

# ORDINANCE NO. 360

## EMPIRE TOWNSHIP DAKOTA COUNTY, MINNESOTA

### AN ORDINANCE ESTABLISHING URBAN STORMWATER POLLUTION PREVENTION

THE EMPIRE TOWNSHIP TOWN BOARD DOES ORDAIN:

#### **Section 1 Purpose:**

The purpose of this ordinance is to control or eliminate stormwater pollution along with soil erosion and sedimentation within the Township. It establishes standards and specifications for conservation practices and planning activities, which minimize stormwater pollution, soil erosion and sedimentation.

#### **Section 2 Scope:**

Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the Township shall apply to the Township for the approval of the stormwater pollution prevention plan. No land shall be disturbed until the plan is approved by the Township and conforms to the standards set forth herein.

#### **Section 3 Definitions:**

For the purposes of this ordinance, the following terms, phrases, words, and their derivatives must have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” and “must” are always mandatory and not merely directive.

3.01 Applicant Any person or entity that applies for a building permit, subdivision approval, or a permit to allow land-disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.

3.02 Best Management Practices (BMP's) Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Examples of BMP's can be found in the current versions of the Minnesota Pollution Control Agency's

publications, “Protecting Water Quality in Urban Areas,” and, “Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands,” the United States Environmental Protection Agency’s, “Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” (as a reference for BMP’s) and the Minnesota Department of Transportation’s, “Erosion Control Design Manual.”)

- 3.03 Buffer A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. The width of a buffer strip is the width along each bank of a stream. Therefore a 30-foot wide stream with 100 foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of such areas is strictly limited. Buffer areas are designated with permanent signs.
- 3.04 Developer A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- 3.05 Discharge The conveyance, channeling, runoff, or drainage, of storm water, including snowmelt, from a construction site.
- 3.06 Energy Dissipation This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, riprap, splash pads, and gabions that are designed to prevent erosion.
- 3.07 Erosion Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.
- 3.08 Erosion Control Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.
- 3.09 Erosion and Sediment Practice Specifications or Practice The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the Township, county or local watershed group, whichever is more stringent.
- 3.10 Exposed Soil Areas All areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.
- 3.11 Filter Strips A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

- 3.12 Final Stabilization Means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. (Examples of vegetative cover practices can be found in the current version of the Minnesota Department of Transportation’s publication, “Supplemental Specifications to the (Year) Standard Specifications for Construction.” (Simply sowing grass seed is not considered stabilization.)
- 3.13 Hydric Soils Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- 3.14 Hydrophytic Vegetation Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- 3.15 Impervious Surface A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.
- 3.16 Land Disturbance Activity Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government’s jurisdiction, including clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:
- A.) Minor land disturbance activities such as home gardens and an individual’s home landscaping, repairs, and maintenance work which results in creating under one acre of exposed soil, and is not part of a larger common plan of development or sale.
  - B.) Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under one acre of exposed soil and is not part of a larger common plan of development or sale.
  - C.) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
  - D.) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under one acre of exposed soil and is not part of a larger common plan of development or sale.

E.) Emergency work to protect life, limb, or property and emergency repairs, unless the Land-disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the Township's requirements as soon as possible.

3.17 Ordinary High Water Mark This is generally the boundary elevation where the vegetation changes from predominately aquatic (Where "aquatic" broadly means that the vegetation can survive moist conditions.) to terrestrial. This elevation delineates 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. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minnesota Statute 103G.005, subdivision 14 says that the ". . . "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

- (1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- (2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The term "ordinary high water mark" is further defined in Minnesota Rule 6120.2500, subpart 11. The Minnesota Department of Natural Resources' area hydrologist determines ordinary high water marks.

3.18 Paved Surface A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

3.19 Permanent Cover Means "final stabilization." Examples include grass, gravel, asphalt, and concrete.

3.20 Person Any individual, firm, corporation, partnership, franchise, association, or governmental entity.

3.21 Runoff Coefficient The average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

- 3.22 Sediment The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.
- 3.23 Sedimentation Sedimentation means the process or action of depositing sediment caused by erosion.
- 3.24 Sediment Control The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- 3.25 Soil The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.
- 3.26 Stabilized The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.
- 3.27 Stormwater Under Minnesota Rule 7077.0105, subpart 41b storm water, "means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26 [b][13], "Stormwater means stormwater runoff, snow melt runoff and surface and drainage."). Stormwater does not include construction site dewatering.
- 3.28 Stormwater Pollution Prevention (SWPPP) Plan A joint stormwater and erosion and sediment control plan that is a document containing the requirements of Section 4, that when implemented will decrease soil erosion on a parcel of land and off-site stormwater impacts.
- 3.29 Structure Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- 3.30 Subdivision Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, ". . . land that is divided for the purpose of sale, rent, or lease, including planned unit development."
- 3.31 Temporary Protection Short-term methods employed to prevent erosion. Examples of such protection include; straw, mulch, erosion control blankets, wood chips, and erosion netting.
- 3.32 Urban Of, relating to, characteristic of, constituting a city.

