

**Topic:** Erosion & Sedimentation Control  
**Resource Type:** Regulations  
**State:** Minnesota  
**Jurisdiction Type:** Municipal  
**Municipality:** City of Minneapolis  
**Year** (*adopted, written, etc.*): 1996  
**Community Type – applicable to:** Urban; Suburban  
**Title:** City of Minneapolis Erosion and Sediment Control Ordinance  
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### ***Abstract***

The purpose this ordinance is to “control or eliminate soil erosion and sedimentation within the City of Minneapolis.” It applies to all land disturbances and soil storage activities. This ordinance refers permittees to a Manual of Standards that describes acceptable Best Management Practices (BMPs) for use in controlling sedimentation and erosion. It also sets a schedule for mandatory inspections by the issuing authority.

### ***Resource***

EROSION AND SEDIMENT CONTROL ORDINANCE  
City of Minneapolis  
Planning Department  
(612) 673 - 2597

AN ORDINANCE of the CITY OF MINNEAPOLIS

Scott and Minn presents the following ordinance:

**Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, by adding thereto a new Chapter 52 entitled "Erosion and Sediment Control for Land Disturbance Activities."**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 52 to read as follows:

**CHAPTER 52. EROSION AND SEDIMENT CONTROL FOR LAND DISTURBANCE ACTIVITIES**

**52.10. Purpose.** The purpose of Chapter 52 is to control or eliminate soil erosion and sedimentation within the City of Minneapolis. It establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation.

**52.20. Scope.** Chapter 52 controls land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of a permit.

**52.30. Definitions.** For the purposes of Chapter 52, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

*Applicant* is any person who submits an application to the City for a permit pursuant to this ordinance.

*Architect* is a person duly registered or authorized to practice architecture in the State of Minnesota.

*ASTM* is the American Society for Testing Materials.

*Bedrock* is in-place solid rock.

*Bench* is a relatively level step excavated into earth material on which fill is to be placed.

*Best Management Practices (BMP)* is a technique or series of techniques which are proven to be effective in controlling runoff, erosion, and sedimentation.

*Borrow* is earth material acquired from an off-site location for use in grading on a site.

*City engineer* is the City Engineer/Director of Public Works of the City of Minneapolis and his/her duly authorized designees.

*Civil engineer* is a professional engineer registered in the State of Minnesota to practice in the field of civil works.

*Civil engineering* is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

*Clearing and grubbing* is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

*Demolition* is any act or process of wrecking or destroying a building or structure as defined in the City of Minneapolis Building Code, Chapter 117, Wrecking.

*Detention facility* is a temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.

*Developer* is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

*Director of inspections* is the Director of inspections of the City of Minneapolis and his/her duly authorized designees.

*Erosion* is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

*Erosion and Sediment Control Plan (Plan)* is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in

Section 52.100 of Chapter 52.

*Erosion control inspector* is a Minneapolis employee who has in his/her possession a Provisional Certification for Erosion and Sediment Control Plan Design sponsored or endorsed by the Minnesota Pollution Control Agency (MPCA) and the Minnesota Board of Water & Soil Resources (BWSR), or who has completed a training program approved by the City Engineer.

*Excavation* is the mechanical removal of earth material.

*Fill* is a deposit of soil or other earth materials placed by artificial means.

*Final Erosion and Sediment Control Plan (Final Plan)* is a plan which includes permanent measures and Best Management Practices to control surface runoff and control sediment if not included in the Erosion and Sediment Control Plan (Plan).

*Floodplain* is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps for Minneapolis.

*General storm water permit* is the Minnesota Pollution Control Agency's (MPCA) general National Pollutant Discharge Elimination System (NPDES) construction storm water permit covering anyone conducting a land disturbing activity which disturbs five (5) or more acres of total land area.

*Grade* is the vertical location of the ground surface.

(1) *Existing grade* is the grade prior to grading.

(2) *Rough grade* is the stage at which the grade approximately conforms to the approved plan.

(3) *Finish grade* is the final grade of the site which conforms to the approved plan.

*Hennepin Conservation District (HCD)* is the Hennepin Conservation District organized and operating under Minnesota Statutes, Chapter 40.

*Issuing authority* is the City Engineer/Director of Public Works and the Director of Inspections of the City of Minneapolis and their duly authorized designees.

*Land disturbance activity* is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Minneapolis, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

(1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.

(2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Chapter 52.

*Landscape architect* is a person duly registered or authorized to practice landscape architecture in the State of Minnesota.

*Maintenance project* is a non-construction related activity.

