

Chapter 12

ENVIRONMENT

Article I. In General

Secs. 12-1--12-18. Reserved.

Article II. Junk and Abandoned Property

Division 1. Generally

- Sec. 12-19. Definitions.**
- Sec. 12-20. Movable property declared a public nuisance.**
- Sec. 12-21. Conflict with statute.**
- Sec. 12-22. Written notice for nuisance movable property.**
- Sec. 12-23. Storage, parking, etc., of movable property prohibited; exceptions.**
- Sec. 12-24. Fully screened area.**
- Sec. 12-25. Parking, storage, repair, or maintenance on junk cars or other movable property.**
- Sec. 12-26. Abandonment.**
- Sec. 12-27. Partially dismantled, wrecked, junked, discarded, or nonoperating movable property on public or private property.**
- Secs. 12-28--12-57. Reserved.**

Division 2. Impoundment

- Sec. 12-58. Impounding, removal, and release.**
- Sec. 12-59. Notification to the owner.**
- Sec. 12-60. Removal and storage charges.**
- Sec. 12-61. Release of impounded movable properties.**
- Sec. 12-62. Report by impounding official; receipt by removal contractor.**
- Sec. 12-63. Sale of movable properties.**
- Sec. 12-64. Owner of movable property unknown.**
- Secs. 12-65--12-86. Reserved.**

Article III. Open Burning

- Sec. 12-87. Definitions.**
- Sec. 12-88. General prohibition.**
- Sec. 12-89. Restrictions related to salvage operations.**
- Sec. 12-90. Permit issued by city.**
- Sec. 12-91. Criteria for permits; attached conditions.**
- Sec. 12-92. Denial.**
- Sec. 12-93. Revocation.**
- Sec. 12-94. Liability.**
- Sec. 12-95. Conflicting laws.**
- Sec. 12-96. Recreational fires.**
- Sec. 12-97. Diseased shade tree open burning site.**
- Sec. 12-98. Permit fees.**
- Secs. 12-99--12-124. Reserved.**

GRANT CODE

Article IV. Individual Sewage Treatment Systems

Sec. 12-144. Washington County Regulations relating to sewage treatment.
Secs. 12-145--12-169. Reserved.

Article V. Excavation of Sand, Gravel or Other Soil

Division 1. Generally

Sec. 12-170. Gravel contractor inspection fee.
Secs. 12-171--12-193. Reserved.

Division 2. Permit

Sec. 12-194. Required; exception.
Sec. 12-195. Application.
Sec. 12-196. Fees and application expenses.
Sec. 12-197. Insurance requirements.
Sec. 12-198. Restrictions on special use permits.
Sec. 12-199. Bond.
Secs. 12-200--12-221. Reserved.

Article VI. Tree Disease and Tree Protection

Sec. 12-222. Intent.
Sec. 12-223. Tree inspector.
Sec. 12-224. Pest control program.
Sec. 12-225. Nuisances declared.
Sec. 12-226. Unlawful to permit nuisance to remain.
Sec. 12-227. Inspections authorized; removal of specimens.
Sec. 12-228. Report of nuisance; notice; failure to abate; costs.
Sec. 12-229. Transporting diseased wood.
Sec. 12-230. Unlawful to interfere with performance of duties by inspector.
Secs. 12-231--12-253. Reserved.

Article VII. Shoreland Zoning and Protection

Sec. 12-254. Definitions.
Sec. 12-255. Intent and purpose.
Sec. 12-256. Scope and applicability.
Sec. 12-257. Shoreland classification system.
Sec. 12-258. Uses permitted for districts with lakes and streams.
Sec. 12-259. Lot requirements.
Sec. 12-260. Structure and sewer setback and other design criteria.
Sec. 12-261. Shoreland alterations.
Sec. 12-262. Land adjacent to waters.
Sec. 12-263. Agricultural use standards.
Sec. 12-264. Forest management standards.
Sec. 12-265. Conditional uses.
Sec. 12-266. Certificate of compliance.
Sec. 12-267. Water supply.
Sec. 12-268. Sewage disposal.

ENVIRONMENT

- Sec. 12-269. Fences.
- Sec. 12-270. Nonconforming situations.
- Sec. 12-271. Land suitability for subdivision.
- Sec. 12-272. Notifications to the department of natural resources.

Article VIII Chloride Reduction

- Sec. 12-273. Definitions
 - Sec. 12-274. Intent and Purpose
 - Sec. 12-275. Occupational Licensure for Winter Maintenance Professional
 - Sec. 12-276. Deicer Bulk Storage Facility Regulations
 - Sec. 12-277. Land Disturbance Permitting.
 - Sec. 12-278. Parking Lot, Sidewalk and Private Road Sweeping Requirements
- ARTICLE I. IN
GENERAL

Secs. 12-1--12-18. Reserved.

GRANT CODE

ARTICLE II. JUNK AND ABANDONED PROPERTY*

DIVISION 1. GENERALLY

Sec. 12-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural equipment means any motor-powered vehicle on which rubber tires are mounted and any accessory components therefor and which is used exclusively for the operation and maintenance of farms and households. Typical uses for such agricultural equipment include but are not limited to the following: plowing fields, maintaining driveways, cutting hay and grass, planting, and harvesting. This definition shall not include any motor-powered vehicle such as a bulldozer, scraper, dump truck, semi-tractor and trailer, or backhoe, which is primarily used for excavation, construction, hauling, or any other form of nonagricultural commercial use.

Authorized city official means any city police officer, firefighter, or any other duly authorized person.

City police officer means the city constable or peace officer, any county police deputy, or any other police officer authorized by the city council to provide police services for the city.

Fully screened area means a direct visual barrier that prevents any movable property within its confines from being seen at any time from any adjoining private properties or public place.

Junk car means any motor vehicle which is inoperable, partially dismantled, used for repair of parts, or as a source of repair or replacement parts for other vehicles, or kept for scrapping, dismantling, burning or salvage of any kind, or which is not properly licensed for operation in the state.

Motor vehicle means any motor-powered vehicle having motor-driven wheels, tracks, or any other mechanical form of propulsion which is used for transportation of goods, people, or animals; for digging or any form of movement of dirt or any other natural or manmade material; or for pulling or pushing any form of load; and any accessory components thereon.

Movable property means any form of property which can be moved on or off any private or public land either under its own power or through pushing, towing or carrying by a vehicle, person, or animal. This definition includes all forms of motor vehicles.

Nuisance movable property means any movable property declared to be a public nuisance under section 12-20.

Public place means any street, avenue, alley, road, highway, boulevard, parking lot or facility, park, or any other public property or premises.

Recreational equipment means any movable property used solely for recreational purposes.

* **State Law References:** Abandoned motor vehicles, Minn. Stats. ch. 168B.

Setback means the minimum horizontal distance between a structure and street right-of way, lot line, or other reference point as provided by ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

Unclaimed movable property means any impounded movable property not claimed by or for any reason not released to the owner thereof within 24 hours after notice is either received by the owner or notice mailed to him as

ENVIRONMENT

provided herein.

(Ord. No. 63, § 1, 11-1-1988)

Sec. 12-20. Movable property declared a public nuisance.

(a) *Conditions for declaration as nuisance.* Any motor vehicle or other movable property that is found stopped, standing, or parked in violation of the traffic regulations and provisions or zoning restrictions of the city or that is violating the conditions of any conditional or special use permit issued by the city or that is reported stolen, or that is found impeding firefighting, snow removal, road maintenance, or the flow of traffic, or that is a junk car on any public place or on any private land or premises, unless it shall be in a building or fully screened area or that is otherwise located on any public place or private premises in violation of the terms of this article shall be deemed and declared a public nuisance and such nuisance may be abated in the manner hereinafter set forth.

(b) *Removal and impounding.* Any authorized city official may immediately order such nuisance motor vehicle removed and impounded in the manner hereinafter provided and it shall be surrendered to the duly identified owner thereof by the removal contractor only upon payment of the fees hereinafter provided which are declared to be the movable property pound fees covering such movable property.

(c) *Verbal warning; citation.* Any city police officer may issue a verbal warning to the owner of any movable property suspected of being in violation of this article. This verbal warning shall be reported to the city clerk who shall duly record said warning in permanent records of the city. Any city police officer may issue a citation, upon the direction of the city council, for the removal of any nuisance removable property from any public place or private land that is in violation of any aspect of section 12-23.

