

**CHAPTER 4**  
**BUILDING REGULATIONS**

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**SECTION 1**  
**BUILDING CODE**

Section:

- 4-1-1 Building Code
- 4-1-2 Application, Administration and Enforcement
- 4-1-3 Permits and Fees
- 4-1-4 Violations and Penalties

**4-1-1: BUILDING CODE:**

- A. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted, and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference as to the building code for this jurisdiction, excepting of the optional chapters unless specifically adopted in Section 4-1-1.B and Section 4-1-1.C of this Section. The code is hereby incorporated in this Section as if fully set out herein.
- B. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this Municipality.
  - 1. 1335 Floodproofing Regulations parts 1335.0600 to 1335.1200.  
  
(Ord. 2003-26, December 22, 2003)  
(Ord. 2008-15, July 14, 2008)

**4-1-2: APPLICATION, ADMINISTRATION AND ENFORCEMENT:**

- A. The issuance of building permits and the collection of fees shall be as authorized in Minnesota Statute §326.121, Subdivision 2. (Ord. 09-09, July 13, 2009)
- B. A surcharge fee shall also be collected on all permits issued for work governed by this Section in accordance with Minnesota Statutes §326.148. (Ord. 09-09, July 13, 2009)
- C. Building permit fees shall be assessed in accordance with Section 2-4-2.B.1 of the City Code for work governed by this Section. (Ord. 09-09, July 13, 2009)

D. If work for which a building permit is required by the Building Code has been commenced without first obtaining approval of said permit, a special investigation shall be made before permit is issued and a special investigation fee collected, in addition to the permit fees, as established in Section 2-4-2.B.1 of the City Code.

E. Refund Policy:

1. Procedure:

- a. The request for a refund must be submitted from the person, firm, or corporation that paid the original fees.
- b. All requests for cancellations of permits and refunds of fees must be in writing, shall include a copy of the original permit and the reason why the refund is being requested.
- c. Any request for refund must be made within one hundred eighty (180) days of the date when the fee was paid or the request will not be considered.

2. Refund Eligibility:

- a. One hundred (100%) percent of permit fees may be refunded when determined by the Department of Building Safety that:
  - (1) No work requiring a building permit has been started.
  - (2) A fee was erroneously paid or collected.
- b. All building permit fees shall be non-refundable once a building permit has been issued and work requiring a building permit has been started.
- c. All plan review fees and permit surcharges shall be non-refundable once an application for a building permit has been accepted by the City. (Ordinance 2012-02, adopted March 12, 2012)

**4-1-3: EXTERIOR COMPLETION:** Exterior construction of a building shall be fully completed within one hundred eighty (180) days from the date a building permit is issued unless extended by the Building Official. For the purposes of this section, exterior construction shall include installation of all exterior siding and finishes, roofing materials, doors and windows such that the building is weatherproof. (Ord. 2010-05, August 9, 2010)

**4-1-4: CONSTRUCTION HOURS:**

A. The erection (including excavation), demolition, alteration, or repair of any building shall occur only between the following hours:

1. Monday through Saturday: 7:00 AM to 10:00 PM
2. Sunday: 8:00 AM to 10:00 PM

B. The Building Official may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not affect the health and safety of the persons in the vicinity. (Ord. 2010-03, April 26, 2010)

**4-1-5: VIOLATIONS AND PENALTIES:** Violation of this Code is a misdemeanor (Minnesota Statute 16B.69). (Ord. 2010-03, April 26, 2010)



## SECTION 2

### FIRE CODE

Section:

- 4-2-1 Fire Code
- 4-2-2 Definitions
- 4-2-3 Permits and Inspections

**4-2-1: FIRE CODE:** The Minnesota Uniform Fire Code and the Uniform Fire Code standards, as such may be from time to time amended, supplemented, or replaced in the future, pursuant to Minnesota Statutes and any rules thereunder is hereby adopted and incorporated by reference in this ordinance as is set forth in full as the Fire Code for the City of Otsego. One (1) copy of said code, as it may be from time to time amended, supplemented, or replaced under the above rules and statutes shall be on file in the office of the City Clerk. (Ord. 90-02, Dec. 10, 1990)

**4-2-2: DEFINITIONS:**

- A. Whenever the word “jurisdiction” is used in the Minnesota Uniform Fire Code, it shall be held to mean the City of Otsego, Minnesota.
- B. Whenever the term “corporation counsel” is used in the Minnesota Uniform Fire Code, it shall be held to mean the City Attorney for the City of Otsego, Minnesota. (Ord. 90-02, Dec. 10, 1990)

**4-2-3: PERMITS AND INSPECTIONS:**

- A. A permit required by the Fire Code shall be obtained by submission of an application to the Department of Building Safety along with any fee established in Section 2-4-2 of the City Code. (Ord. 09-13, Oct. 26, 2009)
- B. Inspections as required by the Fire Code shall be scheduled by the Department of Building Safety and shall require payment of any fee established in Section 2-4-2 of the City Code. (Ord. 09-13, Oct. 26, 2009)



## SECTION 3

### SUBSURFACE SEWAGE TREATMENT SYSTEMS

Section:

- 4-3-1 Purpose and Intent
- 4-3-2 General Provisions
- 4-3-3 Site Evaluation and Design Requirements
- 4-3-4 Non-Compliant and Failing Systems
- 4-3-5 Administration
- 4-3-6 Enforcement
- 4-3-7 Subject to Change
- 4-3-8 Connection to Municipal Sewer

**4-3-1: PURPOSE AND INTENT:** The purpose of this Section is to provide minimum standards for and regulation of subsurface sewage treatment systems (SSTS) and sewage disposal including the proper location, design, construction, operation, maintenance, and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety; to protect the natural environment; and to eliminate or prevent the development of public nuisances. This Section is adopted pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules 7080 through 7083, pertaining to sewage and wastewater treatment, as the same may from time to time be amended. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-2: GENERAL PROVISIONS:**

- A. Adopted By Reference: The City hereby adopts by reference Minnesota Statutes 115.55 and Minnesota Rules 7080 and 7081 along with any future amendments thereof.
- B. Permit Required. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair maintenance or pumping of an SSTS without first obtaining a permit as provided for in Section 4-3-5.B of this Section.
- C. License Requirements:
  - 1. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair maintenance or pumping of an SSTS without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency (MPCA) except as provided for under Minnesota Rules 7080.0700.

