

803.04: GRADING, EROSION AND SEDIMENTATION CONTROL:

- A. Purpose: The purpose of this article is to regulate grading and to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This Section establishes standards and specifications for grading practices which protects drainage, conservation practices and planning activities which minimize soil erosion and sedimentation. (Ord. 1550, 6-4-2018)
- B. Scope: Except as exempted by the definition of the term “land disturbance activity” in Section 803.04.C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the grading, erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article. (Ord. 1550, 6-4-2018)
- C. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - 1. Best Management Practice (BMP): 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.
 - 2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.
 - 3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
 - a. Minnesota Stormwater Manual
 - b. Minnesota DOT Erosion Control Manual
 - c. Minnesota Pollution Control Agency’s “Protecting Water Quality in Urban Areas” handbook (Ord. 1550, 6-4-2018)
 - 4. 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 man and nature.
 - 5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
 - 6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.

7. Land disturbance activity: Any activity, including clearing, grading, excavating, transporting and filling of land, greater than 5,000 square feet, and/or placement or grading of 50 cubic yards of earthen materials on a parcel of land located directly adjacent to a water resource or located within the shoreland overlay district. Land disturbance activity does not mean the following:
 - a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than 500 square feet.
 - b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops disturbing less than 500 square feet.
 - c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable. (Ord. 1550, 6-4-2018)
 8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
 9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
 10. Sedimentation: the process or action of depositing sediment that is determined to have been caused by erosion.
 11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City. (Ord. 1550, 6-4-2018)
- D. Grading, Erosion and Sediment Control Plan:
1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit a grading, erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the grading, erosion and sediment control plan by the City.
 Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the grading, erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if the grading plan is not being followed, if erosion control measures should fail, or if erosion control measures require maintenance with the expectation that the deficiencies will be corrected.
 If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed grading, erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.
 Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies. (Ord. 1550, 6-4-2018)
 2. Criteria addressed: The grading, erosion and sediment control plan shall address the following criteria:
 - a. Account for existing drainage patterns
 - b. Control the storm water leaving the site

- c. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
 - d. Stabilize all exposed soils and soil stockpiles
 - e. Establish permanent vegetation
 - f. Prevent sediment damage to adjacent properties and other designated areas
 - g. Schedule of erosion and sediment control practices
 - h. Criteria for the use of temporary sedimentation basins
 - i. Stabilization of steep slopes
 - j. Stabilize all waterways and outlets
 - k. Protect storm sewers from the entrance of sediment, debris and trash
 - l. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, etc. that may adversely impact water quality
 - m. When working in or crossing water resources, take precautions to contain sediment.
 - n. Restabilize utility construction areas as soon as possible
 - o. Protect paved roads from sediment and mud brought in from access routes
 - p. Dispose of temporary erosion and sediment control measures
 - q. Maintain all temporary and permanent erosion and sediment control practices
 - r. Removal of sediment from streets at the end of each day
 - s. Dewatering methods and outletting of stormwater
 - t. Site inspection plan & record of rainfall amounts
 - u. Final stabilization (Ord. 1550, 6-4-2018)
3. Contents of Plan: The grading, erosion and sediment control plan shall include the following:
- a. Contact information for the Permittee
 - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved, including the amount of material removed and imported to the site
 - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
 - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
 - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
 - f. Soils: soil names, mapping units, erodibility
 - g. Critical erosion and Environmentally Sensitive areas: areas on the site that have potential for serious erosion problems and local water resources.
 - h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
 - i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
 - j. Storm water management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
 - k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
 - l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices (Ord. 1510 09-26-16) (Ord. 1550, 6-4-2018)

E. Plan Review:

1. General: The City appoints the City Engineer to review the grading, erosion and sediment control plan to ensure compliance with the City of Roseville Design Standards and Grading, Erosion and Sediment Control Standards.
2. Permit required: If the City determines that the grading, erosion and sediment control plan meets the requirements of this article, the City shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the grading, erosion and sediment control plan.
3. Denial: If the City determines that the grading, erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The grading, erosion and sediment control plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved grading, erosion and sediment control plan.
4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan. (Ord. 1550, 6-4-2018)

F. Plan Implementation And Maintenance:

1. All grading should follow the approved grading, erosion and sediment control plan. If temporary grading is needed, it should be reflected in the grading, erosion and sediment control plan. (Ord. 1550, 6-4-2018)
2. All storm water pollution controls noted on the approved grading, erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion. (Ord. 1550, 6-4-2018)
3. The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place grading, erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity and the obligations of the grading, erosion and sediment control permit have been satisfied. (Ord. 1550, 6-4-2018)

G. Modification of Plan:

An approved grading, erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data and possible modification of escrow. (Ord. 1550, 6-4-2018)

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the grading is completed per the approved grading plan. The escrow shall also be sufficient to ensure the inspection, installation, maintenance, and completion of the grading, erosion and sediment control plan and practices. Escrow amounts shall be set as detailed in the adopted City fee schedule. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee. (Ord. 1550, 6-4-2018)

I. Enforcement:

1. If the City determines the grading, erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:
 - a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
 - b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.
2. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:
 - a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
 - b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of completing the corrective work.
 - c. Impose a monetary fine in an amount equal to twice the required permit fee.
 - d. Charge the Permittee for all staff time expended and costs incurred by the City to:
 - i. perform any corrective work required by the City,
 - ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or
 - iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and
 - iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permittee within 30 days of the delivery by the City of a written invoice which describes such charges.
 - e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.
 - f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.
 - g. Pursue any other legal equitable remedy which is available to the City.
3. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before

the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.

4. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011) (Ord. 1550, 6-4-2018)