*Manual of Standards* is a compilation of technical standards and design specifications adopted by the City of Minneapolis Department of Public Works as being proven methods of controlling construction related surface runoff, erosion and sedimentation. This includes the Erosion and Sediment Control Manual as developed by the Hennepin Conservation District of Hennepin County, 1989, and subsequent amendments thereto, and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency (MPCA), 1989, and subsequent updates.

*MnDOT* is the Minnesota Department of Transportation.

*Outfall* is the point of discharge to any watercourse from a public or private stormwater drainage system.

*Owner* is any person with a legal or equitable interest in the land for which an erosion control permit has been issued.

*Permittee* is the applicant in whose name a valid permit is duly issued pursuant to Chapter 52 and his/her agents, employees, and others acting under his/her direction

*Retention facility* is a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

*Runoff* is rainfall, snowmelt, or irrigation water flowing over the ground surface.

*Sediment* is soils or other surficial materials transported by surface water as a product of erosion.

*Sedimentation* is the process or action of deposition sediment that is determined to have been caused by erosion.

*Select topsoil borrow* is the material furnished under MnDOT specification 3877.2 designated as "B" as defined by the Soil Science Society of America.

*Site* is the entire area of land on which the land disturbance activity is proposed in the permit application.

*Site plan* is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

*Slope* is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

*Soil* is naturally occurring surficial deposits overlying bedrock.

*Soils engineer (geotechnical engineer)* is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

*Soils engineering (geotechnical engineering)* is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

*Stripping* is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

*Structure* is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

*Surveyor* is a person duly registered or authorized to practice land surveying in the State of Minnesota.

*Topsoil* is the upper layer of soil.

*Topsoil borrow* is the material furnished under MnDOT specification 3877.2 designated as "A" as defined by the Soil Science Society of America.

*Utility* is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage and other similar substances.

*Watercourse* is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

*Watershed* is a region draining to a specific river, river system, or body of water.

*Watershed District/Watershed Management Organization (WMO)* is an organization which oversees the activities in a particular watershed as defined by Minnesota Statutes, Sections 103B, and 103D.

*Wetlands* is a lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

**52.40. Relation to other laws.** Neither Chapter 52 nor any administrative decision made under it exempts the permittee or any other person from procuring other required permits or complying with the requirements and conditions of such a permit, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the permittee or any other person arising from the activity regulated by Chapter 52.

**52.50. Exemptions.** The following activities are exempt from obtaining a permit and from following the procedures required in Chapter 52:

- (1) Cemetery graves.
- (2) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- (3) Any activity where the total volume of material disturbed, stored, disposed of or used as fill does not exceed five (5) cubic yards or the area disturbed does not exceed five hundred (500) square feet provided it does not obstruct a watercourse, and is not located in a floodplain.

**52.60. Manner of work.** All land disturbing or land filling activities or soil storage, whether pursuant to Chapter 52 or otherwise, shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation. Whenever the issuing authority determines that

any land disturbing activity on any private property has become a hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, slope, or soil stability of a public way, publicly controlled wetland, or watercourse, then the owner of the property upon which the land disturbing activity is located, or other person or agent in control of said property, upon receipt of notice in writing from the issuing authority, shall within the period specified therein repair or eliminate such conditions.

Exempt activities under Section 52.50 or the activities excluded under the definition of land disturbance activities under Section 52.30 are also subject to the provisions of this section. If the City incurs costs to enforce the provisions of the section because of any activity listed in Section 52.50, reimbursement of City costs associated with the correction work completed by the City must occur prior to the issuance of a letter certifying completion, when required under Section 52.320.

**52.70. Erosion and sediment control performance standards.** A construction project shall be considered in conformance with Chapter 52 if soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse. The design, testing, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the Manual of Standards which shall be hereby incorporated into Chapter 52. In the event of conflict between provisions of said manual and of Chapter 52, Chapter 52 shall govern. A copy of the Manual of Standards and amendments shall be filed with the City Engineer/Director of Public Works.

**52.80. Application.** A written application from the owner of the site, or his/her authorized representative, in the form prescribed by Section 52.90, shall be required for each permit. The fees for said permit shall be paid pursuant to the schedules set forth in Chapter 91, Art. XIII. Plans and specifications shall be prepared or approved and signed by a civil engineer, surveyor, architect, or landscape architect. The City Engineer may waive the preparation or approval and signature by the civil engineer, surveyor, architect, or landscape architect when it is self-evident that the work is simple, clearly shown, and entails no hazard or nuisance potential to adjacent property or watercourse, and does not include the placement of fill upon which a structure may be erected.