2. Property owners may only install a gravity fed Type 1 system serving a single family dwelling and only under the supervision of a person having the qualifications set forth by Section 4-3-2.B.1 of this Section.
- D. Scope. All sewage generated in areas of the City where sanitary sewer is not available, as determined by the City, shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated and maintained in accordance with this Section or by a system that has been permitted by the MPCA.
- E. Prohibitive Discharge: It is unlawful for any person to construct, maintain or use any SSTS regulated under this Section that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollution Discharge Elimination System (NPDES) program by the MPCA.
- F. Floodplain. SSTS shall not be located in a floodway and whenever possible, location in a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules 7080.2270 and the requirements of the Zoning Ordinance are met.
- G. Management Plans:
1. Management plans are required for all new or replacement SSTS. The management plan shall be submitted by the designer to the Building Official before issuance of a SSTS permit. Management plans shall include requirements as listed in Minnesota Rules 7080.0600, Subp. 1(B) and any other requirements as determined by the Building Official.
  2. SSTS specified in parts Minnesota Rules 7080.2290, 7080.2350, 7080.2400 and 7081 require an operating permit and shall include Minnesota Rules 7082.0600, Subp. 2 and other requirements as determined by the Building Official. The operating permit for new SSTS and MSTs will be issued in tandem with the construction permit for the new system. Operating permits when needed for existing systems and/or system repair will be issued as separate permits.
  3. SSTS not operated under a management permit or operating permit must have treatment tanks inspected every three (3) years. Solids must be removed when their accumulations exceed the limits described in Minnesota Rules 7080.2450.
  4. Septage shall be pumped, managed, land applied and disposed of in accordance with applicable State and Federal laws.

5. With septic tank pumping, the service manhole(s) shall be brought to within one (1) foot of finished grade and secured as needed. With the pumping, maintaining or certification of a lift tank, the pump riser must be brought to grade.

H. Holding Tanks:

1. The use of holding tanks for new residential dwellings is prohibited.
  2. Use of holding tank(s) may be approved by the City Council for existing structures or uses other than new residential dwellings only when:
    - a. Physical conditions upon the property make construction of a SSTS meeting the requirements of this Section not possible.
    - b. The property does not have access to municipal sewer as determined by the City.
    - c. For residential structures, the property owner shall agree that the existing structure shall not be expanded or altered by way of kitchen, bathrooms, bedrooms or other improvements in such a way as to require additional holding tank capacity.
  3. When allowed, holding tanks shall be subject to the following requirements:
    - a. A level alarm shall be installed within the tank that includes an audible horn and strobe light visible from a public street.
    - b. The property owner shall maintain a contract on file with the Building Official for pumping the holding tank(s) with a licensed maintenance business and shall submit to the Building Official records of required pumping and other maintenance.
- I. New Systems. All lots shall have a minimum of two (2) soil treatment and dispersal areas that can support trenches, seepage beds, mounds and at-grade systems as defined by Minnesota Rules 7080.2200 through 7080.2300 or site conditions described in 7081.0270, Subp. 3 through 7.
- J. Point of Sale. No owner of a tract of land on which a structure that is required to have an SSTS is located shall sell or transfer to another party said tract of land unless the requirements as stated in the Wright County Point of Sale Certification Ordinance for On-Site Septic Systems are met.

- K. Abandonment: SSTS must be properly abandoned in accordance with Minnesota Rules 7080.2500:
1. If the individual abandoning a SSTS is not a licensed SSTS professional, the abandonment must be inspected by a licensed SSTS inspector.
  2. A State abandonment document must be submitted to the Building Official within ninety (90) days of abandonment. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-3: SITE EVALUATION AND DESIGN REQUIREMENTS:**

- A. Soil Observations: A minimum of three (3) soil observations are required for each site unless sites are adjacent. For adjacent sites, a minimum of three (3) soil observations are required with a minimum of two (2) soil observations in the primary site and one (1) observation in the secondary site.
- B. Site Identification. Benchmarks, borings, percolation sites and dispersal area must be staked and labeled in the field with the elevations of each on the submitted design. (Ordinance 2011-15, adopted December 12, 2011)
- C. Septic Tank:
1. A minimum of two (2) one thousand (1,000) gallon tanks are required. A one thousand five hundred (1,500) gallon split tank may be allowed subject to approval of the Building Official.
  2. For a new dwelling, burial of the top of the tank greater than four (4) feet is allowed only with approval of the Building Official and a statement from the manufacturer as to the maximum designed depth for the tank.
- D. Pump Tank:
1. A minimum one thousand (1,000) gallon pump tank is needed for lifting the effluent to the soil treatment area.
  2. The pump must employ an audible alarm and warning light located inside of the principal structure to alert occupants of a failure. (Ordinance 2014-15, adopted November 10, 2014)
- E. Percolation Tests. When conducting percolation tests, soil texture shall be logged and accounted for. If there is a discrepancy between the soil texture and the percolation rate, the smaller soil loading rate shall be used.

F. Drainfield Sizing: Trenches designed with twelve (12) inches of rock or more under the distribution pipe shall be sized according to the following provisions:

1. Treatment Level A/B:

Minimum Treatment Area <sup>1</sup>					
Bedrooms	Sand Loamy Sand 1.60gpd/ft	Sandy Loam 1.00gpd/ft	Loam Fine Sand 0.78gpd/ft	Silt Silt Loam 0.78gpd/ft	Clay Loams 0.60gpd/ft
2	450sf.	450sf.	450sf.	450sf.	500sf.
3	500sf.	500sf.	577sf.	577sf.	750sf.
4	550sf.	600sf.	769sf.	769sf.	1,000sf.
5	600sf.	750sf.	962sf.	962sf.	1,250sf.
NOTE: 1. There are structure and consistence qualifiers in Minnesota Rules 7080.2150 that may require design modifications before being able to properly apply this table.					

2. Treatment level C:

Minimum Treatment Area <sup>1</sup>					
Bedrooms	Sand Loamy Sand 1.20gpd/ft	Sandy Loam 0.78gpd/ft	Loam Fine Sand 0.60gpd/ft	Silt Silt Loam 0.50gpd/ft	Clay Loams 0.45gpd/ft
2	600sf.	600sf.	600sf.	600sf.	667sf.
3	700sf.	800sf.	800sf.	900sf.	1,000sf.
4	800sf.	900sf.	1,000sf.	1,200sf.	1,333sf.
5	900sf.	1,000sf.	1,250sf.	1,500sf.	1,667sf.
NOTE: 1. There are structure and consistence qualifiers in Minnesota Rules 7080.2150 that may require design modifications before being able to properly apply this table.					

3. Mound systems are to be sized at 1.0 GPD/Square Foot.

4. Type III, IV and V or non-residential SSTS shall be time dosed.

5. Bedroom additions with an existing compliance SSTS where the treatment area cannot be practically increased to the proper treatment area size shall be time dosed.

6. When installing gravity trenches in sandy soil per Minnesota Rules 7080.2210 Subp. 4F(2), the maximum single trench area shall be determined as fifteen (15) percent of the State required treatment area.