(Ord. No. 63, § 2, 11-1-1988)

Sec. 12-21. Conflict with statute.

In the event of a conflict between this article and Minn. Stats. ch. 168B, the more restrictive provision shall control.

State Law References: Abandoned motor vehicles, Minn. Stats. ch. 168B.

Sec. 12-22. Written notice for nuisance movable property.

Upon issuance of a citation for the removal of any nuisance movable property or any nuisance junk car from any public place or private property by any authorized city official, the city clerk shall give written notice to the owner of said nuisance movable property thereof as shown by the records of the county tax assessor or in records of the state registrar of motor vehicles or other pertinent registering agency. Such notice shall be sent by registered or certified mail or delivered by any city police officer to the address as indicated on said records. Such notice shall include a description of said movable property.

(Ord. No. 63, § 8, 11-1-1988)

Sec. 12-23. Storage, parking, etc., of movable property prohibited; exceptions.

In all zoning districts within the city, no person shall store, park, keep, place, or permit the parking or storage of, or repair of any movable property on any public or private land except:

- (1) For temporary outdoor use; or

GRANT CODE

- (2) Within a permanent building or fully screened area and subject to the following exceptions:
- a. Properly licensed motor vehicles, including recreational vehicles or any other form of movable recreation equipment, provided that such movable property is less than 40 feet in length and is owned and licensed in the name of the current resident of the property on which it is parked, stored, or placed.
 - b. Construction and landscaping equipment currently being used on the premises. The term "currently being used" is defined as the period of time that construction is actively occurring on the premises. In no case may this period of time exceed a period of 200 continuous days in any annual period without a conditional use permit for such purpose being issued by the city council.
 - c. Unoccupied licensed trailers which are owned and licensed in the name of the current resident of the property on which it is parked, stored, or placed, less than 25 feet in length, which are used only for agricultural purposes.
 - d. Agricultural equipment owned and licensed in the name of the current resident of the property on which it is parked, stored, kept, and placed and used exclusively on the premises and which conform to all terms of this article and are not stored, parked, kept, and placed on any public or private land located between any lot line, street, or other reference point and the closest established setback line.
 - e. Within all areas contained within the general business (GB) zoning district of the city, any motorized vehicle, trailer, construction equipment, or any other vehicle not having been permitted through a conditional use permit issued by the city council and having hauling capacity of one ton or greater or having a gross weight exceeding 12,000 pounds or length greater than 25 feet so long as such movable property is parked on the premises for loading or unloading purposes and in no case longer than any period of seven continuous days.
 - f. Laundry drying.
 - g. Patio furniture or any other form of outdoor furnishings or decoration and woodpiles (except diseased wood from tree removal governed by county ordinances and state statutes).

Movable property shall be deemed stored, parked, placed, or kept for temporary outdoor use only if the movable property is not a junk car and is located on the premises outside of a building or fully screened area for a period aggregating no more than 72 hours in a calendar week or a period aggregating no more than 14 days in a calendar year.

(Ord. No. 63, § 3, 11-1-1988)

Sec. 12-24. Fully screened area.

Screening shall in combination or singularly consist of earth mounds, berms or ground forms, fences and walls, landscaping fixtures (such as timbers), or living evergreen trees or bushes of sufficient height and density to prevent any movable property contained within the fully screened area from being seen at any time from any adjoining public place or private property.

(Ord. No. 63, § 4, 11-1-1988)

Sec. 12-25. Parking, storage, repair, or maintenance on junk cars or other movable property.

ENVIRONMENT

No person shall park, keep, place, store or permit the parking or storage of or repair or replace parts or do maintenance work on any junk car on any public place or on any private lands or premises unless such movable property shall be within a building or fully screened area on such private premises so as not to be visible from any adjoining private properties or public place.

(Ord. No. 63, § 5, 11-1-1988)

Sec. 12-26. Abandonment.

No person shall abandon any junk car or any movable property or any part thereof upon any public place in the city.

(Ord. No. 63, § 6, 11-1-1988)

Sec. 12-27. Partially dismantled, wrecked, junked, discarded, or nonoperating movable property on public or private property.

It shall be unlawful for any person in charge or in control of any property within the city to allow any junk car or other partially dismantled, nonoperating, wrecked, junked or discarded movable property, including any parts thereof or therefrom, to remain on any public or private property for any period longer than 72 hours unless the junk car or other movable property is located within an enclosed building or fully screened area.

(Ord. No. 63, § 7, 11-1-1988)

Secs. 12-28–12-57. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 12-58. Impounding, removal, and release.

The city removal contractor shall take immediate possession of any nuisance motor vehicle or any nuisance movable property duly ordered impounded and ticketed by any city police officer for any traffic or parking violation and shall tow such movable property to the designated storage pound. The city removal contractor shall take possession of any nuisance movable property from any public place or private properties after a citation has been issued by any city police officer and the police officer has ordered the removal and impoundment of such nuisance movable property and 72 hours after written notification has been sent to the address of the owner of said nuisance movable property, and shall tow such movable property to the designated storage pound. No such movable property shall thereafter be released without authorization of the city clerk or any city police officer. The removal contractor shall immediately after impounding said movable property notify the city clerk and the city police officer who orders the impoundment of all such impounded movable properties including description, license number, and any other pertinent information.

(Ord. No. 63, § 10, 11-1-1988)

Sec. 12-59. Notification to the owner.

The city clerk shall give notice of the impounding of any such movable property to the owner thereof as shown upon or in records of the state registrar of motor vehicles or other pertinent registering agency. Such notice shall be by registered or certified mail and shall be sent or delivered by any city police officer to the address as

GRANT CODE

indicated on said records. Such notice shall include a description of the movable property impounded and a statement of the intent of the city to dispose of such movable property after 30 days unless such movable property is released. (Ord. No. 63, § 11, 11-1-1988)

Sec. 12-60. Removal and storage charges.

The removal and storage charges in connection with impounding or any movable property shall not exceed the amount agreed upon in the contract between the city and the duly appointed removal contractor. (Ord. No. 63, § 12, 11-1-1988)

Sec. 12-61. Release of impounded movable properties.

The removal contractor during the time the movable property is impounded shall not permit the movable property to be removed or released to the owner until the impounding and storage fees hereinafter provided have been paid. At the time of the return of the movable property the removal contractor shall release the same by a release in writing which shall state the date of such release together with the charges enumerated thereon and the purpose for which such charges were made. (Ord. No. 63, § 13, 11-1-1988)

Sec. 12-62. Report by impounding official; receipt by removal contractor.

Any authorized city official directing the impounding of any nuisance movable property shall prepare written report of such movable property which report shall among other things include the following: make and type of movable property, license number, motor number, number of tires or other form of propulsion, tools, and other separate articles of personal property, general description of the movable property with regard to condition, damaged parts, and other such information as may be necessary to describe adequately the movable property and such property delivered to the removal contractor. The removal contractor shall receipt for and verify such report and his signature thereon shall be considered a receipt for the movable property and the property described therein. (Ord. No. 63, § 14, 11-1-1988)

Sec. 12-63. Sale of movable properties.

Any movable property which is impounded, pursuant to this article or any other ordinance or statute and which is not released within 30 days of mailed notice to the owner, may be sold by the city to the highest bidder at public auction or sale following reasonable published notice thereof. The proceeds of such sale shall first be applied towards the cost of handling, storing, and sale of such movable property. The net proceeds shall be placed in the general fund. If within six months of such sale the former owner applies to the city clerk for payment of such net proceeds and if satisfactory proof of ownership is presented, the net proceeds shall be paid to the former owner. (Ord. No. 63, § 15, 11-1-1988)

Sec. 12-64. Owner of movable property unknown.

If any such movable property is found and removed under circumstances which do not give the authorized city official directing the impoundment or the removal contractor knowledge or means of inquiry as to the true owner thereof, the authorized city official shall immediately report such facts to the city clerk. Any such movable property or property unclaimed or abandoned by any owner for a period of 30 days from and after such impounding shall be sold by the city clerk or the city at a public sale. (Ord. No. 63, § 16, 11-1-1988)

Secs. 12-65--12-86. Reserved.

ENVIRONMENT

ARTICLE III. OPEN BURNING*

Sec. 12-87. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved waste burner means an incinerator or other burner constructed of fire-resistant material having a capacity of not less than three bushels, a cover which is closed when in use, and maximum openings in the top or sides no greater than one inch in diameter.