- 3.33 Vegetated or Grassed Swales A vegetated earthen channel that conveys storm water, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.
- 3.34 Waters of the State As defined in Minnesota Statutes section 115.01, subdivision 22 the term “. . . "waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.” Constructed wetlands designed for wastewater treatment and disposal systems or treatment works operated under either a Minnesota Pollution Control Agency permit or an agency certificate of compliance are not considered “waters of the state.”
- 3.35 Wet Detention Facility A permanent man-made structure for the temporary storage of runoff that contains a permanent pool of water.
- 3.36 Wetlands As defined in Minnesota Rules 7050.0130, subpart F, “. . . "wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
- A.) A predominance of hydric soils; and
  - B.) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
  - C.) Under normal circumstances support a prevalence of such vegetation.”

#### **Section 4 Stormwater Pollution Prevention Plan:**

Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must submit a stormwater pollution prevention plan to the Township Engineer or the Township Building Inspector. No building permit, subdivision approval, or permit to allow land-disturbing activities shall be issued until the Township approves this plan. At a minimum these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency’s publication, “Protecting Water Quality in Urban Areas.”

- 4.01 General Policy on Stormwater Runoff Rates. For rivers, wetlands and streams stormwater discharge rates must not increase over the predevelopment two (2) year, ten (10) year and

one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Rainfall depths for the 2, 10 and 100-year 24-hour frequency storm events are 2.8, 4.2 and 6.0 inches respectively. Also accelerated channel erosion must not occur as a result of the proposed activity.

- 4.02 The Stormwater Pollution Prevention Plan and the Grading Plan. The stormwater pollution prevention plan's measures, the limit of disturbed surface and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, signs etc. on the development site before work begins.
- 4.03 Inspections of the Stormwater Pollution Prevention Plan Measures. At a minimum such inspections shall be done weekly and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours by the applicant or the applicant's representative.
- 4.04 Minimum Requirements of the Stormwater Pollution Prevention Plan. The plan shall show the following:
- A.) The name and address of the applicant and the location of the activity. The property boundary and lot lines.
  - B.) Project narrative: the nature, purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.
  - C.) Phasing of construction: time frames and schedules for the project's various aspects.
  - D.) A map of the existing site conditions showing: existing topography, property information, steep slopes, existing drainage boundaries and patterns, type of soils, impervious surfaces, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips and labeling the portions of the site that are within trout stream or Outstanding Resource Value Water watersheds. This information should extend a minimum of 300-feet beyond the property lines.
  - E.) A site construction plan that includes the location and limits of the proposed land disturbing activities, stockpile locations, erosion and sediment control measures, construction schedule, and the plan for the maintenance and inspections of the stormwater pollution control measures.
  - F.) All surface waters and existing wetlands which will receive stormwater from the construction site, during or after construction. Where these sites may not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water or wetland.
  - G.) Designate the site's areas that have the potential for serious erosion problems.

- H.) Erosion and sediment control measures: the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.
- I.) Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
- J.) Location of rock construction entrances.
- K.) Calculations: any that were made for the design of such items as sediment basins, wet detention basins, diversions, waterways, infiltration zones and other applicable practices.

4.05 General Stormwater Pollution Prevention Plan Criteria. The plan shall address the following:

- A.) Stabilizing all exposed soils and soil stockpiles and the related time frame or schedule.
- B.) Establishing permanent vegetation and the related time frame or schedule.
- C.) Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation (e.g., oak groves, rare and endangered species habitats.)
- D.) Scheduling for erosion and sediment control practices.
- E.) Where permanent and temporary sedimentation basins will be located.
- F.) Engineering the construction and stabilization of steep slopes.
- G.) Measures for controlling the quality and quantity of stormwater leaving a site.
- H.) Stabilizing all waterways and outlets.
- I.) Protecting storm sewers from the entrance of sediment.
- J.) What precautions will be taken to contain sediment when working in or crossing water bodies.
- K.) Re-stabilizing utility construction areas as soon as possible.
- L.) Protecting paved roads from sediment and mud brought in from access routes.
- M.) Disposing of temporary erosion and sediment control measures.
- N.) How the temporary and permanent erosion and sediment control practices will be

maintained.

O.) How collected sediment and floating debris will be disposed of.