G. Sewer Pipe:

1. The building sewer pipe extending from the building to the tank shall not be less than four (4) inches in diameter and must meet the strength requirements of Schedule 40 plastic pipe. The pipe shall be supported in such manner so that there is no deflection during backfilling and subsequent settling of the soil between the building foundation and the

inlet to the septic tank. Construction of the line shall provide a grade of not less than one-eighth (1/8) inch per foot for minimum grades. No ninety (90) degree ells shall be permitted.

2. All sewer pipe lines, manholes, and other appurtenances shall be constructed in accordance with the State Plumbing Code and MPCA requirements.

H. Minimum Setback Distances:

		Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water supply wells <sup>1</sup>	50ft. continuous casing or encountering 10ft of impervious material	50ft.	50ft.	50ft. <sup>2</sup>
	Less than 50ft. continuous casing	50ft.		50ft. <sup>2</sup>
Buried water suction pipe <sup>1</sup>		50ft.	50ft.	50ft. <sup>2</sup>
Buried pressurized water distribution pipe <sup>1</sup>		10ft.	10ft.	10ft.
Buildings <sup>3</sup>		10ft.		--
Property lines <sup>4</sup>		10ft.	10ft.	--
Subsurface drainage systems		50ft.	50ft.	--
Surface drainage systems		30ft.	30ft.	--
OHWM of Natural Environment Lakes, Recreational Development Lakes, Tributary River Segments and the Mississippi River		150ft.	150ft.	--
OHWM of General Development Lakes		50ft.	50ft.	--
Wetlands		50ft.	50ft.	--
NOTES:				
1. Setbacks from buried water pipes and water supply well as governed by Minnesota Rules 4715 and 4725 respectively.				
2. The setback can be reduced to twenty (20) feet if the building sewer or supply pipe is air tested by holding five (5) pounds of pressure for fifteen (15) minutes.				
3. For structures other than buildings, these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the SSTS be located under or within the structure. For this provision to be employed there shall not be interior space below the structure. For the new construction of a structure without interior space below the structure no part of the absorption area shall encroach closer than ten (10) feet.				
4. The setback from the treatment area to a public right-of-way may be reduced by approval of the City Engineer. Setbacks to other property lines shall be processed in accordance with the variance procedures established by the Zoning Ordinance.				

(Ordinance 2011-15, adopted December 12, 2011)

**4-3-4: FAILING SYSTEMS:**

- A. Modification or Discontinuance Required. If upon inspection, an SSTS is found to be a failing system or a system posing an imminent threat to the natural environment or the public health, safety and welfare then the SSTS shall, if possible, either be modified or repaired to comply with this Section or its use discontinued within the time periods specified in this subdivision.

- B. Failing Septic Systems. A failing SSTS as defined in Minnesota Rules 7080.1500 Subp. 4b shall be upgraded, replaced, or its use discontinued within the six (6) months of issuance of the notice of non-compliance.
- C. SSTS System Posing an Imminent Threat. Any SSTS posing an imminent threat to the natural environment or public health, safety, or welfare as defined in Minnesota Rules 7080.1500 Subp. 4b shall be abated within ten (10) days. The system shall be upgraded, replaced or repaired, or its use discontinued, within a reasonable period of time, not to exceed six (6) months.
- D. Remediation. A permit shall be required when an operational component is added or a method employed to an SSTS to recover a failing treatment area. Required information for this permit will be a description of what is wrong with the existing SSTS, an inspection/compliance of the components of the system, a lab sample of the existing effluent to determine abnormalities and a preliminary site evaluation of what the upgrade options will be on the property if the remediation fails to correct the problem. A management plan/operating permit will also be required.
- E. Emergency Actions:
1. Notwithstanding the provisions of this Section, the Building Official or City Engineer may require pumping of a septic system not more than twenty four (24) hours of issuance of a notice of Failing System or SSTS System Posing an Imminent Health Threat being issued and compliance with the following additional requirements:
    - a. Install a level alarm within the tank that includes an audible horn and strobe light visible from the public street.
    - b. Seal the septic tank outlet converting the tank to a holding tank.
    - c. Expose the service manhole for pumping the septic tank.
    - d. Seal all outlets within the basement of the structure served by the septic system.
    - e. The property owner shall provide the City a right-of-entry to the property to allow for any needed inspection, maintenance, repair or replacement of the failed system with all costs incurred by the City being the responsibility of the property owner.
  2. Actions as may be required by the Building Official or City Engineer to immediately abate a threat to public health, safety and welfare shall not exempt the property owner from providing for a compliant system in

accordance with this Section. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-5: ADMINISTRATION:**

- A. Ordinance Administration. The City Clerk, Building Official, and City Engineer shall be responsible for the administration of this Section.
  - 1. Duties of the City Clerk. The City Clerk shall be responsible for the administration and issuance of orders, permits and notices required by this Section. The Clerk is authorized and directed to cooperate with local and state officials and personnel in the enforcement of this Section, Minnesota Rules Chapter 7080 and applicable state laws.
  - 2. Duties of the Building Official. The Building Official shall be responsible for site and system inspections, compliance determinations, investigation of failing systems and permit review and any other duties necessary to ensure compliance with the provisions of this Section, Minnesota Rules Chapter 7080 and applicable state law.
  - 3. City Engineer Duties. The City Engineer shall be responsible for review and system design analysis on all holding tanks, drainfield site requirements for new subdivisions and any variance from the requirements of this Section.
- B. Permit Application Requirements: Each permit application shall be presented as follows and contain all of the following information:
  - 1. Application Form. Applications for permits shall be made on forms approved and furnished by the City. The applicant must be signed by the applicant and shall be submitted to the City Clerk.
  - 2. Legal Description, Name and License Data of SSTS Professional. Each permit application shall contain the legal description of the property for which the permit is requested. The application shall also disclose the name of the SSTS professional who will perform the work for which the permit is required and provide all license data required by Minnesota Rules 7080.
  - 3. Site Plan. Each permit application shall be accompanied by a site plan, prepared by an SSTS professional or professional land surveyor, showing the following, unless such requirements are specifically waived, in whole or in part, in writing by the City's Building Official:

