to the property owner. If the property owner desires, the City will replace the tree with a tree on the owner's property in the vicinity of the removed tree.

3. All assessments levied for the repayment of tree disease abatement costs may be repaid over a period designated by the ~~City~~ Council. Such assessments ~~shall~~will be levied in accordance with the assessment procedures established in ~~City Code Chapter 128~~the Abatement of Exterior Public Nuisances Chapter of the Code.

4. If the nuisance tree is located on public land, the Forester ~~shall~~will transmit a similar notification including prescription to the agency responsible for maintenance of said property. Such nuisances on public property ~~shall~~will be abated by the respective ~~agent~~agency, according to the prescriptions of the ~~City~~-Forester within ~~thirty (30)~~ days of notification unless a written extension is granted by the Forester.

~~104.09. Program Records~~

~~The Forester shall keep accurate records of the Tree Management Program including the costs of abatements ordered under this program. The Forester shall report to the City Council all work done for which assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.~~

~~104.10.503.09~~ Interference Prohibited

It is unlawful for any person to prevent, delay or interfere with the Forester or ~~agent thereof~~their designee while they are engaged in the performance of duties imposed by this Chapter.

~~104.11.503.10~~ Tree Management License Required

It ~~shall be~~ unlawful for any individual, partnership or corporation to conduct as a business the cutting, trimming, pruning, removing, spraying or otherwise treating of trees, shrubs or vines in the City without first having secured a license from ~~at~~the City to conduct such business.

~~104.12.503.11~~ Tree Management License RequirementsApplication

1. Application

~~Application for a license under this Chapter shall be made at the office of the City Clerk of the City.~~

2. Application Form

~~1. No person may operate a tree management service within the City without a valid license from the City, which includes the following requirements: The application for a license shall be made on a form approved by the City which includes~~

~~(a) Business name and address;~~

~~(b) Name Full legal name and address of applicant;~~

~~(c) Business phone number;~~

~~(d) Number and type of vehicles;~~

~~(e) Type of state licenses and/or certifications applicant or employees have~~Proof of registry in the Minnesota Department of Agriculture Tree Care Registry; and

~~(f) Any other information deemed necessary by the City Clerk for the license.~~Location of brush disposal site.

3.2. Liability Insurance

No license or renewal of a license ~~shall will~~ be granted, ~~nor shall the same or~~ be effective, until the applicant has filed with the ~~City Clerk~~City Manager or their designee, proof of a general liability insurance policy covering all operations of such applicant under this Chapter for the sum of at least ~~one million dollars (\$1,000,000)~~ \$1 million per occurrence and ~~two million dollars (\$2,000,000)~~ \$2 million annual aggregate and for at least ~~one hundred thousand dollars (\$100,000)~~ against liability for damage or destruction of property. The City ~~shall~~ must be named and the insurance provided ~~shall~~ must include the City as an additional party insured.

~~Said policy shall~~The policy must provide that it may not be cancelled by the insurer except after ~~ten (10)~~ days written notice to the City, and if such insurance is so cancelled and licensee ~~shall will~~ fail to replace the same with another policy conforming to the provisions of this Chapter said license ~~shall will~~ be automatically suspended until such insurance shall have been replaced.

4.3. Worker's Compensation Insurance

Each license applicant ~~shall must~~ file with the ~~City Clerk~~City Manager or their designee a Certificate of Insurance evidencing that the applicant carries the statutory amounts of ~~Worker's Compensation~~worker's compensation insurance when such insurance is required by State Statute.

5.4. Chemical Treatment Requirements

Applicants who propose to use chemical substances in any activity related to treatment or disease control of trees, shrubs or vines ~~shall must~~ file with the City ~~Clerk~~ proof that the applicant or an employee of the applicant administering such treatment has been certified by the Agronomy Division of the Minnesota Department of Agriculture as a "commercial pesticide applicator." Such certification ~~shall must~~ include knowledge of tree disease chemical treatment.

6. Minnesota Tree Care Registry

~~All applicants must be registered with the Minnesota Department of Agriculture Tree Care Registry.~~

6. Fees

The annual license fee is provided in the Fees Chapter of the Code.

~~104.13. Fees~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~104.14. Penalties~~

~~Any violation of this Chapter is a misdemeanor and is subject to penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

Fridley City Code
Chapter 504. Winter Maintenance

504.01 Purpose

The purpose of this section is to protect the public health and safety arising out of the deposit, accumulation, and/or storage of winter snow, deicers, and/or ice on the public streets, sidewalks, bikeway/walkway, and other public or private property and to provide penalties for violations. Nothing in this Chapter may be construed to prohibit the City of Fridley (City) from conducting snow or ice plowing or removal activities.

504.02 Definitions

Base Flood: The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Bulk Deicer Storage Facilities: All temporary and permanent, indoor and outdoor, salt piles, salt bag storage, sand piles and other storage of materials used for deicing and/or traction during winter conditions that are more than two tons in solid form (or 250 gallons in liquid form).

Bulk Snow Storage: Fallen snow that is trucked, hauled, or moved to a defined location not including incidental accumulations of snow occurring due to routine roadway snow plowing.

Deicer: Any substance used to melt snow and ice or used for its anti-icing effects.

Floodplain: The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

Private Property: Property owned by a person, firm, voluntary associations or corporations other than a government body that is not generally open for use by the public.

Public Property: Property that may be used by the public subject to reasonable regulations by a governmental body, including public rights-of-way for streets and highways.

Semi-public Property: Private property generally open for use by the public but not owned or maintained by a governmental body. Such property includes without limitation church property, school property, shopping centers and all other property generally used by patrons of a commercial or private business establishment; including private streets and residential areas.

Snow Season: The time between the first snowfall after July 1 in a given year until the last snowfall before June 30 in the subsequent year.