4.06 Minimum Stormwater Pollution Prevention Measures and Related Inspections. These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the Township Engineer. The Township Engineer reserves the right to receive comments from the Dakota County Soil and Water Conservation District (SWCD). The Township will determine what action is necessary to prevent excessive erosion from occurring on the site. If the following conditions are not met as outlined below, the MPCA will be notified for lack of compliance, and/or fines as determined within the Developer's Agreement will be issued.

- A.) All grading plans and building site surveys must be reviewed by the Township for effectiveness of erosion control measures in the context of the site topography and drainage.
- B.) Sediment control measures must be properly installed by the builder before construction activity begins. Such structures may be adjusted during dry weather to accommodate short-term activities, such as those that require the passage of very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the Township. Sufficient erosion control structures must be in place before a footing inspection will be done.
- C.) Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.
- D.) Easements. If a stormwater management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
- E.) The scheduling of the site's activities to lessen their impact on erosion and sediment Creation, so as to minimize the amount of exposed soil.
- F.) The applicant is required to obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) construction stormwater permit from the Minnesota Pollution Control Agency for any project that disturbs one (1) acre or more of land.
- G.) Sediment basins related to impervious surface area. Where a project's ultimate development replaces surface vegetation with one (1) or more acres of cumulative

impervious surface, and all runoff has not been accounted for in a local unit of government's existing stormwater management plan or practice, the runoff must be discharged to a wet sedimentation basin prior to entering waters of the state.

- H.) Generally, sufficient silt fence or other sediment control device will be required to hold all sheet flow runoff generated at an individual site, until it can either infiltrate or seep through the device's pores.
- I.) Temporary stockpiling of thirty (30) or more cubic yards of excess soil on any lot or other vacant area will not be allowed without issuance of a grading permit for the earth moving activity in question.
- J.) For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If such stockpiles will be left for more than seven (7) days; they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
  - 1.) If for any reason a soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or stormwater inlet, and will be left for more than seven (7) days, it must be covered with tarps or controlled in some other manner
- K.) All sand, gravel or other mining operations taking place on the development site shall have a National Pollutant Discharge Elimination System General Stormwater permit for industrial activities and all required Minnesota Department of Natural Resources permits.
- L.) Temporary rock construction entrances will be required wherever vehicles enter and exit a site. A detail of these rock construction entrances is located in the Empire Township Standard Specifications and Detail Plates, current edition. Slash mulch, 4"-10", may be used in lieu of rock if approved by the Township Engineer.
- M.) Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available.
- N.) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. Regular sweeping must occur at least once a week, unless notified by the Township, in which case sweeping will need to occur within 24 hours of being notified by the Township.
- O.) Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate

controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.

- P.) All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas," or other approved publication.
- Q.) Catch Basins and sediment ponds must be cleaned prior to acceptance by the Township.
- R.) Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.
- S.) Follow-up inspections must be performed by the Township on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the developer and/or builder to maintain proper erosion and sediment control at all sites.
  - 1.) In cases where cooperation is withheld, construction stop orders may be issued by the Township, until erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.
- T.) Removal of more than one (1) acre of topsoil shall not be done, unless written permission is given by the Township engineer. Excessive removal of topsoil can cause significant soil erosion problems.
- U.) Inspection and maintenance. All stormwater pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in stormwater runoff. The NPDES permittee shall inspect all stormwater management facilities during construction in accordance with the NPDES permit requirements. A copy of the inspection records shall be given to the Township. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purpose.

#### 4.07 Permanent Stormwater Pollution Controls.

- A.) The applicant shall either install, construct, or pay the Township fees for all stormwater management facilities necessary to manage increased runoff, so that the predevelopment (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates are not increased in the developed condition. These predevelopment rates shall be based on the last ten (10) years of how that land was used. The rainfall depths for the 2, 10 and 100-year 24-hour frequency storm events are 2.8, 4.2 and 6.0 inches respectively. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or a monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
- B.) The following information shall be submitted along with the stormwater pollution prevention plan.
1. Drainage maps for the existing and proposed conditions.
  2. A detailed breakdown of existing and proposed curve numbers.
  3. Map identifying soil types.
  4. A drainage summary, certified by a professional engineer, identifying existing and proposed peak runoff rates off-site to various watersheds for the 2, 10 and 100-year events.
  5. All calculations and information used in determining peak discharge rates utilizing the Soil Conservation Service TR-55/TR-20, or other approved programs/models.
  6. First floor and lowest opening elevations for all existing and proposed buildings.
  7. Delineation of existing wetlands, as defined in the Wetland Conservation Act. Lakes, streams, shoreland and floodplains shall also be shown on the plans.
  8. Show the normal and high water elevations for all water bodies on the plans.
  9. Any well locations within 500 feet of the site.
- C.) The applicant shall consider reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.