Building material means lumber, wood shakes, and other wood products but shall not include composite shingles, tar paper, insulation, wall board wiring, or other similar smoke producing materials.

Diseased shade tree means any tree infected by Dutch elm disease or oak wilt disease or any tree constituting a hazard to a disease control program established by the department of agriculture.

Disposal facility means a facility or site permitted by the state pollution control agency for the intermediate or final disposal of solid waste.

Garbage means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Open burning means the burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.

Refuse collection service means a public or private operation engaged in solid waste collection and transportation.

Rubbish means nonputrescible solid waste, such as paper, card board, yard clippings, and other natural matter not including garbage.

* **State Law References:** Open burning, Minn. Stats. § 88.171.

Wetland means natural marsh where water stands near, at, or above the soil surface during a significant portion of most years.
(Ord. No. 64, pt. 1-7005.0700, 4-4-1989)

Sec. 12-88. General prohibition.

No person shall cause, allow, or permit open burning.
(Ord. No. 64, pt. 2-7005.0710, 4-4-1989)

Sec. 12-89. Restrictions related to salvage operations.

- (a) *Generally.* No person shall conduct, cause, or permit salvage operations by open burning.

GRANT CODE

(b) *Motor vehicles and scrap metals reduced by burning.* No person shall possess, transport, or process motor vehicles or scrap metals which have been reduced by open burning or incineration in a device or equipment which has not received an operating permit from the state pollution control agency.
(Ord. No. 64, pt. 4-7005.0730, 4-4-1989)

Sec. 12-90. Permit issued by city.

Open burning may be conducted if an open burning permit issued by the city is obtained pursuant to this article and the open burning is conducted in accordance with the requirements of this article and the conditions of the permit.
(Ord. No. 64, pt. 5-7005.0740, 4-4-1989)

Sec. 12-91. Criteria for permits; attached conditions.

(a) *Criteria.* Application for open burning permits may be made in cases where fires are proposed to be set for the following purposes:

- (1) Bona fide instruction and training of firefighting personnel and for the testing of fire extinguishing equipment;
- (2) Elimination of fire or health hazards which cannot be abated by any other practicable means;
- (3) Activities in accordance with accepted forest or game management;
- (4) Ground thawing for utility repair and construction;
- (5) The disposal of trees, brush, grass, and other vegetative matter in the development of land and right-of-way maintenance;
- (6) The disposal of diseased shade trees;
- (7) The disposal of trees and brush in areas outside the metropolitan area;
- (8) Activities in accordance with accepted agricultural practices;
- (9) The disposal of building material generated by construction; and
- (10) The disposal of building material generated by the demolition of noncommercial or noninstitutional structures.

(b) *Conditions.* A burning permit shall be issued on a prescribed form to the applicant if the burning is for one of the purposes set forth in subsection (a) of this section and the applicant agrees that all burning shall be conducted under the following circumstances:

- (1) The prevailing wind at the time of the burning shall be away from nearby residences.
- (2) The burning shall be conducted as far away as practical from any highway or public road and controlled so that a traffic hazard is not created.
- (3) The burning may not be conducted during the duration of an air pollution alert, warning, or emergency.
- (4) The recipient of the permit or his authorized representative shall be present for the duration of any fire authorized by the permit.
- (5) Prior notice shall be given to the local department of natural resources forest officer, local fire marshal, or local fire chief of the time and location of any fire authorized by the permit.

ENVIRONMENT

- (6) Open burning for ground thawing shall be conducted in accordance with the following additional restrictions:
 - a. Fuels and starting materials shall be of a kind which do not generate appreciable smoke.
 - b. Coke used for ground thawing within 500 feet of dwellings or occupied buildings shall contain less than one percent sulfur.
 - c. Ambient air quality standards for sulfur dioxide and carbon monoxide shall not be exceeded at occupied residences other than those located on the property on which the burning is being conducted.
 - d. Propane gas thawing torches or other devices causing minimal pollution shall be used when practicable.
- (7) Open burning of materials pursuant to subsection (a) of this section shall be conducted in accordance with the following additional restrictions:
 - a. The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted.
 - b. Oils, rubber, and other similar smoke producing materials shall not be burned or used as starting materials.
 - c. The burning shall not be conducted within one mile of any airport or landing strip.
- (8) Open burning of materials pursuant to subsection (a)(1) of this section shall also only be conducted under controlled burning methods approved by the director.
- (9) The burning is conducted under such other reasonable conditions as the permit issuing authority may impose.

(Ord. No. 64, pt. 6-7005.0750, 4-4-1989)

Sec. 12-92. Denial.

Any permit application submitted pursuant to this article shall be denied if:

- (1) A reasonable, practical alternative method of disposal of the material is available; or
- (2) A nuisance condition would result from the burning.

(Ord. No. 64, pt. 8-7005.0760, 4-4-1989)

Sec. 12-93. Revocation.

Any permit is subject to revocation at the discretion of the director, the local fire marshal or fire chief, or the permit issuer, if:

- (1) A reasonable practical method of disposal of the material is found;
- (2) A fire hazard exists or develops during the course of the burning; or
- (3) Any of the conditions of the permit are violated.

(Ord. No. 64, pt. 9-7005.0790, 4-4-1989)

Sec. 12-94. Liability.

GRANT CODE

Exemption to conduct open burning or the granting of an open burning permit under any provisions of this article does not excuse a person from the consequences, damages, or injuries which may result therefrom.
(Ord. No. 64, pt. 10-7005.0790, 4-4-1989)

Sec. 12-95. Conflicting laws.

Nothing in this article shall be construed to allow open burning in those areas in which open burning is prohibited by other laws, regulations, or ordinances.
(Ord. No. 64, pt. 11-7005.0800, 4-4-1989)

Sec. 12-96. Recreational fires.

Fires set for recreational, ceremonial, food preparation, or social purposes are permitted provided only wood, coal, or charcoal is burned.
(Ord. No. 64, pt. 12-7005.0610, 4-4-1989)

Sec. 12-97. Diseased shade tree open burning site.

(a) *Conditions.* Open burning of diseased shade trees shall be permitted provided no reasonable alternate method of disposal exists as determined by the state pollution control agency, a permit is obtained pursuant to this article; and the open burning is conducted in accordance with the requirements of this article and the conditions of the permit.

(b) *Site location.* The site shall be located in accordance with the following conditions or as approved by the director of air quality:

- (1) Not less than 1,000 feet from an occupied building;
- (2) Not less than 1,000 feet from a public roadway;
- (3) Not less than one mile from an airport or landing strip;
- (4) Not less than 300 feet from a stream; and
- (5) Not within wetlands.

(c) *Site preparation.* The site shall be prepared in accordance with the following:

- (1) Access to the site shall be controlled by a gate which shall be locked when an attendant is not on duty.
- (2) Approach roads to the disposal site and access roads on the site shall be maintained so that they shall be passable at all specified times.
- (3) A permanent sign identifying the operation indicating the hours and days the site is open for use, rates, the penalty for nonconforming dumping, and other pertinent information shall be posted at the site entrance.
- (4) Surface water drainage shall be diverted around and away from the operating area and ash storage areas.

(d) *Site operation.* The site shall be operated in accordance with the following conditions:

- (1) Only diseased shade trees and/or tree trimmings shall be disposed of on the site.
- (2) Qualified personnel for general direction and operation of the site shall be on duty at all times while

ENVIRONMENT

the site is open for use and for the duration of any fire on the site.

- (3) Burning shall be conducted only when weather conditions are such that a nuisance, health or safety hazard will not be created.
- (4) Prior notice shall be given to the local fire authority of the time and duration of each fire.
- (5) Adequate dust control shall be provided on the site and on the roads leading to the site.
- (6) Ash residue shall be collected on a periodic basis and disposed of in an agency-permitted sanitary landfill.

(e) *Site termination.* The site shall be terminated in accordance with the following: All materials extraneous to the site shall be removed and disposed of in an appropriate manner. The site shall be returned to a state equal to its original condition.

(Ord. No. 64, pt. 13-7005.0620, 4-4-1989)

Sec. 12-98. Permit fees.

The city council hereby authorizes the collection of reasonable permit fees in the amount established by ordinance for activities under this article.

(Ord. No. 64, pt. 14, 4-4-1989)

Secs. 12-99--12-124. Reserved.