- a. The location of any proposed or existing building on the subject property.
  - b. The boundary lines of the subject property.
  - c. The location of water supply facilities.
  - d. The location and ordinary high water mark or any streams, ponds, or lakes located on or within one hundred fifty (150) feet of the subject property.
  - e. That the proposed SSTS meets all setbacks as required by Minnesota Rules Chapter 7080.
  - f. Topographic contours at two (2) foot intervals. Topographic contours and elevations shall be drawn to scale on the site plan using common engineer's scale.
  - g. The location of any SSTS or wells on adjoining lots within one hundred fifty (150) feet of the subject property.
  - h. Each site plan shall be accompanied by a certificate of accuracy from the SSTS professional or land surveyor who prepared the site plan.
4. System Design Data. Each permit application shall include a complete design plan showing the size and location of all parts of the SSTS and provide a design certification from a licensed SSTS professional as to the adequacy and location of the SSTS in relation to the requirements imposed by Minnesota Rules 7080.
  5. Other Data. Each permit application shall contain any and all additional information, as may be required by the City, necessary to show that the conditions of Minnesota Rules 7080 and this Section will be met.
  6. Permit Fees. The amount of fees to be collected at the time of application for permits required by this Section shall be established in Section 2-4-2 of the City Code.
- C. Permit Approval Procedures: Permits shall be approved or denied as hereinafter provided in this subdivision.
1. Submission of Application. Permit applications shall be submitted to the Building Official, along with the permit fee. The Building Official shall, within fifteen (15) days, determine whether a submitted application is complete. Incomplete applications shall be rejected and returned to be

applicant along with a written explanation as to why the application has been rejected.

2. **Technical Review.** Once a complete application is received, the Building Official shall review the application to determine whether it meets the requirements and standards of this ordinance and of Minnesota Rules 7080. The Building Official may, at their sole discretion, submit the permit application to the City Engineer for review, comment, and/or a determination as to whether the application meets the requirements of this Section and Minnesota Rules 7080.
3. **Approval by Building Official:**
  - a. Once a determination is made that the application meets all applicable requirements the SSTS permit shall be issued. The Building Official and/or City Engineer may impose any and all conditions to ensure compliance with the requirements of State law, Minnesota Rules 7080, this Section and other applicable local ordinances.
  - b. If it is determined that the application does not meet the requirements of this Section or Minnesota Rules 7080, then the Building Official shall give notice to the applicant that the application has been rejected and state the reasons for such rejection as provided by the Building Official and/or City Engineer.
  - c. The decision to approve or deny the application permit should occur within ten (10) days of the Building Official's receipt of a complete application. Failure to approve an application within ten (10) days shall not be construed as an approval or otherwise allowing an SSTS that would not be approved under this Section, Minnesota Rules 7080 or other applicable law.
4. A permit issued under this Section shall be valid for one (1) year from the date of approval.

D. **Inspections:**

1. **General Inspection Requirements.** The Building Official shall make such SSTS inspections as are necessary to determine compliance with this Section, Minnesota Rules 7080 and/or any conditions contained in permits issued hereunder. The following events shall trigger an SSTS compliance inspection:
  - a. A permit is granted under Section 4-3-5.C of this Chapter.

- b. A building permit is granted for new construction or the addition of a bedroom or bathroom on property served by an SSTS.
  - c. For all new SSTS construction, or any SSTS replacement, repair, alteration, maintenance, or operation.
  - d. Granting of request for change in system design or change in permit conditions.
  - e. The City learns or receives a complaint that a particular SSTS may be a failing system or poses an imminent threat to public health, safety, and welfare.
2. Time and Manner of Inspection:
- a. Inspections shall be made by the Building Official and/or City Engineer to ensure compliance with the requirements of this Section, Minnesota Rules 7080 and any permit conditions.
  - b. It shall be the responsibility of the permit applicant to notify the Building Official in writing that the project is ready for inspection. Inspections shall be made within seven (7) days of written notification by any SSTS permit holder that the SSTS for which the permit was issued is ready for inspection.
  - c. No part of the SSTS shall be covered until it has been inspected and accepted by the Building Official and/or the City Engineer.
  - d. Inspections shall be made prior to the issuance of a building permit or variance for new construction or the addition of a bathroom or bedroom on property served by an SSTS.
3. Certificate of Compliance and Notice of Non-Compliance:
- a. No newly constructed, installed, altered, repaired, extended or relocated SSTS shall be placed in operation until it has received a certificate of compliance as hereafter provided.
  - b. Upon completion of the SSTS inspection as described in Section 4-3-5.C.2 and 4 of this Section, the Building Official and/or City Engineer shall make a determination as to whether or not the SSTS has been constructed, repaired, extended or relocated in compliance with the requirements of this Section, Minnesota Rules 7080 and any permit conditions.

- (1) If the SSTS is found to be compliant, then a certificate of compliance shall be issued to the property owner within thirty (30) days of inspection.
- (2) If the SSTS is found to be out of compliance, then a notice of non-compliance shall be issued. The notice of non-compliance shall state which portions of the SSTS are not compliant and shall further state a reasonable period for the property owner to bring the system into compliance. Once the necessary changes are made or the period specified in the notice of non-compliance has run, whichever occurs first, then the SSTS shall be again inspected as provided above. If upon re-inspection, the SSTS is not compliant, then a notice of non-compliance shall be issued to the property owner. The notice of non-compliance shall state why the SSTS is non-compliant. A copy of the certificate of non-compliance shall be forwarded to the City Attorney for enforcement as provided in Section 4-3-6 of this Section.

4. Inspection Protocol.

- a. In the event that the Building Official cannot complete an inspection or perform all required inspections in a timely manner, the Building Official is authorized and directed to develop and inspection protocol.
- b. The inspection protocol shall establish the order and priority of inspections. For any SSTS required to be inspected for which the Building Official is unable to actually physically inspect the SSTS, the Building Official shall require that evidence of compliance be submitted. Evidence of compliance includes, but is not limited to, the following:
  - (1) Affidavits from the SSTS professional who performed any construction, installation, repair, alteration, or relocation of the SSTS.
  - (2) Video, electronic or photographic images of certain components and/or work performed.
  - (3) "As built" drawings.
  - (4) Any other data, as may be required by the Building Official in lieu of an actual inspection, evidencing compliance with this Section, Minnesota Rules 7080 and applicable state law.

- c. The Building Official shall review such evidence and issue either a certificate of compliance or notice of non-compliance accordingly.
5. No Warranty or Guarantee of Operation. Neither the issuance of an SSTS permit or certificate of compliance, nor any inspection of an SSTS shall constitute any warranty or guarantee that said SSTS will operate or function properly. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-6: ENFORCEMENT:**

- A. Any person who violates any of the provisions of this Section or who makes any false statement on a Certificate of Compliance shall be guilty of a misdemeanor punishable by imprisonment, a fine or both as defined by State law.
- B. The Building Official may issue stop work orders and repair orders at such times and upon such terms and conditions as are necessary to prevent violations of this ordinance from occurring or to eliminate existing ordinance violations.
- C. In the event of a violation of this Section, in addition to any other remedies, the City Attorney may institute appropriate actions or proceedings to prevent, restrain correct or abate such violations. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-7: SUBJECT TO CHANGE:** The requirements of this Section are intended to be comparable to the Environmental Protection Agency (EPA) and Minnesota Pollution Control Agency (MPCA) standards. Should this Section differ from the standards of the EPA, MPCA or other agencies or should the standards of these agencies change, the more strict requirements shall apply. (Ordinance 2011-15, adopted December 12, 2011)

**4-3-8: CONNECTION TO MUNICIPAL SEWER:**

- A. When Required: When municipal sanitary sewer is available, in the City's sole discretion, a property is served by an SSTS shall be required to discontinue such use and connect to municipal sewer upon the first occurrence of any of the following events:
  - 1. Upon application for an SSTS permit.
  - 2. When a notice of non-compliance is issued in relation to the SSTS serving the property.
  - 3. Upon the expiration of a certificate of compliance.