D.) The following stormwater management practices must be investigated in developing the stormwater management part of the stormwater pollution prevention plan in the following descending order of preference:

1. Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers and ditches.
2. Flow attenuation of treated stormwater by use of open vegetated swales and natural depressions;
3. Stormwater detention/retention facilities (including on-site percolation facilities if required by the Township); and
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (A) above. The applicant shall provide justification for the method selected.

4.08 Minimum Design Standards for Stormwater Drainage Facilities. Stormwater drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water, and to prevent the discharge of excess runoff onto adjacent properties.

- A.) The rational method shall be used to design all storm sewer to convey the 10-year storm event. A runoff coefficient of 0.9 shall be used for all hard surfaces.
- B.) MnDot Intensity-Duration-Frequency Curves shall be used to determine rainfall intensity for various times of concentration.
- C.) A map identifying all of the individual drainage areas, and storm sewer design sheets identifying drainage area, runoff coefficient, time of concentration, intensity, runoff, slope, diameter, length, and capacity of the pipe, velocity within the pipe and invert elevations shall be submitted with the plans. All normal and high water levels of existing and proposed stormwater ponds, wetlands, lakes, streams and rivers shall be included on the plans.
- D.) 100-feet of 4-inch perforated drain tile shall be installed at all low point catch basins located within Township right-of-way. The drain tile shall be connected to proposed storm sewer facilities.
- E.) Catch basins shall have a minimum depth of 3.5-feet.

4.09 Minimum Design Standards for Stormwater Wet Detention Retention Facilities. All stormwater detention basins shall be designed in accordance with the Walker Method for Wet Detention Basins. The following standards shall be utilized.

- A.) The permanent pool shall be equal to or greater than the runoff from a 2.5-inch rainfall for fully developed watershed conditions, with 25% volume over sizing to allow for sedimentation.
- B.) The average pond depth obtained by dividing the permanent pool volume by the permanent pool area shall be a minimum of 3 feet.
- C.) Side slopes shall be a maximum of 4:1 above the normal water level (NWL) and a maximum of 3:1 below the NWL with a 10:1 bench located below the NWL.
- D.) Pond inlets and outlets shall be located so to encourage plug flow.
- E.) A 20-foot minimum easement adjacent to a public road shall be provided to all ponds so Township maintenance crews have access to the pond.
- F.) Concrete outlet structures shall be provided for all stormwater basins in accordance with Township standards. Baffles shall be sized to limit velocities to 0.5 feet per second for the 2-year storm event. Wood baffles will not be permitted.
- G.) The minimum floor elevation for all structures adjacent to stormwater ponds, wetlands, lakes or other water ways shall be at least 2 feet above the 100-year flood elevation.
- H.) The lowest opening in any structure adjacent to stormwater ponds, wetlands, lakes or other water ways shall be at least 1 foot above the emergency overflow elevation. A minimum freeboard of 1 foot is required between the 100-year flood elevation and the emergency overflow elevation.
- I.) The minimum floor elevation for all structures adjacent to land-locked stormwater ponds, wetlands, lakes or other water ways shall be at least 2 feet above the back to back 100-year flood elevation.
- J.) A phasing plan for the construction of new and/or temporary detention basins shall be submitted to the Township Engineer for approval. Detention basins shall be constructed prior to other construction. The detention basins shall be cleared of sediment by the Contractor at the end of the project. Infiltration basins shall not be constructed until the end of the project to eliminate unnecessary compaction of the soils.

#### 4.10 Minimum Protection for Natural Wetlands.

- A.) Runoff must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity runoff control, depending on the individual wetland's vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency's publication, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands" for guidance.
- B.) Wetlands must not be drained or filled, wholly or partially, unless sequencing standards are followed and any impacts are replaced by either restoring or creating wetland areas of at least equal public value in accordance with the Wetland Conservation Act (WCA) of 1991, including any and all amendments to it. Compensating for the impact by replacing or providing substitute wetland resources or environments with those of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules adopted by the Board of Water and Soil Resources to implement the WCA.
- C.) Work in and around wetlands must be guided by the following principles in descending order of priority:
  - 1.) Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
  - 2.) Minimize the impact by limiting the degree or magnitude of the wetland related activity and its implementation.
  - 3.) Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
  - 4.) Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.

#### 4.11 Vegetated Buffer Protection for Rivers, Streams and Wetlands.

- A.) At the minimum, a fifty (50) foot wide protective buffer strip (twenty five (25) feet for wetlands) of predevelopment vegetation shall be left along each bank, providing a tree canopy in the buffer zone closest to the channel. Buffer width shall be increased at least two (2) feet (four (4) feet for wetlands) for every one (1) percent of slope of the surrounding land.
  - 1.) Detailed buffer design is usually site specific. Therefore the Township engineer can require a larger buffer than the minimum.