GRANT CODE

ARTICLE IV. INDIVIDUAL SEWAGE TREATMENT SYSTEMS*

Sec. 12-144. Washington County Regulations relating to sewage treatment.

The City adopts by reference the most current Washington County Regulations related to Individual Sewage Treatment Systems; and all systems shall meet the standards as permitted by the County. The City Clerk shall keep on file a current copy of the Washington County Regulations at the City Offices.. If conflicts occur between the county regulations and other relevant sections of the City Code, then the most restrictive standard shall govern. (Ord. No. 2016-48, 12-6-2016)

Secs. 12-145--12-169. Reserved.

ARTICLE V. EXCAVATION OF SAND, GRAVEL OR OTHER SOIL

DIVISION 1. GENERALLY

Sec. 12-170. Gravel contractor inspection fee.

Gravel contractors shall pay to the city a fee established by ordinance on the basis of the amount of gravel hauled, the fee and the amount hauled to be submitted to the city on an annual basis. The purpose of this fee is to cover all costs incurred by the city regarding inspection and supervision of the gravel operation, it being anticipated that an inspector will inspect the gravel operation on a weekly basis. (Ord. No. 40, § 2(G), 2-4-1975)

Secs. 12-171--12-193. Reserved.

DIVISION 2. PERMIT

Sec. 12-194. Required; exception.

(a) *Activities requiring permit.* No person shall do any of the following acts within the city without first obtaining a permit therefor from the city:

- (1) Open, operate or maintain any sand, gravel or other pit or place or grounds for the excavation of sand, gravel or other soil.
- (2) Excavate, remove, or store any sand, gravel, rock, dirt, clay or any other material deposits.

(b) *Exception.* No permit shall be required by the owner of land to take gravel or sand for the use on the premises or to take products which are to be used on said premises. Such permits shall be renewable annually and shall expire one year from the date of issuance. Failure to comply with the conditions of such permit as hereinafter set forth shall be grounds for revocation of the same or for refusal to renew the same upon expiration thereof.

(Ord. No. 40, § 1, 2-4-1975)

Sec. 12-195. Application.

Prior to the issuance of such a permit, the following requirements shall be complied with:

- (1) The application for special use permit shall contain the following:
 - a. A legal description of the lands from which it is proposed to remove earthly deposits.

ENVIRONMENT

- b. The name and address of the applicant and the owner of the land.
- c. Copies of any agreements contemplated or entered into between the owner of such lands and any other person, firm or corporation for the operation of maintenance of such removal of earthly deposits.
- d. The purpose of the removal. Soil-boring samples may be required to determine the nature of the materials to be mined or extracted and the extent of the deposits.
- e. The estimated time required to complete the removal.
- f. The highways, streets, or other public ways within the city upon and along which the material removal shall be transported.
- g. In the event that water is used in the operation of a pit, then in that event approval from the state department of health shall be obtained as to the type, location and depth of said well and included with said application.

(2) The applicant shall also submit a plan showing the following:

- a. The nature and location of the processing of earthly deposits.
- b. The area, depth and grade of such processing and the estimated quantity of earthly deposits to be added to or removed from the premises.
- c. The drainage of surface water at all stages of processing.
- d. The distance of the processing from the lot lines and from any structures in the immediate vicinity.
- e. The proposed finished elevations as compared to the elevations prior to the extraction based on sea level readings.

(Ord. No. 40, § 2(A), (B), 2-4-1975)

Sec. 12-196. Fees and application expenses.

(a) Except as hereinafter provided, the annual fee for such permit shall be as established by ordinance and shall accompany the application. In the event that such application is denied, the city council shall retain such amount of said fee as shall be necessary to defray the costs of engineering and legal services incurred by the city council in connection with such application, and the balance, if any, shall be returned to the applicant.

(b) In the event the cost of engineering and legal services exceed said sum, then in that event the applicant shall, upon notice from the city, reimburse the city for the same. The application shall be in such form and shall furnish such information as shall be required by the city council.

(Ord. No. 40, § 2(E), 2-4-1975)

Sec. 12-197. Insurance requirements.

(a) *Casualty insurance; certificate required.* The gravel contractor or lessor of the land involved shall secure and maintain such insurances from an insurance company authorized to write casualty insurance in the state as will protect himself and his agents and the city from claims for bodily injury, death or property damage which may arise from operations under a gravel permit duly issued under this article. A gravel contractor shall not commence work under this article and under a permit duly issued by the city until he has obtained all insurance required under this section and shall have filed a certificate of insurance or the certified copy of an insurance policy with the city. Each insurance policy shall contain a clause providing that it shall not be cancelled by the insurance company without ten days' written notice to the city of intention to cancel.

GRANT CODE

- (b) *Insurance levels.* The amounts of such insurance shall not be less than the following:
- (1) Worker's compensation and employer's liability insurance shall be secured and maintained as required by the state.
 - (2) Public liability, personal injury, and property damage:
 - a. Injury or death of one person--\$250,000.00.
 - b. Injury to more than one person in a single accident--\$500,000.00.
 - c. Property damage--\$200,000.00.
 - (3) Automobile and truck public liability, personal injury and property damage, including owned and nonowned vehicles:
 - a. Injury or death of one person--\$250,000.00.
 - b. Injury to more than one person in a single accident--\$500,000.00.
 - c. Property damage--\$100,000.00.

(c) *Insurance for other hazards.* The gravel contractor is responsible for any damage as a result of the work, operations, acts, omissions, neglect, equipment failure or other clauses arising out of this contract, including such damage as may be caused by or result from water. Insurance for hazards other than protected by insurance specified in this section is at the contractor's option.
(Ord. No. 40, § 2(F), 2-4-1975)

Sec. 12-198. Restrictions on special use permits.

The city council may impose the following restrictions and requirements in agreement form upon the applicant for a special use permit or any other person interested in the issuance of such permit, either as a prerequisite to the granting of said permit, or after such permit has been granted as follows:

- (1) *Fencing.* That the owner or applicant properly fence any pit so that said pit or any standing waters therein may not be a hazard to children.
- (2) *Slope limitations, maintenance.* That the applicant or owner slope the banks and otherwise guard and keep any pit in such condition as not to be dangerous to persons or property because of sliding or caving banks; provided, however, that the maximum slopes shall be as follows: Slopes on interior or working portions of the pit shall be at one foot horizontal to one foot vertical; slopes or any edge contiguous to property owned by others or railroads shall be four feet horizontal to one foot vertical.
- (3) *Prevention of runoff.* That the owner or applicant prevent water runoff damage, including erosion on adjacent property and the deposit of material by water runoff on adjacent property.
- (4) *Dust and noise prevention.* That the owner or applicant employ all reasonable means to reduce dust, noise and nuisances, including, but not limited to, spraying the material that is being processed with water.
- (5) *Screening.* That the applicant or owner shall plant suitable and fast-growing screening trees which shall be a minimum of six feet high placed in two rows staggered with trees not more than ten feet apart in each row, when necessary to eliminate unsightly view of the operations.