4. Nothing in this Section shall be construed as limiting the City's ability to specially assess, levy a sewer access charge (SAC) or otherwise bill properties served by an SSTS for the availability of municipal sanitary sewer and the public improvements associated therewith.
- B. Condition of Approval: The issuance of an SSTS permit may be conditioned upon the property connecting to municipal sewer when it becomes available.
  - C. Cause for Denial: The future availability of municipal sewer, in the City's sole discretion, may be cause for denial of an SSTS permit. (Ordinance 2011-15, adopted December 12, 2011)

## SECTION 4

### EROSION AND SEDIMENT CONTROL

Section:

4-4-1	Purpose
4-4-2	Definitions
4-4-3	Permits
4-4-4	Grading, Drainage, and Erosion Control Plan Requirements
4-4-5	Design Requirements
4-4-6	Inspection
4-4-7	Enforcement
4-4-8	Severability

**4-4-1: PURPOSE:**

- A. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, and the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat and for a healthy living environment for citizens of the City of Otsego.
- B. The purpose of this Section is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement earth within the City of Otsego. (Ordinance 09-07, adopted July 13, 2009)

**4-4-2: DEFINITIONS:** For the purposes of this section, the following terms shall mean:

**BMP Manual:** The manual titled *Protecting Water Quality in Urban Areas (Best management Practices for Minnesota)* prepared by the Minnesota Pollution Control Agency, Division of Water Quality, Latest Edition.

**Certified Contractor:** An individual who has received training and is licensed by the State of Minnesota to inspect and maintain erosion and sediment control practices.

**Clearing:** Any activity which removes the vegetative surface cover.

**Drainage Way:** Any channel that conveys surface runoff throughout the site.

**Erosion Control:** Any measures that prevent erosion.

**Grading, Drainage, and Erosion Control Plan:** A set of plans prepared by or under the direction of a licensed professional engineer that depicts existing and proposed grading, temporary and permanent drainage facilities, and indicates the specific measures and sequencing to be used to control sediment and erosion on a development site before, during and after construction.

**Grading:** Excavation or fill of material, including the resulting conditions thereof.

**Perimeter Control:** A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

**Phasing:** Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

**Sediment Control:** Any measures that prevent eroded sediment from leaving the site.

**Site:** A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development Permit:** A permit issued by the municipality for which the purpose is construction or alteration of ground.

**Stabilization:** The use of practices that prevent exposed soil from eroding.

**Start of Construction:** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**Watercourse:** A body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

**Waterway** A channel that directs surface runoff to a watercourse, or to the public storm drain. (Ordinance 09-07, adopted July 13, 2009)

**4-4-3: PERMITS:** No land owner or land operator shall receive any of building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Section prior to commencing the proposed activity. The permit application must be accompanied by the following in order that the permit application be considered: a Grading, Drainage, and Erosion Control Plan and a permit review escrow as established by Ordinance.

- A. This Section applies to any construction activity disturbing ten thousand (10,000) square feet or more.
- B. No site development permit is required for the following activities:
  - 1. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
  - 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
  - 3. Developments that do not disturb more than ten thousand (10,000) square feet of land, provided they are not part of a larger common development plan.
  - 4. Repairs to any erosion or sediment control practice deemed necessary by City Engineer.
- C. Each application shall include the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by the appropriate permit escrow.
- D. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Grading, Drainage, and Erosion Control Plan, and that a Certified Contractor shall be on site on all days where construction or grading activity takes place.
- E. Security:
  - 1. The applicant shall file with the City of Otsego a faithful performance bond or bonds, letter of credit, or other improvement security in an amount deemed sufficient by the City of Otsego to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by the City of Otsego for engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
  - 2. Determination of other improvement securities will be upon completion of improvements and installation and establishment of landscape and turf. Establishment of landscape and turf will be at the discretion of the City Engineer.

F. Review and Approval:

1. The City of Otsego will review each application for a site development permit to determine its conformance with the provisions of this Section. Within sixty (60) days after receiving an application, the City Engineer shall, in writing:
  - a. Approve the permit application; or
  - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
  - c. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
2. Failure of the City of Otsego to act on original or revised applications within sixty (60) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Otsego. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Otsego.

G. Permits issued under this Section shall be valid from the date of issuance through the date the City of Otsego notifies the permit holder that the site has passed the final inspection as required under the permit. (Ordinance 09-07, adopted July 13, 2009)

**4-4-4: GRADING, DRAINAGE, AND EROSION CONTROL PLAN REQUIREMENTS:**

- A. The Plan shall meet the criteria set forth in the most recent version of the Engineering Manual.
- B. Modifications to the Plan:
  1. Major amendments of the Grading, Drainage, and Erosion Control Plan shall be submitted to the City of Otsego and shall be processed and approved, or disapproved, in the same manner as the original plans.

2. Field modifications of a minor nature may be authorized by the City Engineer by written authorization to the permittee. (Ordinance 09-07, adopted July 13, 2009)

**4-4-5: DESIGN REQUIREMENTS:** Grading, erosion control, and sediment control practices shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City Engineer. Any construction activity disturbing one (1) acre or more of land shall meet additional criteria outlined in Section 5 of this Chapter. The design shall conform to the most recent version of the Engineering Manual and as specified herein:

A. Clearing and Grading:

1. Clearing and grading of natural resources protection areas, including Wild and Scenic Recreational River District, Shoreland Overlay District, wetlands or wetland buffers shall not be permitted, except when in compliance all other Chapters of the City Code.
2. Clearing techniques that retain natural vegetation and retain natural drainage patterns shall be used to the satisfaction of the City Engineer.
3. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the City Engineer.
4. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
5. Cut and fill slopes shall be no greater than 2:1, except as approved by the City Engineer to meet other community or environmental objectives.

