

**ORDINANCE NO. 2012-2**

**HAVEN TOWNSHIP  
SHERBURNE COUNTY, MINNESOTA  
AN ORDINANCE ESTABLISHING  
EROSION CONTROL AND STORM WATER MANAGEMENT  
REQUIREMENTS FOR LAND DISTURBANCES AND WATER QUALITY**

**Section 1: Purpose.** The purpose of this ordinance is to establish standards and specifications for conservation practices and planning activities to minimize soil erosion and sedimentation, and regulate construction site erosion and storm water runoff to accomplish the following objectives:

- a. Promote local storm water management;
- b. Minimize sedimentation; water pollution from nutrients, heavy metals, chemicals, petroleum products and other contaminants; flooding; and thermal impacts to the water resources of Haven Township;
- c. Promote infiltration and groundwater recharge;
- d. Protect functional values of natural water courses and wetlands;
- e. Provide a single, consistent set of performance standards for Haven Township;
- f. Protect public and private property from damage resulting from runoff or erosion;
- g. Prohibit illicit discharges to the municipal separate storm sewer system;
- h. To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this Ordinance.

**Section 2: Definitions.**

**LAND DISTURBANCE** means any disturbance to the ground surface that may result in soil erosion from water or wind and the movement of sediments into or upon waterbodies or wetlands within the watershed. Land disturbance includes but is not limited to the demolition of a structure or surface, soil stripping, clearing, grubbing, grading, excavating, filling, the storage of soil or earth materials, and the removal or replacement of impervious surfaces other than public roadways. This includes a disturbance to the land that results in a change in the topography, existing soil cover, or vegetation that may result in accelerated storm water runoff which may lead to soil erosion and movement of sediment. The term does not include normal farming practices as part of an ongoing farming operation.

2. **PERMITTEE** means the applicant for a permit under this Ordinance, or the holder of a permit issued under this Ordinance.
3. **INSPECTOR** means a person or entity appointed and contracted with by the Haven Township Board to perform the duties of the Board as delegated by this Ordinance.

**Section 3: Authority.**

1. This Ordinance is enacted pursuant to a Storm Water Pollution Prevention Plan (SWPPP) approved by the Minnesota Pollution Control Agency (MPCA). Haven Township is required to be covered by General Permit No: MNR040000 Authorization To Discharge Storm Water Associated With Municipal Separate Storm Sewer Systems Under The National Pollutant Discharge Elimination System/State Disposal System Permit Program, consistent with State and Federal law.

Separate Storm Sewer Systems Under The National Pollutant Discharge Elimination System/State Disposal System Permit Program, consistent with State and Federal law.

Haven Township hereby adopts by reference, the standards set forth in the MPCA's General Permit-Authorization To Discharge Stormwater Associated With Construction Activity Under The National Pollutant Discharge Elimination System Permit Program (Permit No: MN R100001), also known as the NPDES Phase II Permit, along with any future amendments.

**Section 4: Scope.**

1. This Ordinance shall become effective upon enactment, and applies to all property within the jurisdictional boundaries of Haven Township.
2. The Haven Township Board adopts the requirements of the NPDES Phase II permit program as promulgated by the MPCA. Any activity requiring an NPDES storm water permit or a permit from the MS4 under the MPCA General Permit also requires a permit from Haven Township before the activity commences.
3. Unless the Township has determined the activity to be exempt under part 5 of this Section, all proposed land disturbances that are equal to or greater than one acre in size, and including the disturbance of less than one acre that is part of a larger common plan of development or sale that will ultimately disturb greater than one acre, or result in the temporary or permanent placement of or stockpiling of fifty cubic yards or more of soil materials, shall submit to the Township, a copy of their project SWPPP for review and approval.
4. No land disturbance shall be allowed until the Township has approved the project SWPPP and issued a permit under this Ordinance.
5. The following activities are not regulated under this Ordinance and are Exempt;
  - a. Minor land disturbance activities such landscaping, repairs, and maintenance work that are less than one acre in size and not part of a larger common plan of development or sale.
  - b. Land disturbances to construct, install, or maintain public or private utilities that are less than one acre in size and not part of a larger common plan of development or sale.
  - c. All agricultural activities for the production of agricultural, horticultural, or silvicultural crops and livestock production including the installation or maintenance of drainage tile lines and fencing for livestock or other agricultural purposes.
  - d. All wetland activities within or adjacent to a delineated wetland, authorized and performed in conformance with the rules of the Minnesota Wetland Conservation Act.
  - e. Emergency repair work requiring immediate action, provided the disturbed area is limited to the minimum area needed to address the emergency and the area is stabilized in accordance with the Ordinance requirements as soon as possible. Approval will be required for all subsequent or additional work.
  - f. Commercial mining activities including the extraction, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat and soils and their removal from the site.
  - g. Public drainage systems established under Minnesota Statute Chapter 103D.
6. A permit may be required for a land disturbing activity of less than one acre of land if the Township determines there is a high risk of soil erosion or water pollution, or significant impacts to a lake, stream, river, or wetland.