ENVIRONMENT

- (6) *Restoration of site.* On completion of the operation, the applicant shall properly drain and level off any pit and restore the contour of the site of the operation to a condition that is reasonably similar to the condition that existed prior to the commencement of the operation. Such condition must not adversely affect the surrounding land/or future development of the site on which the operation was conducted. Upon closing operations or leaving any particular excavation or area in the site, the applicant shall regrade that area which was excavated or disturbed in order that no slopes are in excess of three feet horizontal to one foot vertical.
- (7) *Removal of material.* The applicant or owner shall remove any extracted material upon and along the highways, streets, and other public ways in the city as the city engineer shall order and direct.
- (8) *Inspections; costs.* The applicant or owner shall reimburse the city for the cost of periodic inspections by the city engineer or other city employee for the purpose of seeing that the terms under which the permit has been issued are being complied with.
- (9) *Compliance with other requirements.* The applicant or owner shall satisfy such other requirements as the city council shall from time to time deem proper and necessary for the general welfare and for the protection of the citizens of the city.
- (10) *Map of removal transportation route.* The applicant and/or owner shall submit to the city council a detailed map of the highways, streets, roads and other public ways within the city upon and along which the material removed shall be transported. The city engineer shall inspect such roads proposed to be used by the applicant and/or owner and shall recommend to the city council necessary upgrading or repairing of such roads prior to their use as haul roads by the applicant and/or owner. The city council shall designate haul roads and shall incorporate the recommendations of the engineer into the permit issued to the applicant; it shall be the responsibility of the applicant and/or owner to maintain such haul roads in accordance with the terms as set forth in the permit. The city engineer shall make periodic inspections of such haul roads to ensure compliance with the permit, and upon completion of the operational period of the gravel pit, the owner and/or operator shall make any necessary repairs to the haul roads as recommended by the city engineer. All costs of the inspections described shall be borne by the owner and/or operator. Dust control shall be the continuous obligation of the owner and/or operator during any operational period on all haul roads, and the use of such roads shall further be subject to any road and weight restrictions imposed by the city. The city council shall further designate the maximum speed limit which the trucks of the owner and/or operator shall be driven over said haul roads.
- (11) *Other conditions imposed.* The city council may at its discretion attach such other additional conditions to said permits as they may deem necessary in the interest of public health, welfare and safety of the community.
- (12) *Distance from other property and rights-of-way.* No material may be removed or excavated from or stockpiled upon an area contiguous to private property or roadway rights-of-way closer than 100 feet.
- (13) *Hours of operation.* The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. daily, provided, however, that no excavation or processing work shall be conducted on Sundays or legal holidays as set forth in the state statutes. The term "operation" shall be defined to include the driving of all hauling trucks or equipment into or out of a gravel pit; loading, repairing; roadwork; or engine start-up of any kind. No drainage pumps of whatsoever kind or other similar units shall be run at any time other than during those hours specified in this subsection. It is the specific intent of this section that no activity of any kind shall take place on or upon any gravel pit area

GRANT CODE

other than during those hours specified in this subsection.

- (14) *Annual report.* The applicant shall submit annually in writing to the city council the estimated quantity of gravel to be removed, the anticipated route over which the trucks are to travel, the beginning and completion time for the operation, and the area in the pit which will be used for excavation. It is understood that this information may not at all times be submitted with certainty, but it is the intent of this provision to keep the city as well-informed as possible regarding the anticipated operation for the year in question.
- (15) *Lake development.* In the event that a development plan is submitted which anticipates a lake about which lots will be platted, said lake must be planned for at least a 15-foot depth. Any development plan indicating a lake development shall provide a means for level control or computations which proves that the lake can contain drainage directly to it by freeboard storage utilizing 100-year storm data. It is understood that the water table in the area in question is unstable and any problems arising regarding the depth of the lake created shall be referred to the city consulting engineer.
- (16) *Nearby wells.* The operation of the gravel pit shall not affect the safety or quantity of any well within one-quarter mile from the pit. Proof that the hydraulic or static effect is not detrimental to any such well shall be provided by the applicant.
- (17) *Equipment muffler.* All equipment run by fossil fuels and used in the operation of any gravel pit in the city shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall noise of said equipment and is in constant operation to prevent excessive or unusual noise. The exhaust system of such equipment shall not emit or produce a sharp, popping, or crackling sound.

(Ord. No. 40, § 2(C), 2-4-1975)

Sec. 12-199. Bond.

The applicant must file with the city clerk a surety bond, in such form and sum as the city council may require, running to the city, conditioned to pay the city the cost and expense of repairing any highways, streets, or other public ways within the city, made necessary by the special burden resulting from the hauling and transporting of earthly deposits thereon by the applicant. The amount of such cost and expense shall be determined by the city engineer. The surety bond shall be further conditioned to comply with all the requirements of this article and the particular permit, and to save the city free and harmless from any and all suits and claims for damages resulting from the negligent removal or storage of earthly deposits within the city.

(Ord. No. 40, § 2(D), 2-4-1975)

Secs. 12-200--12-221. Reserved.

ARTICLE VI.

TREE DISEASE AND TREE PROTECTION

Sec. 12-222. Intent.

The city has determined that there are many trees growing on public and private premises within the city, the loss of which would substantially depreciate the value of public and private premises and impair the safety, good order, general welfare and convenience of the public. The city council has determined that the health and life of such trees is threatened by fatal diseases such as Dutch elm, oak wilt and others. The city council hereby declares its intention to control and prevent the spread of such diseases and the insect pests and vectors which carry such diseases and declares them a public nuisance.

(Ord. No. 41, § 1, 5-6-1975)

ENVIRONMENT

Sec. 12-223. Tree inspector.

The position of tree inspector is hereby created. It is the duty of the tree inspector to coordinate, under the direction and control of the city council, all activities of the town relating to the control and prevention of Dutch elm, oak wilt, or similar plant pests or plant diseases. He shall recommend to the city council the details of a program for the control of Dutch elm disease, oak wilt, or similar plant pests or plant diseases, and perform the duties incident to such program adopted by the city council.
(Ord. No. 41, § 2, 5-6-1975)

Sec. 12-224. Pest control program.

It is the intention of the city council to conduct a program of plant pest control. The program is directed specifically at the control and elimination of Dutch elm disease, oak wilt, fungus, and elm bark beetles and other epidemic diseases of shade trees, and is undertaken at the recommendation of the commissioner of agriculture. The tree inspector shall act as coordinator between the commissioner of agriculture and the city council in the conduct of this program.
(Ord. No. 41, § 3, 5-6-1975)

Sec. 12-225. Nuisances declared.

The following things are public nuisances whenever they may be found within the city:

- (1) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus, *Ceratocystis ulmi* Moreau; or which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eich.) or *Hylurgopinus rufipes* (Marsh);
- (2) Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus, *Ceratocystis fagacerarum*;
- (3) Any dead elm or oak tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned.

(Ord. No. 41, § 4, 5-6-1975)

Sec. 12-226. Unlawful to permit nuisance to remain.

It is unlawful for any person to permit any public nuisance as defined in section 12-225 to remain on any premises owned or controlled by him within the city. Such nuisance may be abated in the manner prescribed by section 12-223.
(Ord. No. 41, § 5, 5-6-1975)

Sec. 12-227. Inspections authorized; removal of specimens.

(a) The tree inspector, or his authorized agent, shall inspect all premises and places within the city as often as practical to determine whether any condition described in section 12-225 exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles and oak wilt disease. The tree inspector, or his duly authorized officers, employees or agents, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them under this article.

(b) Whenever necessary to determine the existence of Dutch elm disease, elm bark beetles or oak wilt in any tree, the person inspecting such tree may remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and may forward such specimens to the state department of agriculture for analysis to determine the presence of such nuisances. No action to remove living trees or wood shall be taken until positive diagnosis of the nuisance has been made or upon written consent by the owner if positive diagnosis is in doubt.

GRANT CODE

(Ord. No. 41, § 6, 5-6-1975)

Sec. 12-228. Report of nuisance; notice; failure to abate; costs.

(a) Whenever the tree inspector has reason to believe that a nuisance, as defined in section 12-225, exists on any private property in the city, he shall report his findings to the city council. If the city council determines that a nuisance exists, the owner or person in control of such property on which the nuisance is found shall be notified by certified mail of the infestation and the notice shall direct that the infestation be removed or otherwise effectively treated in an approved manner by such owner or person in charge within 20 days of receipt of such notice, or provision for the abatement made. The notice shall also state that if such nuisance shall not have been abated within the time provided, nor provision for the abatement satisfactorily made, the city may abate the nuisance at the expense of the owner, and the unpaid charge or a portion thereof for such work will be made a special assessment against the property concerned.

(b) If the owner or person in control of any private premises fails to have such a tree so removed or otherwise effectively treated within 20 days after receipt of notification by mail, or when the owner or person in control cannot be located, the tree inspector may proceed to have the tree removed and burned or otherwise effectively treated, and any expense incurred by the town in so doing may be a charge and lien upon said property and shall be collected as a special assessment against the property concerned.

(c) The tree inspector shall keep a record of the cost of abatement done under this section and shall report to the city council all work done for which assessments are to be made, stating and certifying the description of the lots and parcels involved and the amount chargeable to each lot and parcel.

(d) As soon as the abatement has been completed and the cost determined, the tree inspector shall prepare a bill and mail it to the owner, and thereupon the amount shall be immediately due and payable at the town hall.

(e) On or before September 1 of each year, the tree inspector shall list the total unpaid charges for each lot or parcel to which they are attributable under this article. The city council may then spread the charges against the property benefited as a special assessment under Minn. Stats. § 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.
(Ord. No. 41, § 7, 5-6-1975)

Sec. 12-229. Transporting diseased wood.