B. Erosion Control:

1. Exposed soil (including stockpiles) must be stabilized according to the following schedule:

<u>Slope</u>	<u>Time (days of inactivity)</u>
Steeper than 3:1	7 days
3:1 to 10:1	14 days
Flatter than 10:1	21 days

2. If vegetative erosion control methods, such as seeding, have not become established within two (2) weeks, the City Engineer may require that the site be reseeded, or that a non-vegetative option be employed.

3. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in the Engineering Manual shall be used to ensure stabilization.
4. At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.
5. Best management practices shall be employed to prevent the blowing of dust or sediment from the site.
6. Best management practices that divert upland runoff past disturbed slopes shall be employed.

C. Sediment Controls:

1. Sediment controls shall be provided and maintained per the Engineering Manual. All control measures shall be installed prior to commencement of any upstream construction activities.
2. Where possible, detention basins shall be designed in a manner that allows adaptation to provide long term stormwater management. Detention basins must be cleaned after permanent erosion control measures are in place or final stabilization has been established. The design of the detention basins shall be per the Engineering Manual.
3. Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.
4. Soil stockpiles must be stabilized or covered at the end of each work day unless a perimeter control is in place.

D. Waterways and Watercourses:

1. When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from Department of Natural Resources.
2. When in-channel work is conducted, the channel shall be stabilized before, during and after work.
3. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the Engineering Manual.

4. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

E. Construction Site Access:

1. A temporary access road designed in compliance with the Engineering Manual shall be provided at all sites.
2. Other measures may be required at the discretion of the City Engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles, or washed into storm drains. (Ordinance 09-07, adopted July 13, 2009)

**4-4-6: INSPECTION:**

A. The City Engineer shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Grading, Drainage, and Erosion Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Otsego shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the City of Otsego at least two (2) working days before the following:

1. Start of construction.
2. Erosion and sediment control measures are in place and stabilized.
3. Site clearing has been completed.
4. Rough grading has been completed.
5. Final grading has been completed.
6. Close of the construction season.
7. Final landscaping.

B. The permittee or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). The purpose of the inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the City Engineer at the time interval specified in the approved permit.

- C. The City Engineer shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section 4-4-7.B of this Section.
- D. After final stabilization of the site has been established, the City Engineer shall inspect the site for compliance with the approved Grading, Drainage, and Erosion Control Plans. (Ordinance 09-07, adopted July 13, 2009)

**4-4-7: ENFORCEMENT:**

- A. Stop-Work Order and Revocation of Permit. In the event that any person holding a site development permit pursuant to this Section violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Engineer may suspend or revoke the site development permit.
- B. Violation and Penalties:
  - 1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Section.
  - 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense.
  - 3. In addition to the other penalties authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Section shall be required to bear the expense of such restoration.
  - 4. The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal or state law or the City Code and it is within the discretion of the City of Otsego to seek cumulative remedies. (Ordinance 09-07, adopted July 13, 2009)

**4-4-8: SEVERABILITY:** The provisions of this Section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section. (Ordinance 09-07, adopted July 13, 2009)

## SECTION 5

### POST CONSTRUCTION STORMWATER MANAGEMENT

Section:

4-5-1	Purpose
4-5-2	Definitions
4-5-3	Permits
4-5-4	Waivers
4-5-5	Stormwater Management Plan
4-5-6	Design Requirements for Stormwater Management
4-5-7	Inspection
4-5-8	Maintenance and Repair Requirements
4-5-9	Enforcement
4-5-10	Severability

#### **4-5-1: PURPOSE:**

- A. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
- B. Stormwater runoff contributes to increased quantities of water-borne pollutants; and,
- C. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.
- D. The purpose of this Section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public and environment in the watersheds within the City of Otsego through the following objectives:
  - 1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels.

2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
  3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
  4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.
- E. This Section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Section should be considered minimum requirements, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence. (Ord. No. 09-07, July 13, 2009)

**4-5-2: DEFINITIONS:** For the purposes of this section, the following terms shall mean:

**Accelerated Erosion:** Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

**Applicant:** A property owner or agent of a property owner who has filed an application for a stormwater management permit.

**Building:** Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**BMP Manual:** The manual titled *Protecting Water Quality in Urban Areas (Best management Practices for Minnesota)* prepared by the Minnesota Pollution Control Agency, Division of Water Quality, Latest Edition.

**Channel:** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Dedication:** The deliberate appropriation of property by its owner for general public use.

**Detention:** The temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

**Detention Facility:** A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

**Developer:** A person who undertakes land disturbance activities.

**Drainage Easement:** A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**Fee in Lieu:** A payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

**Grading, Drainage, and Erosion Control Plan:** A set of plans prepared by or under the direction of a licensed professional engineer that depicts existing and proposed grading, temporary and permanent drainage facilities, and indicates the specific measures and sequencing to be used to control sediment and erosion on a development site before, during and after construction.

**Hotspot:** An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrologic Soil Group (HSG):** A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

**Impervious Cover:** Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**Industrial Stormwater Permit:** An National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration:** The process of percolating stormwater into the subsoil.

**Infiltration Facility:** means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

**Jurisdictional Wetland:** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of

vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Disturbance Activity:** Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**Landowner:** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Maintenance Agreement:** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

**Nonpoint Source Pollution:** Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Offset Fee:** A monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

**Off-Site Facility:** A stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

**On-Site Facility:** A stormwater management measure located within the subject property boundary described in the permit application for land development activity.

**Recharge:** The replenishment of underground water reserves.

**Redevelopment:** Any construction, alteration or improvement exceeding ten thousand (10,000) square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

**Site Development Permit:** The permit issued by the municipality for which the purpose is construction or alteration of ground.

**Stop Work Order:** An order issued which requires that all construction activity on a site be stopped.

**Stormwater Management:** The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

**Stormwater Management Plan:** The hydrologic analysis report and drainage area map(s) that provides the pre-development and post-development hydrologic site conditions.

**Stormwater Retrofit:** A stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

**Stormwater Runoff:** Means flow on the surface of the ground, resulting from precipitation.

**Stormwater Treatment Practices (STPs):** means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**SWPPP:** The Stormwater Pollution Prevention Plan required by the NPDES permit.

**Water Quality Volume (WQ<sub>v</sub>):** The storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQ<sub>v</sub>) will vary as a function of long term rainfall statistical data.

**Watercourse:** A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. (Ord. No. 09-07, July 13, 2009)

**4-5-3: PERMITS:** No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. The permit application must be accompanied by the following in order that the permit application be considered: a Grading, Drainage, and Erosion Control Plan, a Stormwater Management Plan, and a permit review escrow as established in Section 2-4-2 of the City Code.