- 2.) For newly constructed buffer sites the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the slope structure and vegetation as much as possible. Buffer design and protection during construction should do any or all of the following: Slow water runoff, trap sediment, enhance water infiltration, trap fertilizers, pesticides, pathogens, heavy metals, trap blowing snow and soil, and act as corridors for wildlife. How much stress is put on these functions will determine the buffer zone's final configuration.
    - a.) The Minnesota Department of Natural Resources requires permits when vegetation is introduced downgrade of a water's "ordinary high water mark." The Minnesota Department of Natural Resources' area hydrologist defines the ordinary high water mark. Planting permits are obtained from the Minnesota Department of Natural Resources regional fisheries office.
  - 3.) The applicant and/or developer shall maintain the buffer strip for two (2) years. After that the Township, or a party designated by the Township, shall maintain the buffer strip.
  - 4.) Existing drain tiles will short-circuit the benefits of vegetated buffer strips. Therefore drain tiles on the development site should be identified and rendered inoperable.
  - 5.) Buffer strips can be made into perpetual conservation easements.
- B.) Watercourses used solely for drainage, such as roadside ditches, may be exempt from this provision, as determined by the Township Engineer.
- C.) For floodplain and shoreland ordinance regulations, contact the Dakota County planning department for work near the Vermillion River and its tributaries.

#### 4.12 Additional Special Trout Stream and Outstanding Resource Value Water Requirements.

- A.) The requirements of the NPDES permit, Appendix A, for projects adjacent to special waters shall be followed.
- B.) For discharges directly to Minnesota Department of Natural Resources designated trout streams or any discharge within 2,000 feet of a Minnesota Department of Natural Resources designated trout stream, and Minnesota Pollution Control Agency designated Outstanding Resource Value Waters, there shall be no increase in either the volume or rate of discharge from any design storm with a statistical recurrence interval of less than two (2) years (i.e., for the two (2) year storm event), unless diversion is not practical and/or the soil is not suitable for stormwater

infiltration techniques. This pertains to discharges directly to or upstream of such waters.

- 1.) The phrase, “soil not suitable for stormwater infiltration techniques,” means soils with permeability values less than Group C soils (less than 0.15 inches per hour) as defined by the U.S. Department of Agriculture’s Natural Resources Conservation Service and a high water table is not present.
- C.) During construction temporary sedimentation basins are required for disturbed areas over one (1) acre.
- D.) Stormwater treatment devices that remove oil and floatable material (e.g., basin outlets with submerged entrances) must be part of BMP systems.
- E.) Where feasible lightly used vehicle traffic areas such as overflow parking lots should use pervious surfaces where feasible.
- F.) If the proposed project site includes a tributary that currently experiences erosion and/or sedimentation problems, the applicant shall work with the Township to include channel modifications in the project that will also address the existing erosion and/or sedimentation problem.
- G.) Permanent buildings erected on sites that border directly on and all tributaries to a Minnesota Department of Natural Resources designated trout stream and/or a Minnesota Pollution Control Agency designated Outstanding Resource Value Water must not be occupied until the permanent vegetative cover has been established. Such cover must meet this permit’s definition of “final stabilization.”
- H.) The applicant shall consider methods for reducing the amount of impervious surface on the site.

4.13 Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determining runoff characteristics and analyzing stormwater management structures must be approved by the Township engineer. Plans, specifications and computations for stormwater management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the Township engineer.

## **Section 5 – Excavation & Grading Permit**

### 5.01 Purpose

The purpose of this section is to compliment the existing storm water pollution prevention plan and protect the general welfare of residence and businesses residing in Empire Township. The Township Engineer shall review the stormwater pollution

prevention plan and grading permit application. This review must be completed within twenty-eight (28) days of receiving the plan from the Dakota County Soil and Water Conservation District at their discretion.

5.02 Scope

This portion of the ordinance establishes rules and regulations to control grading, excavation, and earthwork construction. This portion of the ordinance will also establish procedures and policies for filing a permit, issuance of permits, review of plans and inspection.

5.03 Permits

All grading or excavation work undertaken within the limits of Empire Township that follow the general action of the following shall require a grading permit (See Section 3.16 for those activities that do not require a permit):

- A.) If grading to be completed exceeds 30 yards of material either excavated, stockpiles, or placed as embankment on lots of one-acre in size or less; if grading to be completed exceeds 300 yards of material either excavated, stockpiles, or placed as embankment and/or land disturbances of one-acre or more in size on lots of one-acre or more in size.
- B.) Township projects that may include but are not limited to the construction or reconstruction of township streets or road, sanitary sewer, watermain, storm sewer, and ditches.
- C.) Excavation of basements, footings, retaining walls or any other types of structure that may be covered by approved building permits.
- D.) Refuse disposal sites that are controlled by other permits and regulations.
- E.) Mining, quarrying, stockpiling, or activities related to the processing of sand, gravel, or other materials normally associated with an aggregate production plant that controlled by other permits and regulations.