It shall be unlawful for any person to transport within the city any diseased or infected bark-bearing elm wood or oak wood, known to be infected, without having obtained a written permit from the tree inspector. The said inspector shall grant such permits only when the purpose of this article shall be served thereby.
(Ord. No. 41, § 8, 5-6-1975)

Sec. 12-230. Unlawful to interfere with performance of duties by inspector.

It is unlawful for any person to prevent, delay or interfere with the tree inspector or his agents while they are engaged in the performance of duties imposed by this article.
(Ord. No. 41, § 9, 5-6-1975)

Secs. 12-231–12-253. Reserved.

ARTICLE VII.

SHORELAND ZONING AND PROTECTION

Sec. 12-254. Definitions.

ENVIRONMENT

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access corridor means an area where vegetation is cut or removed through the buffer to provide access to a lake, stream or wetland.

Bluff impact zone means a bluff and the land located within 20 feet from the top of a bluff.

Bluffline means a line along the top of a slope connecting the points at which the slope, proceeding away from the waterbody or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

- (1) Part or all of the feature is located in a shore land area.
- (2) The slope rises at least 20 feet above the ordinary high-water level of the water body.
- (3) The slope must drain toward the water body.

Buffer strip means an undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.

Buffer width, minimum, means the least buffer distance allowable measured perpendicular to the delineated wetland edge or ordinary high-water mark of the lake or stream.

Building line means a line parallel to a lot line or the ordinary high-water levels at the required setback beyond which a structure may not extend.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner means the commissioner of the state department of natural resources.

Controlled access lots means lots intended to provide access to the lake for residents of a particular development.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than six inches above ground.

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Hardship, as used in connection with the granting of a variance, means:

- (1) The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls;
- (2) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality.

Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms

GRANT CODE

of the development code. The board of appeals and adjustment may consider inability to use solar energy systems a hardship in granting of the variance.

Height of building means the vertical distance between the highest adjoining ground level at the building and the highest point of the roof.

Impervious surface means the percentage of the lot covered with buildings including all appurtenances, driveways and sidewalks.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Lake, general development, means generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common.

Lake, natural environment, means generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables, exposed bedrock, and unsuitable soils.

Lakes, recreational development, means generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lakes around them. Moderate levels of recreational use and existing development often characterize them. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial uses.

Lot width means the horizontal distance between the side lot lines of a lot measured at the ordinary high-water mark, setback line, and road right-of-way.

Ordinary high-water level means, at the boundary of public waters and wetlands, an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high-water level is the operating elevation of the normal summer pool. On lakes with an established ordinary high-water level by the state department of natural resources, that elevation shall be considered the ordinary high-water level.

Public waters means any waters as defined in Minn. Stats. § 103G.005, subd. 15.

Riparian lot means a lot with frontage on the lake.

River, transition, means a river designated as such by the state department of natural resources.

River, tributary, means watercourses mapped in the protected waters inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

ENVIRONMENT

Shore impact zone means land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback.

Shoreland means land which meets all of the following criteria:

- (1) A portion of the lot must be located within 1,000 feet of the ordinary high-water level of any public body of water.
- (2) A portion of the lot must fall within a shoreland zoning district as delineated on the zoning map (tier one lots).
- (3) The lot must have lake frontage or be in the next tier of lots landward that has primary access from the same road that serves the lake lots (tier two lots).

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.07. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the state historical society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with provisions of this article. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Tier one means a lot or parcel of land with frontage on a waterbody regulated by the shoreland management provisions.

Tier two means a lot or parcel of land that is across the street from a road that serves the lake lots.

Toe of the bluff means the lower point of a bluff with an average slope exceeding 18 percent.

Top of the bluff means the highest point of a bluff with an average slope exceeding 18 percent.

Tributary stream means a stream classified as such by the state department of natural resources.

Unclassified body of water means any lake, pond, backwater, swamp, marsh, wetland, stream, drainageway, flowage, river, floodplain or other water-oriented topographical features not designated as being a natural environment lake, recreational development lake, general development lake, or transition river or tributary stream on the zoning map.

Variance means the same as the term as defined in section 32-60 provided that when a variance to any of the standards contained in this article is applied for, the board of adjustment and appeals shall also consider whether the existing sewage treatment systems on the property need upgrading before additional development is approved and whether the properties are used seasonally or the year around.

Wetlands means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this article, wetlands must:

- (1) Have a predominance of hydric soils;

GRANT CODE

- (2) Be inundated saturated by surface water or groundwater at a frequency and duration sufficient to support prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances, support a prevalence of hydrophytic vegetation.

Wetlands generally include swamps, marshes, bogs and similar areas.
(Ord. No. 2002-91, § 3, 12-4-2002)

Sec. 12-255. Intent and purpose.

The uncontrolled use of shorelands of the city, affects the public health, safety and general welfare by contributing to pollution of public waters, and potentially decreasing property value. It is the intent and purpose of these regulations to:

- (1) Regulate the placement of sanitary and waste treatment facilities on lots.
- (2) Regulate the alteration of shorelands of public waters.
- (3) Regulate alterations of the natural vegetation and the natural topography along shorelands.
- (4) Conserve natural resources and maintain a high standard of environmental quality.
- (5) Preserve and enhance the quality of surface water.
- (6) Preserve the economic and natural environmental values of shorelands.
- (7) Provide for the utilization of water and related land resources.
- (8) Maintain water quality, reduce flooding and erosion, and provide sources of food and habitat for a variety of fish and wildlife.

(Ord. No. 2002-91, § 1, 12-4-2002)

Sec. 12-256. Scope and applicability.

(a) The provisions of this article shall apply to the shorelands of the public water bodies as classified in section 12-258 of this regulation and unclassified water bodies where applicable.

(b) The use of any shoreland of public waters; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this regulation and other applicable regulations.

(c) The regulations contained in this article are in addition to and not in lieu of other regulations contained in other chapters of the city ordinances where the standards contained in any other chapters of this Code are inconsistent with standards of this article. The standards contained in all the city ordinances shall apply.

(Ord. No. 2002-91, § 2, 12-4-2002)

Sec. 12-257. Shoreland classification system.

(a) *Protected Waters Inventory Map.* The public waters of the city have been classified below consistent with the criteria found in Minn. Rules pt. 6120.3300, in the city comprehensive plan, and the Protected Waters Inventory Map for Washington County, Minnesota.

ENVIRONMENT

(b) *Official zoning map.* The shoreland area for the water bodies listed in subsection (a) of this section shall be as shown on the official zoning maps of the city.

(c) *Rivers and streams.* There are no listed rivers in the city.

(1) Tributary streams.

(2) Browns Creek.

(Ord. No. 2002-91, § 4, 12-4-2002)

Sec. 12-258. Uses permitted for districts with lakes and streams.

(a) *Uses for land on lakes.*

(1) Permitted uses.

a. Single-family residential.

b. Parks and historic sites.

c. Agricultural: cropland and pasture.

(2) Uses permitted with a certificate of compliance: home occupation in accordance with section 32-245.

(3) Uses permitted with a conditional use permit: bed and breakfast in accordance with section 32-327.

(b) *Uses for land abutting tributary streams.* The underlying zoning district shall govern all lands abutting tributary streams covered by this article as it pertains to minimum lot size and permitted uses.

(Ord. No. 2002-91, § 5, 12-4-2002)

Sec. 12-259. Lot requirements.

(a) *Lot area and width standards.* The lot area and lot width standards (at road, shoreline and building setback line) for single residential lots created after the date of enactment of the ordinance from which this article is derived for lake and river/stream classifications are the same as for all other lots in the city. Property fronting on streams shall meet underlying zoning density restrictions.

(b) *Additional special provisions.*

(1) Lot width standards must be met at the ordinary high-water level and at the building setback line.

(2) In any new subdivision, lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible, providing all of the following standards are met:

a. The lot must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;

b. Docking, mooring, or over-water storage of more than six watercraft is prohibited;

c. The lots must be jointly owned by all purchasers of lots in the subdivision or by all

GRANT CODE

purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

- d. A development agreement is entered into between the developer and the city specifying which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The development agreement must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, stored over water, or parked on the property, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. No structures are allowed to be constructed on these lots except for docking facilities as approved by the state department of natural resources and the county.

- (3) Any individual lots which do not contain a seasonal or permanent home may have one dock with the capacity to accommodate up to three watercraft. No other temporary or permanent structures or recreational vehicles are allowed.

