

SUMMARY ORDINANCE NO. 22-007

**AN ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 30
RELATING TO SURFACE WATER MANAGEMENT**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 30-Environment, Article II-Surface Water Management, Section 30-43 and Section 30-45, are hereby amended in their entirety.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 22-007.

It is hereby directed that only the above Title and Summary of Ordinance No. 22-007 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: These Ordinances shall take effect after their passage and summary publication.

Passed and adopted by the Common Council this 26th day of July, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Summary Ordinance Introduced on: July 12, 2022

Ordinance Introduced on: July 12, 2022

Final Passage on: July 26, 2022

Summary Ordinance Published in the Marshall Independent: _____

ORDINANCE NO. 22-007

**AN ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 30
RELATING TO SURFACE WATER MANAGEMENT**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 30-Environment, Article II-Surface Water Management, Section 30-43 and Section 30-45, are hereby amended in their entirety.

MARSHALL CITY CODE OF ORDINANCES

CHAPTER 30 - ENVIRONMENT

ARTICLE II. - SURFACE WATER MANAGEMENT

DIVISION 2. SURFACE WATER MANAGEMENT PLAN

Sec. 30-43. Surface water management plan.

ADOPTED BY REFERENCE. The City of Marshall hereby adopts and incorporates by reference the erosion, sediment, and waste control standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as now constituted and from time to time amended.

Sec. 30-45. Surface water management criteria.

ADOPTED BY REFERENCE. The City of Marshall hereby adopts and incorporates by reference the surface water management criteria for permanent facilities established by the Minnesota Pollution Control Agency's Small Municipal Separate Storm Sewer Systems (MS4) General Permit MNR040000 as now constituted and from time to time amended

- (a) *Design standards.* Stormwater detention facilities constructed in the city shall be designed according to the most current technology as reflected in the MPCA publication, "Protecting Water Quality in Urban Areas," and shall contain, at a minimum, the following design factors:
- (1) A permanent pond surface area equal to two percent of the impervious area draining to the pond, whichever amount is greater;
 - (2) An average permanent pool depth of four to ten feet;
 - (3) A permanent pool length-to-width ratio of three to one or greater;
 - (4) A minimum protective shelf extending ten feet into the permanent pool with a slope of ten to one, beyond which slopes should not exceed three to one;
 - (5) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);
 - (6) All stormwater detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;
 - (7) Stormwater detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 100-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the surface water management plan;

- (8) All stormwater detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin;
 - (9) Ponds shall be designed so postdevelopment runoff is no greater than predevelopment runoff;
 - (10) Where a detention pond site is sized or located such that it will impact or otherwise benefit other property or future subdivisions, a drainage service area shall be identified. All of the required detention pond site shall be dedicated to the city with the cost of that portion benefitting other developments to be reimbursed by the city to the developer at the time of completion and certification of the improvement. The cost shall be based on actual construction costs obtained by the city and shall be prorated to future developments within such drainage service area;
 - (11) Where a detention pond site is required to be located outside of the development area that will contribute to the stormwater flow, the city may be requested to acquire and develop the pond site, with the acquisition costs to be prorated to the developing property and to future development within the drainage service area.
- (b) *Wetlands.*
- (1) Runoff shall not be discharged directly into wetlands without pre-settlement of the runoff.
 - (2) A protective buffer strip of natural vegetation at least 25 feet in width shall surround all wetlands.
 - (3) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
 - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating or restoring the affected wetland environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
 - e. Compensating for the impact by replacing or providing substitute wetland resources or environments.
- (c) *Steep slopes.* No land disturbing or development activities shall be allowed on slopes of 18 percent or more.
- (d) *Catch basins.* All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half-filled with material.
- (e) *Drain leaders.* All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.
- (f) *Inspection and maintenance.* All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that ensures continued effective removal of pollutants carried in stormwater runoff. The city engineer, or designated representative, shall inspect all surface water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the office of the city engineer for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.
- (g) *Models/methodologies/computations.* For project sites one acre or larger, hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the city engineer. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the city engineer.
- (h) *Watershed management plans/groundwater management plans.* Surface water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minn. Stat. §§ 103B.231 and 103B.255, respectively, and as approved by the state board of water and soil resources in accordance with state law.

- (i) *Easements.* If a surface water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- (j) Failure to comply with any of the above requirements will result in the issuance of a stop work order halting construction until the project area is brought into compliance. Failure to remedy the situation within a reasonable time determined by the city engineer or designee will result in the issuance of a citation for violation of this section. Failure to have erosion and sediment control measures in place may also result in denial of a certificate of occupancy for the structure under construction.

(Ord. No. 693 2nd series, § 1, 4-28-2015)

State law reference(s)—Wetlands, Minn. Stat. § 103G.221 et seq.

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 26th day of July, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Summary Ordinance Introduced on: July 12, 2022

Ordinance Introduced on: July 12, 2022

Final Passage on: July 26, 2022

Summary Ordinance Published in the Marshall Independent: _____