5.04 Grading Permit Requirements

- A.) Except as outlined in Section 5.3 permits are required for all grading and excavation work taking place with in Empire Township.
- B.) Separate permits will be required for each site or development. If construction is broken down into separate phases or portions that may extend for several months or years, the Township Engineer may require a new update permit and plans for every phase or portion of the project.
- C.) All permits submitted shall include the following information:
  - 1) Completed legal description of affected property.
  - 2) Copy of half-section map or plat maps of areas to be filled or excavated. All areas that work will occur on shall be clearly highlighted on the submitted plat.
  - 3) Method of construction to be utilized.
  - 4) Copy of a Certificate of Survey or As-Built Survey if the work is to take place on an existing lot.
  - 5) Calculations for approximate quantities to be excavated and/or filled.

- 6) Three copies of 22" x 34" grading plans along with one 11" x 17" plan shall be submitted for review. The plan shall illustrate existing and proposed contours (minimum of 2-foot intervals; shall extend 300-feet beyond property limits), contain information related to any existing structures, utilities, platting and easement boundaries, street and railroad right-of-ways, vegetation, waterways, topography (2' minimum contours) and all other requirements outlines in the SWPPP Plan. All information shall be current (6 months) to accurately reflect existing conditions.
- 7) A copy of the required NPDES permit and Storm Water Pollution Prevention Plan (SWPPP) detailing erosion control methods to be utilized during and after grading operations as well as any staging sequencing that may be required.
- 8) If deemed necessary by the Township Engineer, geotechnical sampling and testing by an approved firm may be required. Compaction and soil density requirements shall be submitted as necessary.
- 9) A list of property owners who reside within 350' of the boundaries of the construction site.
- 10) Certificate of comprehensive liability insurance.

#### 5.05 Issuance of Grading Permits

Permits will be issued only after plans and predetermined calculations of excavated or embankment materials have been reviewed and accepted, payment of fees, and all appurtenant plans and map have been accepted. Permits can be issued with either the formal permit application form or through a written Development Contract.

#### 5.06 Grading Construction Requirements

- A.) All cut slopes shall be no steeper than is safe for the intended use and shall in no circumstances exceed 2' horizontally and 1' vertically (2:1) for short-term interim periods. All final slopes shall not exceed a 4:1 slope unless approved by the Township Engineer.
- F.) Fill material that contains organic materials or rocks larger than 12" shall not be permitted in building pads or roadway areas.
- G.) Areas that are to have fill placed on them shall first be stripped of all topsoil (black dirt), organic materials, vegetation, and any other types of non-complying fill.
- H.) Topsoil (black dirt), organic materials, vegetation, and any other types of non-complying fill shall be removed from the site or stockpiled. Silt fence shall be placed immediately around the topsoil piles to minimize any erosion control.
- I.) Topsoil piles that are to remain in place longer than 7 days shall be seeded and mulched immediately after completion. All stockpiles within 200-feet of surface water must follow NPDES stabilization requirements.
- J.) All timbers, logs, trees, brush, stumps, or rubbish shall be removed from the site. No burning or burying of materials is permitted. Logs and trees that are chipped to a size smaller than a 2" diameter may be spread to a depth of no more than 1" and covered with a minimum of 6" of top soil.
- K.) All fill areas shall be compacted to a minimum of 90% of maximum dry density. All home pads and street areas to be filled are to be compacted to 95% of maximum dry

- density. Home pads that has fill placed in excess of 3' shall have a minimum one density per pad. Density shall be determined in accordance with ASTM D698-70.
- L.) Home pads that have had in excess of 15' of fill placed on them shall have settlement plates installed on them. Issuances of building permits for these lots will only be permitted after one freeze and thaw cycle. Monthly (Except December through February) elevation shots recorded on the settlement plates shall be furnished to the Township Engineer before building permits will be released.
  - M.) All drainage swales and ditches shall exceed 2' vertically in 100' (2.0%.)
  - N.) All erosion control devices shall be in place where possible prior to grading beginning. As grading proceeds erosion control practices shall be followed as outlined in the SWPPP plan and NPDES permit.

