City of Blaine
Anoka County, Minnesota

Blaine City Hall
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Legislation Details (With Text)

File #:	ORD 16-2354	**Version:**	3	**Name:**	Stormwater Pond Aeration Permit
Type:	Ordinance			**Status:**	Passed
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On agenda:	8/4/2016			**Final action:**	8/4/2016
Title:	SECOND READING AMENDING DIVISON 3. - SPECIFIC USE OF STORMWATER PONDS, ADDING SEC. 34-523. - STORMWATER POND AERATION PERMIT OF THE CODE OF ORDINANCES OF THE CITY OF BLAINE				
Sponsors:	Jim Hafner				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
8/4/2016	3	City Council	Adopted	Pass
7/14/2016	2	City Council	Introduced, Read, and Placed on File for Second Reading	
6/2/2016	1	City Council	Postponed	

ADMINISTRATION - *Jim Hafner, Stormwater Manager*

SECOND READING

AMENDING DIVISON 3. - SPECIFIC USE OF STORMWATER PONDS, ADDING SEC. 34-523. - STORMWATER POND AERATION PERMIT OF THE CODE OF ORDINANCES OF THE CITY OF BLAINE

At the June 2 Council meeting staff brought forward a proposed code amendment to create a stormwater pond aeration permit to allow fountains in the City. Council made several changes, which are outlined below:

- Sec. 34-523 (b) Application (2) a. - change 100% to 75%
- Sec. 34-253 (b) Application (2) - add e. payment of permit fee
- Sec. 34-523 (c) (2) - change horsepower limit from 1/3 to 1.
- Sec. 34-523 (e) Renewal - change “any” to 75%
- Sec. 34-523 Other Permits - eliminate (c) and (d) and change (b) to place responsibility for all other permits on the applicant
- Sec. 34-523 Penalty - language changed to allow violators to reach compliance within 30

days. If no compliance, an administrative citation will be issued (recommended by City attorney).

Since the changes were substantive at the June 2 meeting staff brought forward a new first reading for Council consideration on July 14.

At the July 14 meeting Council suggested amended language that the aeration equipment will not be allowed in ponds with a design permanent pool elevation of less than 3 foot of depth instead of the proposed 5 foot of depth. Staff recommends against this amendment. Most fountains/aerators will draw from depths of more than three feet, particularly those in the ¾ and 1 horsepower ranges. This action will not only be detrimental to the motor of the fountain/aerator but suspend sediments and pollutants in the water column. This is counterproductive to the purpose of the ponds - to allow the sediments and pollutants to settle at the pond bottom, out of the water column and prevented from being transported downstream to surface waters. Staff strongly encourages retaining the language that restricts the depth to five feet.

Hold second reading and adopt the proposed ordinance as presented with the proposed 5 foot of depth for aeration equipment.

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

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 75% 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.

e. Payment of permit fee (as established by City of Blaine Schedule of Fees).

(c) Special Conditions.

(1) Aeration equipment 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 equipment cannot extend below the design sediment storage elevation of the pond.

(2) Aeration equipment may be no more than 1 horsepower and draw water from a horizontal direction only.

(3) If the pond water level drops to less than 5 foot of depth the equipment 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 equipment 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 75% of the property owners adjacent to the stormwater pond oppose 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 work shall be done by a licensed electrician.

(b) It is the responsibility of the applicant to determine if any other permits are required and to obtain those permits before a City of Blaine permit will be issued and 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.

Should a person(s) be found in violation of this ordinance they will receive a notice of violation and have 30 days to achieve compliance. If compliance is not met after the 30 day notice of violation, violator will be issued an administrative citation. Failure to respond to said administrative citation or to pay any administrative fine shall result in the issuance of a

misdemeanor citation. 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.

Secs. 34-52[~~3~~] 4-34-540. - Reserved.

INTRODUCED AND READ in full the 14th day of July, 2016.

PASSED by the City Council of the City of Blaine this 4th day of August, 2016.