7. The Haven Township Board shall be responsible for administration and enforcement of this Ordinance. The Town Board may contract with a private storm water inspector (Inspector) to administer the provisions of this Ordinance. The Inspector must be licensed and insured.
8. Where the standards of this Ordinance differ or conflict with any applicable ordinance, regulation, statute, or rule, the more restrictive standards shall apply.
9. The success and reliability of all Best Management Practices required by the SWPPP, Haven Township Board, or Inspector remain the sole responsibility of the Permittee.

**Section 5: Permit Application.** The Permittee must provide the following when applying for a permit:

- a. Copy of the SWPPP prepared for the MPCA NPDES Phase II Permit Program;
- b. Copies of permits or permit applications or approvals required by any other governmental entity, including documents sent to the state administered NPDES Phase II Permit program;
- c. A proposed timetable and schedule for completion, installation, and inspection of all elements of approved erosion control and storm water management plans and a proposed schedule for completion of construction; and
- d. Appropriate fee as set forth in the Haven Township Fee Schedule.

**Section 6: Approval Process.** The Township Board or Inspector shall determine if the permit application is complete. The Township Board or Inspector shall review the SWPPP for compliance with the standards which are identified in the Minnesota Pollution Control Agency's NPDES Phase II construction site storm water permit. If the SWPPP is found to comply with this Ordinance, the Township Board or Inspector shall issue a permit.

**Section 7: Conditions.**

1. The SWPPP shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Permanent storm water components of the plan shall be maintained in perpetuity.
2. The design of all Best Management Practices must meet the requirements of this Ordinance and comply with the following technical standards:
  - a. Minnesota Pollution Control Agency's "Storm Water Compliance Assistance Toolkit for Small Construction Operators", or as it is amended;
  - b. The Minnesota Pollution Control Agency's Storm Water Manual.
  - c. Any other technical methodology, providing they are at least as effective and stringent as MPCA best management practices.
3. The Permittee is responsible for successful completion of the SWPPP.
4. The Permittee shall be liable for all enforcement costs incurred, including environmental restoration costs resulting from noncompliance with an approved plan, legal costs, and professional service costs incurred in enforcement.
5. Application for a permit shall constitute express permission by the Permittee for the Township Board or Inspector to enter the property for purposes of inspection or enforcement.

6. The Township may condition the approval of any permit on the provision of financial security, in a form and amount acceptable to the Township in its sole discretion, to serve the proper performance of the permitted work.

**Section 8: Inspections.**

1. Prior to excavation, the Township or Inspector shall be notified and given an opportunity to inspect all perimeter controls.
2. The Inspector may inspect the property to verify compliance with the submitted SWPPP within 10 days of notification of soil stabilization.
3. All NPDES required inspections and maintenance of the permitted site are the responsibility of the owner. The Permittee's inspection records must be made available to Haven Township or the Inspector.

**Section 9: Permit Transfer or Modification.** Permits may not be transferred or modified without the written consent of the Haven Township Board or the Inspector. Any major modifications, as determined by the Township, to approved plans, construction schedules or alterations to accepted sequencing of land disturbing site activities shall be approved by the MPCA in a NPDES Permit Transfer/Modification. The Permittee shall submit a copy to Haven Township prior to implementation of said changes.

**Section 10: Termination of Coverage.** Permittees wishing to terminate coverage under a township permit must submit, to Haven Township, a copy of the Notice of Termination sent to the MPCA. Compliance with a township permit is required until final stabilization of the site is completed and a Notice of Termination is submitted.

**Section 11: Storm Water Discharge Design Requirements.**

1. Storm water discharge design requirements for Haven Township are the same as those set forth in the NPDES Phase II permit program as promulgated by the MPCA.
2. The identity of the entity responsible for long-term maintenance of the permanent storm water must be submitted to Haven Township.