#### 5.07 On Site Inspection

- A.) The Township Engineer or their designated representative may perform inspection of any portion of the grading operations.
- B.) For projects over 10,000 CY of disturbance or when determined necessary by the Township Engineer an inspector from an independent testing firm or engineering firm with demonstrated knowledge of proper grading and erosion control practices shall be on-site. The Township Engineer will determine the need for fulltime or part-time inspection.
- C.) The inspector shall observe and document grading operation progress and practices, erosion control procedures, density testing conformance, and that the contractor is complying with reviewed drawings and specifications.
- D.) All discrepancies shall be brought to the immediate attention of the contractor for correction. If uncorrected the discrepancy will be brought to the attention of the design authority and the city.

#### 5.08 Final Reports and Documents

- A.) Upon completion of grading, the design authority is required to submit a signed final report (by a registered professional engineer), documenting any deviations from the original plans along with a final as-build or record plan of post grading conditions. The final grading plan should include original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations, elevations of all surfaces and subsurface drainage facilities, and future street grades and elevations. The as-built survey should also include, but not be limited to, cross-sections of ponds, location and cross-sections of all swales, wetlands, mitigation areas, ditches, lot corner elevations and house pad elevations.
- B.) A soils grading report prepared by the soils engineer including locations and elevations of all field density test and any corrective test or actions that were required while gradation operation where in progress. The final grading report shall also include all densities performed on individual building pads.
- C.) Final soils grading report should also include information outlined in Section 5.6-H regarding settlement plates on filled lots.

5.09 Final Inspection

- A.) The permittee or his agent shall notify the township when grading is ready for final inspection. Final approval of grading will only be given when all drainage facilities are in place, all permanent erosion control is in place, turf establishment is visible, and all temporary erosions control has been removed.
- B.) For projects that will transition into utility construction projects the township engineer may waive a portion or all the requirements required to be in place for final inspection at their discretion.

5.10 Expiration of Grading Permits

- A.) Grading permits will expire one year after the issuance date. Any portion of work not completed within the one-year time frame would need to be re-permitted unless otherwise approved by the Township Engineer.
- B.) Permits will need to be reissued for any work not completed within the one-year time frame. All information required for the initial permit will need to be resubmitted along with repayment of applicable fees.

5.11 Suspension or Revocation of Permits

The Township may, in writing, suspend or revoke a permit if the information provided is deemed to be incorrect or if permit holder is found to be in violation of any portion of this ordinance.

5.12 Grading Permit Fees

Fees shall be charged in accordance with the provisions of this ordinance and shall be as set fourth in a periodically updated township resolution. All permit fees shall be paid in full prior to permits being issued. All projects between 30-100 CY of disturbance shall require a \$100 permit fee. Projects between 101 CY and 10,000 CY of disturbance shall require a \$200 permit fee. Projects between 10,001 and 50,000 CY of disturbance shall require a \$500 permit fee and all projects over 50,000 CY of disturbance shall require a permit fee of \$5/100 CY of disturbance. All permit fees will be used for plan review and administration. Any required inspection or testing services deemed necessary by the Township Engineer will be an additional cost to the project proposer.

5.13 Inspection, Engineering, & Geo-technical Fees

- A.) All fees associated with project inspection, meetings, re-reviews of plans, reviewing geo-technical reports, or time required of the township engineer or their designated representative associated with a grading project will be billed to the permit holder. Final acceptance of the project will be with held until all township engineering fees are paid in full.
- B.) The permit holder shall pay all cost associated with designer or geotechnical inspection and testing. This would include cost of any additional reports deemed necessary by the township engineer.

## **Section 6 Modification of Plan:**

- 6.01 Plan Modification. An approved stormwater pollution prevention plan may be modified on submission of a written application for modification to the Township, and after written approval by the Township engineer. In reviewing such an application, the Township engineer may require additional reports and data.
- 6.02 Records Retention. The Township shall retain the written records of such modifications for at least five (5) years.

## **Section 7 Financial Securities:**

The total security amount in the project's development contract with the Township (earthwork, sanitary sewer, watermain, storm sewer, street construction, monuments, street lighting, street signs, etc.) shall provide security for the performance of work approved by the Township in the stormwater pollution prevention plan, and any stormwater pollution prevention plan-related remedial work, if the security totals three thousand dollars (\$5000) per acre for the maximum acreage of soil that will be exposed during the project's construction. (See the definitions of "exposed soil area" and "final stabilization" for clarification.) If this security is less than the three thousand dollars (\$5000) per acre value, then it shall be increased at least to that amount. For project developments that outlet to a special water, as defined in Section 4.12, the total security shall be five-thousand (\$6000) per acre for the maximum acreage of soils that will be exposed during the project's construction.