504.03 Snow Removal

1. The City will remove snow and ice from City streets, alleys, walks and trails on public property that it maintains in accordance with its Snow and Ice Control Policy.

2. It is unlawful unless specifically approved by the City for any property owner to place or have placed snow or ice from their property, driveway, or parking area onto or across any public sidewalk, bikeway/walkway, street or highway which results in piles or rows on the paved surface or upon the boulevard or property of another property owner without prior permission whether done by themselves or their agent. The Director of Public Works or their designee may give approval for temporary placement of snow from private property onto public property, provided the snow will be removed within 48 hours following its placement on City property.

504.04 Bulk Deicer Storage Facility Requirements

1. General Requirements

(a) Indoor operations for the bulk storage of deicing materials must be provided wherever possible in order to prevent such materials from dissolving or otherwise transported or affected by rain, snow and melt water.

(b) All salt, sand and other deicing materials stored outdoors must be covered at all times.

(1) When not using a permanent roof, a waterproof impermeable cover must be placed over all storage piles (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being transported from the outdoor storage pile location. The cover must be secured to prevent its removal by wind or other storm events.

(2) Any leaks, tears or damage to roofs or covers should be immediately repaired in a temporary or permanent fashion during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

2. Facility Siting

(a) The facility may not be located on or within floodplains, storm drains, manholes, catch basins, wetlands or any other areas likely to absorb runoff.

(b) The facility must be located entirely on an impermeable surface.

(c) The facility must be protected by grading or other appropriate measures to prevent the intrusion of liquids including stormwater runoff.

3. Bulk Snow Storage. Bulk Snow Storage piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

4. Transfer of Materials. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material from the facility.

504.05 Parking Lot, Sidewalk, and Private Road Sweeping Requirements

Accumulated deicer and/or material used for traction during winter conditions remaining following snow and/or ice melt must be removed to avoid discharge into the storm sewer system or downstream waterbodies.

504.06 Owner Responsibility

1. Every property owner is responsible for ensuring that during the winter snow and ice season that residual snow or ice from the driveway and/or parking area is not placed onto the sidewalk, bikeway/walkway, street or another property without the property owner's permission during the snow or ice removal activities.
2. Property owners must eliminate any hazardous snow or ice condition by clearing residual snow and ice from walks or trails on adjacent Public Property that are plowed by the City in accordance with its Snow and Ice Control Policy. Such clearing of snow and ice by property owners will occur within 48 hours of cessation of any snowfall and any subsequent snow and ice removal activities performed by or on behalf of the City.
3. The property owner is responsible for any violation of this Chapter whether the violation is the result of their action or that of an agent or tenant of the property owner.

504.07 Penalties

1. Violation of this Chapter is a public nuisance as defined by the Public Nuisance Chapter of the Code, and is subject to all penalties and remedies. In addition, violations of this Chapter are subject to all penalties and remedies pursuant to Minnesota Statutes Chapter 429.
2. Upon the first violation of this section each Snow Season, the property owner will be issued a warning notice, subsequent violations may result in a civil penalty.
3. The Snow Removal Penalty is outlined in the Fees Chapter of the Code.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Energy Action Plan Updates

Background

At the November 9, 2021 meeting, the EQEC recommended adoption of Phase 2 of the Energy Action Plan. The following activities were completed this past month:

- None

The following activities are projected:

- Tabling at HRA Open House (3/24/2024)
- Door knocking Fridley Terrace (Spring 2024)
- EV Showcase at Touch A Truck event (Fall 2024)

Recommendation

None

Attachments and Other Resources

None

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Outreach and Events Updates

Background

Outreach at community events is an important strategy to build environmental awareness and increase engagement. Events that have been completed since the last meeting as well as upcoming outreach events are listed below.

Completed events (12/13-2/13)

- Winterfest-1/20/2024

Confirmed events and topics

- HRA Open House-3/27
- Environmental Fun Fest with Pop-Up Community Toy Story- 5/18

Potential Upcoming Events

- Baby Gear Swap at ECFE Fall Festival

Recommendation

None

Attachments and Other Resources

- None

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Grant Updates

Background

The purpose of this item is to provide Commissioners updates on sustainability grants held by the City.

Grants in the Pre-Application Stage

- 2024 Street Project Rain Gardens

Grants Under Review

- LRIP Mississippi ST
- Regional Solicitation Grant- Mississippi St Trail
- Regional Solicitation Grant- Safe Routes to School
- MWMO Grants and RCWD Grants for hydrodynamic separators in 2024 Street Project
- CCWD Grant for Leaf Box and Vacuum

Active Grants

- Recycling grant (ongoing)
- Met Council Regional Solicitation Grant for 44th Avenue Bridge w/ Anoka County
- BWSR/RCWD grant for Moore Lake IESF project
- University Avenue Lighting Project
- Met Council Water Efficiency Grant pt 3
- MDH Well Sealing Grant pt 3
- RCWD grant for sumps in Farr Lake neighborhood
- CCWD Water Quality Grant for Apex Pond
- MnDOT Active Transportation grant for University Avenue Trails
- DNR Preparing for Emerald Ash Borer Grant Pt. 3
- Dog Waste Stations in Moore Lake Park
- CDBG Grant for 61st Avenue Parcel
- Sylvan Hills Park Feasibility Study
- DNR ReLeaf Grant

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

- Safe Streets and Roads for All Planning Grant to create a Safety Action Plan
- DNR Shade Tree Grant

Grants Closed (1/1/2024+)

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Recommendation

- None

Attachments and Other Resources

- None

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: February 13, 2024

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Informal Status Reports

Background

Staff and Commissioners will share informal status reports on programs happening in the City.

Recommendation

None

Attachments and Other Resources

None

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.