**Section 12: Prohibition of Illicit Discharges.** No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than storm water. The following discharges are exempt from the prohibition provisions above:

- a. water line flushing or other potable water sources;
- b. landscape irrigation or lawn watering;
- c. diverted stream flows, ground water infiltration to storm drains, and uncontaminated pumped ground water;
- d. foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, and air conditioning condensation;
- e. non-commercial washing of vehicles;
- f. de-chlorinated swimming pools (less than one part per million chlorine);
- g. fire fighting activities; and
- h. any other water source, as determined by the Haven Township Board or the Inspector, that does not contain pollutants.

**Section 13: Violations.**

1. **Violation is a Misdemeanor.** A violation of this Ordinance, or a permit issued under this Ordinance, is a misdemeanor subject to the maximum penalty provide by Minnesota law.
2. **Enforcement.** The Haven Township Board may exercise all powers conferred upon it by Minnesota Statutes in enforcing this Ordinance.
3. **Court Action.** The Haven Township Board may enforce this Ordinance through court action, including criminal prosecution, injunction, or an action to compel performance, restoration, or abatement. The costs of prosecution or other courts costs, including attorneys' fees, shall be paid by the person found to have caused the violation.
4. **Administrative Order.** The Haven Township Board or Inspector may enforce this Ordinance by issuing a cease and desist order when it finds that an activity violates this Ordinance or any permit issued by Haven Township. Such an administrative order may require additional inspections that may be subject to additional fees.
5. **Order to Show Cause.** The Haven Township Board may require a person entity in violation of this Ordinance, or a permit issued under this Ordinance, to appear at a Haven Township Board meeting to show cause why the violation should be allowed to continue.
6. **Draw on Security.** The Haven Township Board may draw upon financial security to remedy violations.
7. **Future Permits.** No future permit shall be issued to any person or entity in violation of this Ordinance or a previously issued permit, until the violation has been remedied to the sole satisfaction of the Haven Township Board.
8. **Remedies Not Exclusive.** The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Haven Township Board to seek cumulative remedies.

**ADOPTION OF ORDINANCE**

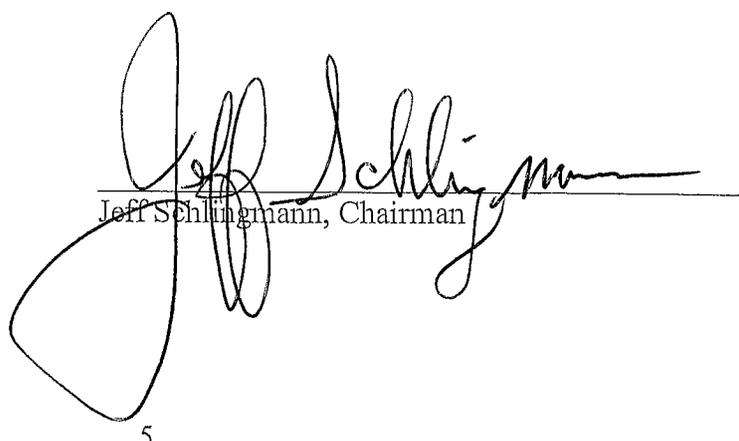
ADOPTED this 16 day of July, 2012, by the Township Board of the Township of Haven.

**IN FAVOR:**

**OPPOSED:**

**HAVEN TOWNSHIP**

  
Mike Zniewski, Clerk

  
Jeff Schlingmann, Chairman



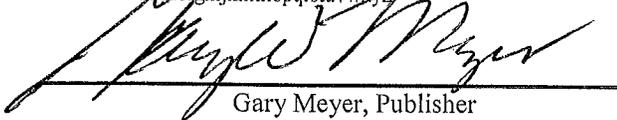
Affidavit of Publication

SHERBURNE COUNTY CITIZEN

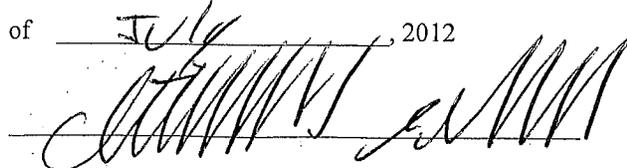
Becker Minnesota 55308  
State of Minnesota  
County of Sherburne