The Township may request a greater financial security, if the Township considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable. The fact that the total security in the project's development contract can be drawn from to pay for the performance of the work approved by the Township in the stormwater pollution prevention plan and any stormwater pollution prevention plan related remedial work shall be clearly stated in the developer's contract with the Township.

- 7.01 Maintaining the Financial Security. If at anytime during the course of the work this amount falls below 50% of the required deposit, the developer shall make another deposit in the amount necessary to restore the deposit to the required amount.

A.) If the developer does not bring the financial security back up to the required amount within seven (7) days after notification by the Township that the amount has fallen below 50% of the required amount the, Township may:

- 1.) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- 2.) Revoke any permit issued by the Township to the applicant for the site in question and any other of the applicant's sites within the Township's jurisdiction.

- 7.02 Proportional Reduction of the Financial Security. When more than half of the development's maximum exposed soil area achieves final stabilization; the Township can reduce the total required amount of the financial security by half, if recommended by the Township engineer.
- 7.03 Action Against the Financial Security. The Township may act against the financial security if any of the conditions listed below exist. The Township shall use funds from this security to finance any corrective or remedial work undertaken by the Township or a contractor under contract to the Township and to reimburse the Township for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.
- A.) The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- B.) The developer fails to conform to any Township approved grading plan and/or the stormwater pollution prevention plan as approved by the Township.
- C.) The techniques utilized under the stormwater pollution prevention plan fail within two years of installation.
- D.) The developer fails to reimburse the Township for corrective action taken under Section 8.
- 7.04 Returning the Financial Security. Any unspent amount of the financial security deposited with the Township for faithful performance of the stormwater pollution prevention plan and any stormwater and pollution control plan related remedial work will be released two (2) years after the completion of the installation of all such measures and the establishment of final stabilization.

### **Section 8 Notification of Failure of the Stormwater Pollution Prevention Plan:**

The Township shall notify the developer, when the Township is going to act on the financial securities part of this ordinance.

- 8.01 Notification by the Township. The initial contact will be to a party or parties listed on the application and/or the Stormwater pollution prevention plan. Forty-eight (48) hours after notification by the Township or seventy-two (72) hours after the failure of erosion control measures, whichever is less the Township, at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical.

- 8.02 Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the Township, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the Township, the applicant does not repair the damage caused by the erosion, the Township may do the remedial work required and charge the cost to the applicant.
- 8.03 Erosion into Streets, Wetlands or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
- 8.04 Failure to Do Corrective Work. When an applicant fails to conform to any provision of this policy, including but not limited to temporary and permanent BMP's, within the time stipulated, the Township may take the following actions:
- A.) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
  - B.) Revoke any permit issued by the Township to the applicant for the site in question or any other of the applicant's sites within the Township's jurisdiction.
  - C.) Direct the correction of the deficiency by Township forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the Township or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
  - D.) All costs incurred by the Township in correcting stormwater pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after the Township incurs costs, payment will be made from the applicant's financial securities as described in Section 7.
  - E.) If there is an insufficient financial amount, in the applicant's financial securities as described in Section 7, to cover the costs incurred by the Township, then the Township may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the Township, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

## **Section 9 Variance:**

In any case where, upon application of the responsible person or persons, the Township finds that by reason of exceptional circumstances, strict conformity with this ordinance would be unreasonable, impractical, or not feasible under the circumstances; the Township in its discretion may grant a variance there from upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of this ordinance.

- 9.01 Variance Request. The variance request must be in writing.
- 9.02 Variance Response. The variance response must be in writing, and include the justification for either granting or denying the requested variance.
- 9.03 Time Limit. The variance shall become void one (1) year after being granted, unless used.
- 9.04 Revocation. If any of the variance's conditions are violated, the Township may revoke the variance.

## **Section 10 Enforcement:**

The Township shall be responsible enforcing this ordinance. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use and building permits must be suspended until the developer has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

## **Section 11 Right of Entry and Inspection:**

The applicant shall allow the Township and their authorized representatives, upon presentation of credentials to:

- A.) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, surveys.
- B.) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
- C.) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- D.) Inspect the stormwater pollution control measures required by the Township.
- E.) Sample and monitor any items or activities pertaining to permits issued by the

Township.

**Section 12 Abrogation and Greater Restrictions:**

It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

**Section 13 Severability:**

The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, are held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

**Section 14 Effective Date:**

This ordinance will take effect and be in force after its passage and official publication.

Adopted this 14<sup>th</sup> day of March, 2006 by the Town Board of Empire Township, Minnesota.

\_\_\_\_\_  
Terry Holmes, Chair

**ATTEST:**

\_\_\_\_\_  
Kathleen Krippner, Clerk-Treasurer

Official summary published in the Farmington Independent on March 30, 2006.