

ORDINANCE NO. 340

CITY OF MAPLE PLAIN

**AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE CHAPTER 5, ARTICLE 3
TO REFER TO APPROPRIATE SECTIONS AND REQUIRE ESCROW**

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

SECTION 1. AMENDMENT. The Maple Plain City Code Chapter 5 Article 3 is hereby replaced in its entirety as follows:

Section 5-53. – Special use permit required.

- (a) No person shall, without first obtaining a special use permit, grade, fill, or excavate property within the City which would result in substantial alteration of the existing ground contour or which would change the existing drainage; or which would cause flooding or erosion or which would deprive an adjoining property owner of said property owner's lateral support; or which would remove or destroy present ground cover. Fill shall not alter the contour of the land or the drainage.
- (b) Substantial alteration of the existing ground contour shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards or to a height of two or more feet.
- (c) ~~For substantial alterations, a~~ A grading plan, or an erosion and sedimentation control plan consistent with the methods and best management practices described in the Minnesota Pollution Control Agency's Best Management Practices Handbook must be submitted to the Planning Commission for review and approval by the City prior to the issuance of a building or special use permit.
- (d) A special use permit for grading, filling, or excavating shall be limited to a period of six months after issuance, with the possibility for an extension of up to three months.
- (e) All fill shall be "clean fill" as defined in the Uniform Building Code and Chapter 3, Article 2~~chapter 4, article II.~~
- (f) No person shall divert surface water or sump pump discharge from said person's property in such a manner as to cause it to flow onto adjacent property.
- (g) Construction or work within the City that is performed in conjunction with the issuance of a valid building permit shall conform to the requirements of construction as outlined in chapter 4, article II.

- (h) Any person having been found to be in violation of the above provisions shall be required to perform whatever work is necessary to remedy the violation under the direction of the appropriate City staff person.
- (i) The person seeking a permit shall be required to pay a fee in an amount established in the City fee schedule.

~~All costs, including any administration or professional costs required by the City, relating to any of the above provisions, shall be borne by the applicant or the person found to be in violation.~~

Section 5-54. – Financial securities.

- (a) An applicant for a permit under this article shall provide security for the performance of the work described and delineated on the approved grading plan or on the approved erosion and sedimentation control plan in an amount deemed necessary by the City given the nature of the site, the work to be done, and the public interest to be protected.
- (b) The form of security shall be a deposit, either with the city or a responsible escrow agent or trust company at the option of the City, of money, negotiable bonds of the kind approved for securing deposits of public monies, or other instruments of credit from one or more financial institutions subject to regulation by the state or federal government where the financial institution pledges funds are on deposit and guaranteed for payment.

Section 5-5455. – Correction of drainage.

In residential areas where drainage problems exist, a majority of the affected property owners may petition the City Council for corrective action. Upon receipt of the petition, the City Engineer shall make a survey and prepare a plan and cost estimate and submit it to the Council. If the Council determines that the plan is feasible and necessary, it shall order the project completed and the entire cost, including engineering and administrative costs assessed against the benefitted property in accordance with state statutes and the codes and the regulations of the City.

Section 5-5556. – Code requirements.

All new residential construction shall conform to the requirements outlined in this article and shall conform to the requirements of Chapter 3, Article 2~~chapter 4, article ii.~~

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Plain this _____ day of _____,
2025.

Julie Maas-Kusske, Mayor

ATTEST:

Jacob Kolander, City Administrator

Published in the _____ on _____, 2025.