A. This Section shall be applicable to all site development permit applications, unless eligible for an exemption or granted a waiver by the City of Otsego under the specifications of this ordinance. The ordinance also applies to land

development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

- B. To prevent the adverse impacts of stormwater runoff, the City of Otsego has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land.
- C. No site development permit is required for the following activities:
  - 1. Additions or modifications to existing single family structures.
  - 2. Developments that do not disturb more than one (1) acre of land provided they are not part of a larger common development plan.
  - 3. Repairs to any stormwater treatment practice deemed necessary by City Engineer or any emergency activity which is immediately necessary for the protection of life, property or natural resources.
- D. When a development plan is submitted that qualifies as a redevelopment project as defined in Section 4-5-2 of this ordinance, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current Engineering Manual. These criteria are dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City of Otsego.
- E. The applicant shall file with the City of Otsego a security as outlined in Section 4-4-3-E of this Chapter.
- F. The permit application shall follow the review and approval procedure outlined in Section 4-4-3-F of this Chapter.
- G. Permits issued under this section shall be valid from the date of issuance through the date the City of Otsego notifies the permit holder that the site has passed the final inspection as required under the permit. (Ord. No. 09-07, July 13, 2009)

**4-5-4: WAIVERS:** Every applicant shall provide for stormwater management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the stormwater management requirements shall be submitted to the City of Otsego for approval.

A. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Otsego and the implementation of the plan is required by local ordinance.
3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
4. The City of Otsego finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
  - a. Onsite non-structural practices will be used that reduce:
    - 1) The generation of stormwater from the site,
    - 2) The size and cost of stormwater storage and
    - 3) The pollutants generated at the site. These non-structural practices are explained in detail in the current BMP Manual and the amount of credit available for using such practices shall be determined by the City of Otsego.

B. In instances where one of the conditions above applies, the City of Otsego may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City of Otsego that the waiver will not result in the following impacts to downstream waterways:

1. Deterioration of existing culverts and other structures;
  2. Degradation of biological functions or habitat;
  3. Accelerated streambank or streambed erosion or siltation;
  4. Increased threat of flood damage to public health, life, property.
- C. Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Otsego authority. Mitigation measures may include, but are not limited to, the following:
1. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
  2. The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this ordinance.
  3. Monetary contributions (Fee-in-Lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater management practices.)
    - a. Fee-in-Lieu of Stormwater Management Practices.
      - 1) Where the City of Otsego waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City of Otsego.
      - 2) When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance the adopted fee schedule. Otsego is storm water authority established by the City of Otsego, and based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to an appropriate

capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

b. Dedication of land:

In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City of Otsego for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Otsego prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit. (Ord. No. 09-07, July 13, 2009)

**4-5-5: STORMWATER MANAGEMENT PLAN:** The plan shall include a stormwater drainage report and where storm sewer structures and pipe are present or proposed, storm sewer capacity calculations. The plan shall conform to the most recent version of the Engineering Manual requirements.

A. The stormwater drainage report shall include:

1. A title page, table of contents, written summary of items critical to the review of the entire report, computer printouts of the hydrologic analysis stormwater model, and drainage area maps.
2. When storm sewer is proposed or present storm sewer sizing and spread calculations shall accompany the stormwater drainage report. Separate drainage area maps are required depicting the area draining to each storm sewer structure.

B. The Grading, Drainage, and Erosion Control Plan shall incorporate all stormwater facilities (i.e. ponds, infiltration basins, storm sewer, etc.) as shown in the Stormwater Management Plan.

C. Modifications to the plan:

1. Major amendments of the Stormwater Management Plan shall be submitted to the City of Otsego and shall be processed and approved, or disapproved, in the same manner as the original plans.
2. Field modifications of a minor nature may be authorized by the City Engineer by written authorization to the permittee. (Ord. No. 09-07, July 13, 2009)

**4-5-6: DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT:** Stormwater management practices shall be adequate to provide the best possible protection of the City of Otsego's residents and resources to the satisfaction of the City Engineer. The design shall conform to the most recent version of the Engineering Manual. (Ord. No. 09-07, July 13, 2009)

**4-5-7: INSPECTION:** The stormwater management practices shall be subject to the inspection procedures outlined in Section 4-4-6 of this ordinance and as specified herein:

- A. All applicants are required to submit actual "As-Built" plans for any stormwater management practices located on-site after final construction is completed.
  - 1. The Grading, Drainage, and Erosion Control Plan must have survey elevations shown to adequately show the final grading of all pond, basins, ditches, swales, and berms are built per the stormwater management design. (Ord. No. 09-07, July 13, 2009)

**4-5-8: MAINTENANCE AND REPAIR REQUIREMENTS**

- A. Maintenance Easement: Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Otsego, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the Wright County in the land records.
- B. Maintenance Covenants:
  - 1. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of Otsego and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

2. The City of Otsego, in lieu of an maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
- C. Requirements for Maintenance Covenants: All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of Otsego, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.
  - D. Inspection of Stormwater Facilities: Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
  - E. Right-of-Entry for Inspection: When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of Otsego the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
  - F. Records of Installation and Maintenance Activities: Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the

City of Otsego during inspection of the facility and at other reasonable times upon request.

G. Failure to Maintain Practices:

1. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Otsego, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition.
2. The City of Otsego shall notify the party responsible for maintenance of the stormwater management facility of the violation in writing. Upon receipt of that notice, the responsible person shall have 24 hours to 7 days, as deemed appropriate by the City Engineer and depending on the nature of the violation, to effect maintenance and repair of the facility in an approved manner.
3. After proper notice, the City of Otsego may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as property taxes. (Ord. No. 09-07, July 13, 2009)

**4-5-9: ENFORCEMENT:**

A. Stop-Work Order and Revocation of Permit. In the event that any person holding a site development permit pursuant to this Section violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Engineer may suspend or revoke the site development permit.

B. Violation and Penalties:

1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Section.
2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense.