**52.90. Permit application form.** The following information is required on the application:

- (1) Name, address, and telephone number of owner.
- (2) Name, address, and telephone number of applicant, if different than owner.
- (3) Names, addresses, and telephone numbers of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities and their respective tasks.
- (4) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the Site Map and Grading Plan.
- (5) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the Erosion and Sediment Control Plan.

(6) Name(s), address(es), and telephone number(s) of the registered engineer(s) responsible for the preparation of the soils engineering and engineering geology reports, where required.

(7) Address of site.

(8) Date of the application.

(9) Signature(s) of the owner(s) of the site or an authorized representative.

**52.100. Erosion and Sediment Control Plan (Plan).** Land disturbance activities which are in excess of either five thousand (5,000) square feet or five hundred (500) cubic yards of earth moved require an erosion and sedimentation control plan approved by the City Engineer. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. In addition, the following information shall be included in any plan.

(1) A letter of transmittal, which includes a project narrative.

(2) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.

(3) An indication of the scale used.

(4) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.

(5) Suitable contours for the existing and proposed topography.

(6) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.

(7) A clear and definite delineation of any areas of vegetation or trees to be saved.

(8) A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.

(9) A clear and definite delineation of any one hundred (100) year floodplain on or near the site.

(10) Storm drainage system, including quantities of flow and site conditions around all points of surface water discharge from the site.

(11) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.



(12) Design details for both temporary and permanent erosion control structures.

(13) Details of temporary and permanent stabilization measures including a construction note on the plan stating: "Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); embankments of ponds, basins, and traps; and within fourteen (14) days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed."

(14) A chronological construction schedule and time frame including, as a minimum, the following activities:

- a. Clearing and grubbing for those areas necessary for installation of perimeter erosion control devices.
- b. Construction of perimeter erosion control devices.
- c. Remaining interior site clearing and grubbing.
- d. Installation of permanent and temporary stabilization measures.
- e. Road grading.
- f. Grading for the remainder of the site.
- g. Utility installation and whether storm drains will be used or blocked after construction.
- h. Building, parking lot, and site construction.
- i. Final grading, landscaping or stabilization.
- j. Implementation and maintenance of final erosion control structures.
- k. Removal of temporary erosion control devices.

(15) A statement noting that the contractor, developer, and owner shall request the Erosion Control Inspector to inspect and approve work completed in accordance with the approved Erosion and Sediment Control Plan, and in accordance with the ordinance. The contractor, developer, or owner shall be required to obtain written approval by the Inspector at the stages of development as outlined in Section 52.250, subsections (1), (2), and (3).

(16) A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.

(17) The City Engineer may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of Chapter 52, the Manual of Standards, or the preservation of public health and safety.

(18) A description of, and specifications for, sediment retention structures.

(19) A description of, and specifications for, surface runoff and erosion control devices.

(20) A description of vegetative measures.

(21) The applicant may propose the use of any erosion and sediment control techniques in a Final Plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Manual of Standards.

(22) Proposed conditions of the site on the 15<sup>th</sup> of each month between and including the months of April through October.

**52.110. Soils engineering report.** A soils engineering report, when required by the City Engineer, based upon his/her determination that the condition of the soils is unknown or unclear so that additional information is required to protect against erosion or other hazard, shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the City Engineer shall be incorporated in the grading plans and/or specifications.

(1) Data regarding the nature, distribution, strength, and erodibility of existing soils.

(2) If applicable, data regarding the nature, distribution, strength, and erodibility of soil to be placed on the site.

(3) Conclusions and recommendations for grading procedures.

(4) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

(5) Design criteria for corrective measures when necessary.

(6) Opinions and recommendations covering the stability of the site.

**52.120. Engineering geology report.** When deemed necessary by the City Engineer, based upon his/her determination that the condition of the soils is unknown or unclear so that additional information is required to protect against erosion or other hazard, an engineering geology report shall be provided based on adequate and necessary test borings, giving an adequate description of the geology of the site with conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and giving opinions and recommendations covering the adequacy of sites to be developed by the proposed land disturbing activity. Recommendations included in the report and approved by the City Engineer shall be incorporated in the grading plans and/or specifications.

**52.130. Work schedule.** When not submitted as part of a plan the applicant shall submit to the City Engineer, a master work schedule showing the following information:

(1) Proposed grading schedule.

(2) Proposed schedule for installation of all erosion and sediment control measures including, but not limited to, the stage of completion of erosion and sediment control devices and vegetative measures.

(3) Schedule for construction of final improvements, if any.

(4) Schedule for installation of permanent erosion and sediment control devices where required.

**52.140. Permit required.** Except as otherwise provided in Chapter 52, no person may grade, fill, excavate, store, stockpile or dispose of earth materials or perform any other land disturbing or land filling activity without first obtaining an erosion and sediment control permit from the Director of Inspections. Annual maintenance permits are available for maintenance projects greater than five hundred (500) square feet.

