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- **Sec. 34-521. - Alterations to and use of public and private stormwater ponds.**

No alterations to shorelines or vegetation around stormwater ponds shall be allowed unless authorized by the city.

Fountains or other circulating devices will not be allowed in stormwater ponds unless authorized by the city. See Section 34-523. Stormwater Pond Aeration Permit

Chemical treatment of stormwater ponds will not be allowed unless authorized by the city.

Structures will not be allowed within the stormwater pond or protective buffer zone. These will include but not be limited to retaining walls, docks, piers, diving platforms, bridges, etc.

Recreational activities, including but not limited to boating, swimming, fishing and skating are prohibited on stormwater ponds located on city owned property. These activities are discouraged on all other ponds.

Dumping of yard waste materials in, on or around any stormwater pond is prohibited. Cattails growing in and around stormwater ponds may be cut with the permission and direction of the city.

(Ord. No. 10-2205, 5-20-2010)

Sec. 34-522. - Appropriations from stormwater ponds.

Sec. 34-523. – Stormwater Pond Aeration Permit

PURPOSE.

The purpose of this Article of the City Code is to authorize the issuance of permits for stormwater pond aeration in the City of Blaine in order to protect the health, safety, and welfare of the general public.

DEFINITIONS.

Aeration Equipment - Electrical or mechanical equipment used to place oxygen into contact with water by mixing water with atmospheric oxygen. Also refers to Floating Fountains.

Floating Fountain - A free floating structure that is tethered, anchored, or otherwise secured to prevent movement from which an artificially produced jet of water arises.

Private/Institutional Property - Private property refers to property owned by a person or group and kept for their exclusive use. Institutional property, for the purposes of this ordinance, shall be defined as a property owned by a governmental unit that is developed and used for active governmental purposes.

Private Stormwater Pond- A body of standing water wholly located within a single private/institutional property or multiple adjoining properties that provide water quality protection and/or flood protection, either natural or man-made that is part of the infrastructure for land use management.

Public Stormwater Pond- A body of standing water that provides water quality protection and/or flood protection, either natural or man-made, is a part of the infrastructure for land use management, is wholly or partially located on property which is dedicated to the use of the public, and is not considered private property by the definition of private property as defined in this ordinance.

Qualified Professional - A person whose training and experience qualifies him/her to make water quality recommendations. Qualified professionals include, but are not limited to: registered engineers, hydrologists, scientists, vendors, or technically trained individuals functioning under the direct supervision of a qualified professional.

Representative - An agent, deputy, or substitute who is acting or speaking in the place or on behalf of another or others.

Stormwater Pond- (also referred to as wet sedimentation basin, wet retention basin, or simply wet pond) is a man-made or modified natural basin constructed to capture and retain stormwater runoff for the purpose of removing pollutants and mitigating downstream water quantity impacts.

STORMWATER POND AERATION PERMIT REQUIRED.

(a) **Required.** A Stormwater Pond Aeration permit is required to install, alter or relocate stormwater pond aeration equipment on public stormwater ponds as defined in this ordinance. Only removable aeration equipment may be installed. Aeration equipment is permitted from April 1 through October 15. Permanently installed aeration equipment and winter aeration are prohibited. Aeration equipment shall be located and operated in a manner where it does not cause a nuisance to other abutting property owners. The City Engineer may limit any lighting and the height and width of spray on fountain type aeration equipment. Only one permit

shall be issued for a stormwater pond. Stormwater ponds operating aeration systems other than what is listed on the approved permit shall be prohibited and any existing stormwater pond aeration permits may be revoked.

(b) Application.

(1) Application for a permit under this Article shall be made in writing to the Engineering Division and shall be on a form provided by the Engineering Division. All Stormwater Pond Aeration permits shall be issued by the City Engineer or the City Engineer's designee.

(2) The application shall be accompanied with the following:

(A) Completed application form, including signatures from 100% of the abutting property owners and signed agreement included with the application form.

(B) Aeration system specifications, including sizing criteria, type and details of the equipment and power supply details provided by a qualified professional.

(C) Documentation indicating the installer is a qualified professional and will properly install all equipment.