3. In addition to the other penalties authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Section shall be required to bear the expense of such restoration.
4. The remedies listed in this Section are not exclusive of any other remedies available under any applicable federal or state law or the City Code and it is within the discretion of the City of Otsego to seek cumulative remedies. (Ord. No. 09-07, July 13, 2009)

**4-5-10: SEVERABILITY:** If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Section. (Ord. No. 09-07, July 13, 2009)



**SECTION 6  
ELECTRICAL REGULATIONS**

Section:

- 4-6-1: Purpose
- 4-6-2: Electrical Inspector
- 4-6-3: Standards for Electrical Equipment Installation
- 4-6-4: Connections to Installations
- 4-6-5: Permits and Inspections

**4-6-1: PURPOSE:**

- A. The purpose of this Section is to implement the provisions of the Minnesota State Building Code and Minnesota Rules Chapter 1315 which adopts the National Electrical Code.
- B. The provisions of this Section shall apply to all installations of electrical conductors, fittings, devices, fixtures hereinafter referred to as "electrical equipment", within or on public and private buildings and premises, with the following general exceptions. The provisions of this Section do not apply to the installations in mines, ships, railway cars, aircraft, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its functions as a utility, except as otherwise provided in this Section.
- C. As used in this Section, "reasonably safe to persons and property" as applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.
- D. For purposes of interpretation of the provisions of this Section, the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions and scope of words and terms used in this Section. (Ordinance 2011-09, adopted July 11, 2011)

**4-6-2 ELECTRICAL INSPECTOR:**

- A. There is hereby created the office of Electrical Inspector appointed by the City Council.
- B. Qualifications. The person chosen to fill the office of Electrical Inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment;

shall be well versed in approved methods of construction for safety to persons and property; the statutes of the State relating to electrical work and any orders, rules and regulations issued by authority thereof; and the National Electrical Code as approved by the American Standards Association; shall have two (2) years' experience as an electrical inspector or five (5) years' experience in the installation of electrical equipment, or a graduate mechanical or electrical engineer with two (2) years of practical electrical experience.

- C. License Inspector. The electrical inspector shall be a licensed master or journeymen electrician as defined under Minnesota Statutes.
- D. Duties of the Electrical Inspector: It shall be the duty of the Inspector to enforce the provisions of this Section. The Inspector shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations, all as provided in this Section. The Inspector shall keep complete records of all permits issued, inspections and reinsertions made and other official work performed in accordance with the provisions of this Section.
- E. No Financial Interest: It shall be unlawful for the Inspector to engage in the sale, installation or maintenance of electrical equipment, directly or indirectly, and the Inspector shall have no financial interest in any concern engaged in any such business.
- F. Authority of Electrical Inspector: The Inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinsertion or test of electrical equipment contained therein or its installation. When any electrical equipment is found by the Inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Inspector to place such equipment in safe condition. If such work is not completed within fifteen (15) days or any longer period that may be specified by the Inspector in said notice, the Inspector shall have the authority to disconnect or order discontinuance of electrical service to said electrical equipment. In cases of emergency where necessary for safety to persons and property, or where electrical equipment may interfere with the work of the Fire Department, the Inspector shall have the authority to disconnect or cause disconnection immediately of any electrical equipment. (Ordinance 2011-09, adopted July 11, 2011)

**4-6-3: STANDARDS FOR ELECTRICAL EQUIPMENT INSTALLATION:**

- A. All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this Section and the applicable statutes of the State and all orders, rules and regulations issued by the authority thereof. All electrical equipment shall be listed and labeled by a testing agency.

- B. Conformity of installations of electrical equipment with applicable regulations set forth in the current National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that such installations are reasonably safe to persons and property. Noncompliance with the provisions of this Section or the National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that the installation is not reasonably safe to persons and property.
- C. The Electrical Inspector may, with approval of the Building Official, authorize installations of special wiring methods other than herein provided for.
- D. Buildings or structures moved from without to within and within the limits of the City shall conform to all of the requirements of this Code for new buildings or structures.
- E. Existing buildings or structures hereafter changed in use shall conform in all respects to the requirements of this Section for the new use. (Ordinance 2011-09, adopted July 11, 2011)

**4-6-4: CONNECTIONS TO INSTALLATIONS:**

- A. It shall be unlawful for any person to make connections from a supply of electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the Electrical Inspector.
- B. The public or private utility providing services shall disconnect the same upon a written order from the Electrical Inspector, if the Inspector considers any electrical installation unsafe to life and property or installed contrary to this Code. (Ordinance 2011-09, adopted July 11, 2011)

**4-6-5: PERMITS AND INSPECTIONS:**

- A. Permit Required: An electrical permit is required for each installation, alteration, addition or repair of electrical work for light, heat and power within the limits of the City. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the State. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the State or to resident owners of property where the work is to be done.
- B. Public Service Corporation Exception: No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used by said corporation in the performance of its function as a utility, except that such electrical installation shall conform to the minimum standards of the National Electrical Safety Code.

- C. **Ownership:** Ownership of any transmission or distribution lines or appurtenances thereto, including, but not limited to, transformers, shall not be transferred by a public service corporation to any person, except another franchised public service corporation dealing in electric energy for distribution and sale, without a permit first having been issued therefore by the City. Such permit shall be issued only after the facilities to be transferred have been inspected and approved as provided in this Section and upon payment of an inspection fee as set forth in this Section of the Section.
- D. **Application:** Application for such permit, describing the electrical work to be done, shall be made in writing, to the City by the person so registered to do such work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the electrical installation as described will be in conformity with all the legal requirements. The fees for electrical inspection as set forth in Section 2-4-2.B of the City Code shall accompany such application. If applicant has complied with all of the provisions of this Section, a permit for such electrical installation shall be issued.
- E. **Concealment:** All electrical installations which involve the concealment of wiring or equipment shall have a "rough-in" inspection prior to concealment, wherein the Inspector shall be duly notified in advance, excluding Saturday, Sunday and holidays.
- F. **Inspection Fees:**
1. **Permits Required:** Before commencing any installation of any work regulated by this Section, a permit therefore shall be secured from the Building Department and the fee for such permit set forth by Section 2-4-2.B of the City Code paid. No such permit shall be issued to do any of the work or make any installation regulated by this Section except to persons licensed to do such work under the terms of this Section. Holders of a contractor's license shall not obtain permits for electrical work unless the work is supervised by them and is performed by workers employed by them or their firm.
  2. **Fees Double, When:** Should any person begin work of any kind, such as set forth in this Section, or for which a permit from the Electrical Inspector is required by ordinance, without having secured the necessary permit therefore from the Inspector of Buildings either previous to or during the day of the commencement of any such work, or on the next succeeding day where such work is commenced on a Saturday or on a Sunday or a holiday, he shall, when subsequently securing such permit, be required to pay double the fees provided for such permit.
  3. **Additional Fees and/or Shortages:** Additional fees and/or fee shortages must be received by the City within fourteen (14) days of written notice. If additional fees and/or fee shortages are not received within fourteen (14) days of notice,

permits for electrical installations will not be accepted by the City until such time as the additional fees and/or fee shortages are received.

G. Electrical Inspections:

1. At regular intervals, the Electrical Inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical equipment installed under such a permit since the day of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this Section, after the fee required has been paid.
2. When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Electrical Inspector and such equipment shall not be concealed until it has been inspected and approved by the Electrical Inspector or until twenty four (24) hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such scheduled inspection; provided, that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.
3. If upon inspection, the installation is not found to be fully in conformity with the provisions of this Section, the Electrical Inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist. (Ordinance 2011-09, adopted July 11, 2011)