(Ord. No. 2002-91, § 6, 12-4-2002)

Sec. 12-260. Structure and sewer setback and other design criteria.

(a) *Placement of structures on lots.* When more than one setback applies to a site, all structures and facilities must be located to meet all setbacks.

(1) *Structure and on-site sewage system setbacks from ordinary high-water level.* The following setbacks apply in regard to structures and sewage systems by classes of public waters:

Classes of Public Waters	Setbacks (in feet)	
	Structures	Sewage systems
Natural environment	200	150
Unclassified waterbodies	75	75
Tributary streams	200	150
Recreational development	100	75
Wetland Types: 3, 4, 5	75	See subsection (3) of this section.

(2) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback from	Setback (in feet)
Top of bluffline	30
Unplatted cemetery	50
Arterial road	150 from centerline or 75 from road right-of-way, whichever is greater

ENVIRONMENT

Right-of-way line of city road, or public street or road	40
Other roads or streets not classified without sewer	30
Sideyard setback	10

(b) *High-water elevations.* The lowest floor including basement of any structure constructed in a shoreland area must be two feet above the 100-year flood elevation or three feet above the highest known water level, whichever is greater.

(c) *Height.* No structure shall exceed 35 feet in height.

(d) *Lot coverage.* A maximum of 25 percent of the lot may be covered with impervious surface. This includes all structures, decks, patios, walks, and surfaced or unsurfaced driveways.

(e) *Stairways, lifts and landings.* Stairways and lifts are the only permitted alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet all of the following design requirements:

- (1) Stairways and lifts must not exceed four feet in width;
- (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area;
- (3) Canopies or roofs are not allowed on stairways, lifts, or landings;
- (4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
- (5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical;
- (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsections (e)(1) through (5) of this section are complied with in addition to the requirements of Minn. Rules ch. 1340; and
- (7) A certificate of compliance is required.

(f) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(g) *Steep slopes.* The zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. If necessary, conditions must be attached to permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
(Ord. No. 2002-91, § 7, 12-4-2002)

GRANT CODE

(3) On-site sewage system setbacks from Wetlands of Type 3,4 or 5. The setback of any on-site subsurface sewage treatment system shall be determined from the Watershed District in which the property is located. If no setback requirement exists within the Watershed District's adopted rules and regulations, then the subsurface sewage treatment system shall be setback a minimum of 50-feet from the delineated wetland edge.

(Ord. No. 2020-61, 4-7-2020)

Sec. 12-261. Shoreland alterations.

(a) *Vegetation alterations.*

- (1) No cutting or removal of trees over six inches in diameter measured at a point two feet above ground level within the required building setback shall be permitted unless the trees are dead, diseased, or pose a documented safety hazard. A certificate of compliance must be obtained prior to the removal of any trees.
- (2) Selective removal of natural vegetation shall be allowed, provided sufficient vegetative cover remains to screen cars, dwellings and other structures, piers, docks and marinas, when viewed from the water.
- (3) In order to retard surface runoff and soil erosion, natural vegetation shall be restored insofar as feasible after any construction project is completed.
- (4) The provisions of this section shall not apply to normal maintenance of trees such as pruning or removal of limbs or branches that are dead or pose safety hazards.
- (5) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas under validly issued construction permits are exempt from these vegetation alteration standards.

(b) *Topographic alterations/grading and filling.*

- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit, provided the building plans included with the permit address all issues and meets all requirements and provisions of subsection (c) of this section.
- (2) Grading or filling is prohibited within the bluff impact zone or shore impact zone. Grading/filling outside these areas shall require a grading permit. Standards for land alteration and grading contained in the city ordinances must be followed.
- (3) The filling of any wetland below the normal ordinary high-water mark must be permitted by appropriate federal, state, and local units of government with jurisdiction.
- (4) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors will be allowed only after the department of natural resources has approved the proposed connection to public waters.
- (5) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high-water mark, and the height of the riprap above the ordinary high-water level does not exceed three feet. A permit must be obtained from the state department of natural resources and a grading permit is obtained

ENVIRONMENT

from the zoning administrator.

(c) *Placement and design of roads, driveways and parking areas.*

- (1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. All roads and parking areas must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- (2) All new roads, driveways, and parking areas must meet the lake setback requirements and must not be placed within bluff and shore impact zones.
- (3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subsection (c) are met and a certificate of compliance is issued by the zoning administrator. Grading and filling provisions of the city ordinances must also be met.

(d) *Buffer strips.* In order to maintain water quality, reduce flooding and erosion, and to provide sources of food and habitat for a variety of fish and wildlife, a buffer strip shall be provided and maintained around all natural environment lakes and streams and type 3, 4 and 5 wetlands.

(1) Lake, wetland, stream buffer widths.

- a. The minimum buffer width shall apply to all buffer widths including those that are restored, replaced or enhanced.
- b. The city may require a variable buffer width to protect valuable adjacent habitat when considering variances for building setbacks.

c. The following buffer widths shall be maintained:

	Minimum Buffer Width (feet)
Natural environment lake	50
Type 3, 4, 5 wetland	50
Stormwater pond	10
Building setback from outer edge of buffer	10

(2) An access corridor 50 feet wide is permitted to gain access to the water body.
(Ord. No. 2002-91, § 8, 12-4-2002)

Sec. 12-262. Land adjacent to waters.

Any permitted use of land adjacent to public water which needs to have access to and use of public waters must meet the following standards in addition to any other requirements of this article or the county development code:

(1) *Screening requirements.* In addition to meeting impervious coverage limits, setbacks, and other

GRANT CODE

zoning standards in this Code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

- (2) *Limitations on signs.* No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
- (3) *Limitations on lighting.* Outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(Ord. No. 2002-91, § 10, 12-4-2002)

Sec. 12-263. Agricultural use standards.

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management system) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.

(Ord. No. 2002-91, § 11, 12-4-2002)

Sec. 12-264. Forest management standards.

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment--Forestry and the provisions of Water Quality in Forest Management: Best Management Practices in Minnesota.

(Ord. No. 2002-91, § 12, 12-4-2002)

Sec. 12-265. Conditional uses.

(a) *Criteria.* Conditional uses allowable within shoreland areas shall be subject to review and approval procedures, and criteria and conditions for review of conditional uses established in the city ordinances. A thorough evaluation of the waterbody and the topographic, vegetative, and soils conditions on the site must be made to ensure:

- (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- (2) Limited visibility of structures and other facilities as viewed from public waters.
- (3) The site is adequate for water supply and on-site sewage treatment.
- (4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(b) *Conditions attached to conditional use permits.* The city, upon consideration of the criteria listed in subsection (a) of this section and the purposes of the article, shall attach such conditions to the issuance of the conditional use permits, as it deems necessary to fulfill the purposes of this article. Such conditions may include, but are not limited to, the following:

- (1) Increased setbacks from the ordinary high-water level.
- (2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation

ENVIRONMENT

be planted.

- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(Ord. No. 2002-91, § 13, 12-4-2002)

Sec. 12-266. Certificate of compliance.

The city shall issue a certificate of compliance for each activity requiring a building permit or grading permit. The certificate will specify that the use of land conforms to the requirements of this article. Any use, arrangement, or construction at variance with that authorized permit shall be deemed a violation of this article.

(Ord. No. 2002-91, § 14, 12-4-2002)

Sec. 12-267. Water supply.

Any private supply of water for domestic purposes must meet or exceed standards for water quality of the state department of health and the state pollution control agency.

(Ord. No. 2002-91, § 15, 12-4-2002)

Sec. 12-268. Sewage disposal.

(a) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment in accordance with article IV of this chapter and meet appropriate setback requirements as contained in section 12-260.

(b) *Nonconforming sewage treatment systems.* Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 12-260(a) and article IV of this chapter. A sewage treatment system not meeting the requirements of article IV of this chapter must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property, with the exception of nonhabitable spaces.

(Ord. No. 2002-91, § 16, 12-4-2002)

Sec. 12-269. Fences.

In addition to the standards required elsewhere in this Code, the following standards must also be met on shoreland property:

- (1) No fence shall exceed four feet in height unless all required building setbacks are met. If the fence is located so as to meet required building setbacks, a six-foot high fence is permitted.
- (2) No fence shall be constructed closer to the lake than the required lake setback requirement unless the existing home is located closer to the lake than the required setback, in which case the fence may be constructed even with the lake side of the home.