(D) Removal and maintenance documentation.

(c) Special Conditions.

1. Circulating devices will not be allowed in ponds with a design permanent pool elevation of less than 5 foot of depth. The depth of influence of the device cannot extend below the design sediment storage elevation of the pond.
2. The circulating device may be no more than 1/3 horsepower and draw water from a horizontal direction only.
3. If the pond water level drops to less than 5 foot of depth the device must be turned off until the water level rises to the design normal water elevation, but not above the high water elevation.
4. Where the surface area of the pond is no more than what is required to meet stormwater regulations, when a storm event causes the water level to rise, the device must be turned off until the pond depth returns to the design permanent pool elevation and sediment has settled out of the water column.
5. A staff gauge, for determining the water level elevation, must be installed in the pond and surveyed annually for accuracy.
6. The equipment may only be operated between the hours of 7:00AM and 10:00PM to comply with city nuisance regulations.

(d) Expiration. If installation, alteration or relocation of the aeration equipment for which a stormwater pond aeration permit was issued has not commenced within one hundred eighty (180) days from the date of its issuance, or if work authorized by the stormwater pond aeration permit is suspended or abandoned for a period over one hundred eighty (180) days, the permit shall expire by operation of law and shall no longer be of any force or effect and a new permit shall be obtained. The City Engineer may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days.

(e) Renewal. The Stormwater Pond Aeration Permit requires an annual renewal. If any property owner adjacent to the stormwater pond opposes aeration at any time, the permit will not be renewed and the stormwater aeration equipment must be removed.

(f) **Exemptions.** The following are exemptions to the requirements of this Article:

(1) Stormwater pond locations where a DNR permit already exists for aeration year round do not require a City of Blaine Stormwater Pond Aeration Permit and are allowed to aerate year round, per the DNR permit.

(2) Public agencies with a Pond or Lake Management Plan or other master plan, such as a Park or Natural Resource Master Plan, which places controls on the use of aeration equipment in ponds are not required to obtain a City of Blaine Stormwater Pond Aeration Permit for stormwater pond aeration on public property.

(3) Private stormwater ponds, as defined in this ordinance, are not required to obtain a City of Blaine Stormwater Pond Aeration Permit for stormwater pond aeration provided they do not discharge to the public storm sewer system or any downstream water body.

OTHER PERMITS REQUIRED.

(a) **Electrical Permit.** An electrical permit pursuant to this Code shall be required and the electrical works shall be done by a licensed electrician.

(b) **Department of Natural Resources Aeration Permit.** It is the responsibility of the applicant to contact the Department of Natural Resources (DNR) to determine if a permit is needed and obtain all required permits prior to the installation, alteration, or relocation of the aeration equipment.

(c) **Watershed District Permit.** Depending on the Watershed District for which the stormwater pond is located, a permit may be required. It is the responsibility of the applicant to contact the correct Watershed District, determine if a permit is needed and obtain all required permits prior to installation, alteration, or relocation of the aeration equipment.

(d) **Other Approvals.** Federal, state, and local units of government, including but not limited to, the U.S. Army Corps of Engineers, water management organizations, and Anoka County, may require a permit. It is the responsibility of the applicant to contact the proper entities, determine if a permit is needed, and obtain all required permits prior to installation, alteration, or relocation of the aeration equipment.

RIGHT OF ENTRY

The City of Blaine shall be permitted to enter and inspect facilities subject to regulation under this division as often as may be necessary to determine compliance with this division.

PENALTY.

A violation of this Article shall be considered a misdemeanor under Minnesota law.

REMEDIES NOT EXCLUSIVE

The remedies listed in this division are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Blaine to seek cumulative remedies. The City of Blaine may recover all attorneys' fees, court costs and other expenses associated with enforcement of this division, including sampling and monitoring expenses.

SEVERABILITY

If any division, section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this Article. The City Council hereby declares that it would have adopted the Article in each division, section, subsection, sentence, clause or

phrase thereof, irrespective of the fact that any one or more divisions, sections, subsections, sentences, clauses, or phrases be declared invalid.

ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore this division does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, unauthorized discharge of pollutants, or reduction or elimination of any substance or organism.