**52.150. Permit duration.** Permits issued under Chapter 52 shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one (1) year. The permittee shall commence permitted activities within one hundred eighty (180) days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, and schedules to the issuing authority, except where an item to be resubmitted is waived by the issuing authority.

**52.160. Permit renewals/extensions.** The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Prior to the expiration of an erosion and sediment control permit, the permittee may present a written request for an extension to the Director of Inspections. If, in the opinion of the issuing authority, an extension is warranted, a one time no fee extension, not to exceed ninety (90) days, may be granted. The issuing authority may authorize additional extensions not to exceed a total of one (1) year at the rate of seventy-five dollars (\$75.00) per extension.

**52.170. Permit denial.** If the issuing authority determines that the Erosion and Sediment Control Plan does not meet the requirements of Chapter 52, he/she shall not issue a permit for the land disturbing activity. The Erosion and Sediment Control Plan must be resubmitted for approval before the land disturbance activity begins. All land use and building permits must be suspended until the permittee has an approved Erosion and Sediment Control Plan.

**52.180. Conditions of approval.** In granting any permit pursuant to Chapter 52, the issuing authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

(1) The granting (or securing from others) and the recording in County land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities.

(2) Adequate control of dust by watering, or other control methods acceptable to the issuing authority, and in conformance with applicable air pollution ordinances.

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under Chapter 52 for new grading, drainage and erosion control.

(4) Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety related devices.

**52.190. Liability.** The permittee is responsible for safely and legally completing the project. Neither the issuance of a permit under the provisions of Chapter 52, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the City for damages to persons or property.

**52.200. Responsibility of permittee.** The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved grading plan, Erosion and Sediment Control Plans and also conform to the following:

(1) General - Notwithstanding other conditions or provisions of the permit, or the minimum standards set forth in Chapter 52, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

(2) Public ways - The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the construction site.

**52.210. Permit authorization.** The issuance of an erosion and sediment control permit shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements of Chapter 52, unless each and every modification or waiver is specifically listed and given specific approval by the issuing authority.

**52.220. Compliance.** The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications, and in

compliance with all the requirements of the permit, including those documents referenced in Section 52.70 of Chapter 52.

**52.230. Action upon noncompliance.**

a. In the event work does not conform to the permit or to the plans and specifications or to any instructions of the issuing authority, notice to comply shall be given to the permittee in writing. After a notice to comply is given, in the determination of the issuing authority, the permittee or his/her contractor shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately.

b. If the issuing authority finds any existing conditions not as stated in the application or approved plans, he/she may stop the work on the entire project or any specified part thereof until a revised plan is submitted conforming to the currently existing conditions.

c. Failure of the permittee to comply with the directives of this section will constitute a violation pursuant to Section 52.290, and will be considered a nuisance pursuant to Laws of Minnesota for 1994, Chapter 587, Article 9, Section 4, and the issuing authority may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in Section 52.290.

**52.240. Changes to plans.** All changes or modifications to the approved Erosion and Sediment Control Plans must adhere to the following conditions:

(1) All proposals to modify the approved plans must be submitted to the City Engineer for his/her approval. No grading or any type of work in connection with any proposed modification shall be without prior written approval of the issuing authority.

(2) When inspection of a site indicates that the approved Erosion and Sediment Control Plan needs change, the change shall be in compliance with the erosion and sediment control criteria contained in the Manual of Standards. The Erosion Control Inspector may approve minor modifications to approved Erosion and Sediment Control Plans in the field if documented on a field inspection report. The modification shall be noted on the approved plans, signed by the Inspector, and dated. A list of allowable field Modifications for use by field inspection personnel will be kept in the Manual of Standards.

(3) The permittee shall submit requests for major revisions to approved Erosion and Sediment Control Plans, such as the addition or deletion of a sediment basin, to the City Engineer. This includes revisions due to plan and site discrepancies and inadequacies at controlling erosion and sediment as revealed through inspection.

**52.250. Inspection and supervision.** The contractor and/or their agents shall conduct a pre-construction meeting on-site with the issuing authority on each site which has an approved Erosion and Sediment Control Plan. After commencing initial grading or land

disturbing activities, the permittee shall obtain written inspection approvals by the issuing authority at the following stages in the development of the site, or of each subdivision thereof:

(1) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other land disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the Erosion Control Inspector is made.