(Ord. No. 2002-91, § 17, 12-4-2002)

Sec. 12-270. Nonconforming situations.

Nonconforming situations shall be regulated in accordance with ordinances, including but not limited to chapter 32, article II, division 3, pertaining to nonconformities, and with the following exceptions:

- (1) A lot or parcel of land which was of record as a separate lot or parcel in the office of the county recorder or registrar of titles, on or before January 1, 1973, which is in a residential or agricultural district, and is not a contiguous lot or parcel as that term is described and regulated under the city's

GRANT CODE

ordinances, may be used for single-family detached dwelling purposes, without a variance, provided that:

- a. Area and width thereof are within the minimum requirements elsewhere in the city.
- b. All setback requirements of this article can be maintained.
- c. It can be demonstrated that two safe and adequate sewage treatment systems can be installed to service such permanent dwelling.
- d. On natural environment lakes, any separate lot or parcel of record legally created and recorded prior to the adoption of the ordinance from which this article is derived may be used for single-family detached dwelling purposes without a variance if it meets the minimum requirements elsewhere in the city.

(2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high-water level if all of the following criteria and standards are met:

- a. The structure existed on the date the structure setbacks were established.
- b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high-water level setback of the structure.
- c. The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high-water level or does not encroach closer than 30 feet, whichever is more restrictive.
- d. No deck on a nonconforming structure shall exceed ten feet in width.
- e. The deck is constructed primarily of wood, and is not roofed or screened.
- f. A certificate of compliance is obtained from the zoning administrator.

(Ord. No. 2002-91, § 18, 12-4-2002)

Sec. 12-271. Land suitability for subdivision.

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(Ord. No. 2002-91, § 19, 12-4-2002)

Sec. 12-272. Notifications to the department of natural resources.

(a) *Public hearings.* Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under this article must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(b) *Amendments, plats, variances, conditional uses, etc.* A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this article must be sent to the commissioner of the department of natural resources or the commissioner's designated representative and be

ENVIRONMENT

postmarked within ten days of final action.
(Ord. No. 2002-91, § 20, 12-4-2002)

ARTICLE VIII.

CHLORIDE REDUCTION

Sec. 12-273. Definitions.

The following words, terms, phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Anti-icing means the application of a liquid deicer prior to the onset of a snow event.

Best Management Practice (BMP) means structural, vegetative, or managerial practices used to treat, prevent, or reduce water pollution.

Certified Salt Applicator means an individual who applies deicer and has completed Minnesota Pollution Control Agency Smart Salting training (Level 1 or 2).

Deicer means any substance used to melt snow and ice or used for its anti-icing effects.

Winter Maintenance Professional means an individual who applies deicer for hire (i.e. snow plow drivers, salt truck drivers).

Sec. 12-274. Intent and purpose.

- (a) The removal of snow and ice from roadways is essential to both public safety and to the local economy and in order to protect the public safety, during and after winter storm events, the use of pavement deicing chemical is a widely accepted means of keeping roadways passable; and
- (b) Pavement deicing is typically accomplished through the use of deicers which can be corrosive to vehicles, roadway surfaces, and bridges and has been found to have adverse effects on the surface waters, groundwater and to environmentally sensitive areas; and
- (c) The restoration of surface and ground water quality and ecosystems in such areas can be very difficult and costly, if not impossible to rehabilitate through reverse osmosis, once the events of contamination occur; and
- (d) Proper utilization and management of deicing materials is critical to ensure that the environmental impacts of related practices are reduced to the maximum extent possible; and
- (e) Negative environmental impacts may occur when salt and other deicers are not properly stored and transported; and
- (f) One of the primary sources of chloride entering the ground water is salt spillage that is either plowed or washed from maintenance yards, unloading and loading areas and it is necessary to regulate all persons engaged in the storage and use of bulk deicing materials on their property and elsewhere in order to reduce the costly impacts of such use to the surrounding vegetation, surface water and ground water; and

Sec. 12-275. Occupational Licensure for Winter Maintenance Professionals

- (a) *Applicability.* No person will engage in the operation of a winter maintenance business for the private operation of a snowplowing service or the use or storage of salt and other deicing materials, or to assist others in the same for the purpose of managing ice and snow from private roadways, parking areas, and

GRANT CODE

sidewalks on commercial, industrial, institutional, office, multi-family, and private single-family residential dwellings without being in compliance with the terms and provisions of this chapter,

(b) *Certification Required.*

- (1) All persons engaged in the operation of a winter maintenance business for the private operation of a snowplowing service or the use or storage of salt or other deicing materials must employ an individual who possesses current Smart Salting Level 1 and Level 2 Certification from the Minnesota Pollution Control Agency. This individual must be responsible for the application of appropriate deicing material at the proper amount and rate; the employment of correct procedures for temperature and conditions; accurate record-keeping and data recordation; and calibration of equipment annually. In the event of a major storm emergency, the licensing official may exempt winter maintenance professionals from the requirements of this section for services completed under contract with the City of Grant

(c) *Deicer Storage Requirements.*

- (1) All persons must employ best management practices to minimize the discharge of polluted runoff from salt and deicer storage and application as follows:
 - i. Designated salt and deicer storage areas must be covered or indoors.
 - ii. Designated salt and deicer storage areas must be located on an impervious surface; and
 - iii. Implementation of practices to reduce exposure when transferring material in designated salt and deicer storage areas (e.g., sweeping, diversions, and/or containment).

Sec, 12-276. Deicer Bulk Storage Facility Regulations.

(a) *Applicability.*

- (1) The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form).

(b) *General Requirements.*

- (1) Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
- (2) All salt, sand and other deicing materials stored outdoors must be covered at all times.
 - i. When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - ii. Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

(c) *Facility Siting.*

- (1) The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
- (2) Each facility must be located outside of floodplains and 300 feet from lakes, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
- (3) A facility must be located on impermeable surfaces.
- (4) The property slope must be away from the facility's salt, deicer, and sand storage area.
- (5) Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable/intolerable natural areas include, but are not limited to:
 - i. Areas with salt sensitive vegetation.

ENVIRONMENT

- ii. Areas serving as a source of drinking water (surface water and ground water)
 - iii. Areas with bodies of water with low dilution, low volume or salt sensitive species.
 - iv. Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils.
- (d) *Snow Piles*
- (1) Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.
- (e) *Deicer Truck Wash Water*
- (1) Deicer- and salt-containing truck wash water must be captured, treated, and recycled for use as saltbrine in pre-wetting and anti-icing activities.
- (f) *Transfer of Materials*
- (1) Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

Sec. 12-277. Land Disturbance Permitting.

- (a) *Chloride Management*
- (1) An applicant for a permit for land-disturbing activity on property other than individual single-family home sites must provide a plan for post construction management of chloride use on the site that includes, at a minimum:
 - i. Designation of an individual authorized to implement the chloride-use plan; and
 - ii. Designation of a Minnesota Pollution Control Agency Smart Salting-certified salt applicator engaged in the implementation of the chloride-use plan for the site.

Sec. 12-278. Parking Lot, Sidewalk and Private Road Sweeping Requirements.

- (a) *Sweeping of Parking Lots, Sidewalk, and Private Roads*
- (1) Every owner or occupant of any dwelling or other residential building, proprietor or lessee of any business, commercial or public premises, or [insert other entities as appropriate such as homeowner's associations] within the City of Grant, must conform to ice and snow removal specified under [code section]. If dry deicing material is spread, it must be properly swept and disposed of immediately after snow melt. If an owner, occupant, proprietor or lessee neglects or refuses to sweep excess deicing material, the City of Grant may sweep such material or authorize some person to do the same on behalf of the City of Grant. The City of Grant, in its sole discretion, may issue notices of violation to an owner, lessee, proprietor, or occupant for violations of this section.

(Ord. No. 2022-69, 10-4-2022)

GRANT CODE

AMENDMENT HISTORY OF THIS CHAPTER SINCE CODIFICATION

Amended December 6, 2016 (Ordinance 2016-48). Repealing sections of the City Cod relating to Individual Sewage Treatment Systems and incorporating the Washington County regulations and standards by Reference.

Amended April 4, 2020 (Ordinance 2020-61). Amending Section 12-260 (a) Placement of Structures on lots

Amended October 4, 2022 (Ordinance 2022-69). Adding Article VII Chloride Reduction.