(2) Upon completion of stripping, the stockpiling of topsoil, the construction of temporary erosion and sediment control facilities, disposal of all waste material, and preparation of the ground and completion of rough grading but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

(3) Upon completion of final grading, permanent drainage and erosion control facilities including established ground covers and planting, and all other work of the permit. The issuing authority may require additional inspections as may be deemed necessary. Work shall not proceed beyond the stages outlined above until the Erosion Control Inspector inspects the site and approves the work previously completed. Requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the issuing authority shall perform the inspection within forty-eight (48) hours of request. In making application for a permit covered by Chapter 52, the applicant or the landowner performing or allowing such work consents to the issuing authority having the right to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan. This does not include consent to enter into any building which is completed and which has been secured, but does include consent to inspect any area of the property where land disturbing activity is occurring or is thought to be planned as a site of land disturbing activity.

**52.260. Changes during construction reports.** The permittee shall submit written reports to the issuing authority under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate, with such reports unless the recommendation requirement is waived by the issuing authority.

(1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or Erosion and Sediment Control Plan as scheduled.

(2) There are delays in land disturbing or filling activities or soil storage.

(3) The work is not being done in conformance with the approved grading, or Erosion and Sediment Control Plans.

(4) There are any departures from the approved grading plan which may affect implementation of the Erosion and Sediment Control Plans as scheduled.

(5) There are any delays in the implementation of the Erosion and Sediment Controls Plans.

(6) There are any other departures from implementation of the Erosion and Sediment Control Plans.

**52.270. Maintenance during and after construction.** On any property on which grading or other work has been done pursuant to a permit granted under the provisions of Chapter 52 the permittee or owner, their agent, contractor, and employees shall, at a minimum, daily inspect, maintain and repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

**52.280. Security.** The issuing authority may require the posting of a surety bond in a form approved by the City Attorney, when in the judgment of the issuing authority the project provides potential for environmental damage. The bond shall be in such form and amount as is necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected. In lieu of a surety bond, with the approval of the issuing authority, the applicant may file a cash bond or instrument of credit that has been approved by the City Attorney in an amount equal to that which would be required in the surety bond.

**52.290. Enforcement.** The issuing authority shall be responsible for the enforcement of Chapter 52.

(1) The issuing authority may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:

a. Any land disturbance activity regulated under Chapter 52 is being undertaken without a permit.

b. The Erosion and Sediment Control Plan is not being fully implemented.

c. Any of the conditions of the permit are not being met.

(2) For the purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property by the City Assessor on the homestead record, or if none, to the taxpayer shown by the records of the City Assessor.

(3) If the permittee does not cease the activity or comply with the Erosion and Sediment Control Plan or permit conditions within one (1) day, the issuing authority may revoke the permit.

(4) If the owner or land user where no permit has been issued does not cease the land disturbance activity, the issuing authority may request the City Attorney to obtain injunctive relief.

(5) The issuing authority may retract the revocation.

(6) Ten (10) days after posting a stop-work order, the issuing authority may issue a notice of intent to the permittee, owner, or land user of the issuing authority's intent to perform work necessary to comply with Chapter 52. The issuing authority may go on the land and commence work after fourteen (14) days from issuing the notice of intent. The costs incurred by the issuing authority to perform this work shall be paid by the owner or permittee out of the bond referred to in Section 52.280 of Chapter 52, to the extent that the amount is covered thereby, with the remainder being directly due and owing by the owner or permittee. In the event no permit was issued or no bond was posted, the cost, plus interest at the rate authorized by the issuing authority, plus a reasonable administrative fee shall be billed to the owner. If in any event the amount due is not paid, the City Clerk shall enter the amount due on the tax roll and collect as a special assessment against the property using the procedures for collecting the assessment, providing for the notice of assessment, hearing thereon, and appeal as provided by Section 227.100 of the Minneapolis Code of Ordinances.

(7) Compliance with the provisions of Chapter 52 may also be enforced by injunction.

(8) A notice of intent to perform work necessary to comply with Chapter 52 pursuant to subsection (6) of this section may be served in the manner specified for a stop-work order in subsection (2).

**52.300. Penalties.** Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of Chapter 52 shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred dollars (\$700.00), or by imprisonment for not more than ninety (90) days, or both, for each separate offense. Each day there is a violation of any part of Chapter 52 shall constitute a separate offense.

**52.310. Final reports.** Upon completion of the work, the issuing authority may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, or landscape architect certifying that all erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specifications, and with specific listing of all approved changes and modifications.

**52.320. Certification of completion.** Upon receipt and approval of the final reports, if required by Section 52.310 and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this subtitle, the issuing authority will issue a letter certifying completion.



**52.330. Effective date.** This ordinance shall become effective on June 15, 1996.