Gary Meyer, being duly sworn on oath says: that he is now and during all the time herein stated has been Gary Meyer, the publisher and printer of the newspaper known as the *Sherburne County Citizen*, and has full knowledge of the facts herein stated. That for more than one year prior to the publication therein of HAVEN TOWNSHIP NOTICE OF PUBLIC HEARINGS- JULY 16 @ 7:00PM printed here-to attached, said newspaper was printed and published in the English language from its known office of publication within the County of Sherburne, State of Minnesota, on Saturday of each week in the column and sheet form equivalent in space of 450 running inches of single column 2 inches wide; has been issued from a known office established in said place of publication equipped with skilled workers and the necessary material for preparing and printing the same: The *Sherburne County Citizen* has had in its makeup not less than twenty-five (25) percent of its news column devoted to local news of interest to said communities and purports to serve, the press work of which has been done in its known place of publication, has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 500 copies regularly distributed without charge to local residents; that herein has been on file with the office of the Minnesota Secretary of State the affidavit of a person having firsthand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said office for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul, Minnesota. That the printed HAVEN TOWNSHIP NOTICE OF PUBLIC HEARINGS- JULY 16 @ 7:00PM hereto attached as a part hereof was cut from the columns of said newspaper, was published therein in the English language once a week for TWO successive weeks; that it was first published on the 23 day of JUNE 2012 and thereafter on Saturday of each week to and including the 30 day of JUNE 2012 and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said HAVEN TOWNSHIP NOTICE OF PUBLIC HEARINGS- JULY 16 @ 7:00PM.

abcdefghijklmnopqrstuvwxyz

  
Gary Meyer, Publisher

Subscribed and sworn to me this 2 day

of JULY, 2012  


**NOTICE OF HEARING - HAVEN TOWNSHIP**  
On July 16, 2012, at 7:00 p.m., the Haven Town Board, at its regular Board meeting, will consider and act upon the following:  
1. An ordinance to establishing erosion control and storm water management requirements for land disturbances and water quality.  
A copy of the proposed ordinance may be viewed at [www.haventwp.org](http://www.haventwp.org), or by contacting Michael Zniewski, Haven Town Board Clerk.  
Dated: June 19, 2012  
HAVEN TOWNSHIP BOARD  
By Michael Zniewski, Township Clerk  
Both hearings and meetings are open to the public.  
(Published in the *Sherburne County Citizen* 06/23/12; 06/30/12.)

 Christopher S. Meyer  
NOTARY PUBLIC  
State of Minnesota  
My Commission Expires 1-31-2015

*Affidavit of Publication*

**SHERBURNE COUNTY CITIZEN**

Becker Minnesota 55308  
State of Minnesota  
County of Sherburne

Gary Meyer, being duly sworn on oath says: that he is now and during all the time herein stated has been Gary Meyer, the publisher and printer of the newspaper known as the *Sherburne County Citizen*, and has full knowledge of the facts herein stated. That for more than one year prior to the publication therein of HAVEN TOWNSHIP BOARD ORDINANCE NO. 2012-2 RE:EROSION CONTROL AND STORM WATER MANAGEMENT printed here-to attached, said newspaper was printed and published in the English language from its known office of publication within the County of Sherburne, State of Minnesota, on Saturday of each week in the column and sheet form equivalent in space of 450 running inches of single column 2 inches wide; has been issued from a known office established in said place of publication equipped with skilled workers and the necessary material for preparing and printing the same: The *Sherburne County Citizen* has had in its makeup not less than twenty-five (25) percent of its news column devoted to local news of interest to said communities and purports to serve, the press work of which has been done in its known place of publication, has contained general news, comments and miscellany; has not duplicated any other publication; has not been entirely made up of patents, plate matter and advertisements; has been circulated at and near its said place of publication to the extent of 500 copies regularly distributed without charge to local residents; that herein has been on file with the office of the Minnesota Secretary of State the affidavit of a person having firsthand knowledge of the facts constituting its qualification as a newspaper for publication of legal notices; and that its publishers have complied with all demands of said office for proofs of its said qualification. A copy of each issue has been filed with the State Historical Society, St. Paul, Minnesota. That the printed HAVEN TOWNSHIP BOARD ORDINANCE NO. 2012-2 RE:EROSION CONTROL AND STORM WATER MANAGEMENT hereto attached as a part hereof was cut from the columns of said newspaper, was published therein in the English language once a week for ONE successive weeks; that it was first published on the 28 day of JULY 2012 and thereafter on Saturday of each week to and including the 28 day of JULY 2012 and that the following is a copy of the lower case alphabet which is acknowledged to have been the size and kind of type used in the publication of said HAVEN TOWNSHIP BOARD ORDINANCE NO. 2012-2 RE:EROSION CONTROL AND STORM WATER MANAGEMENT.

a b c d e f g h i j k l m n o p q r s t u v w x y z

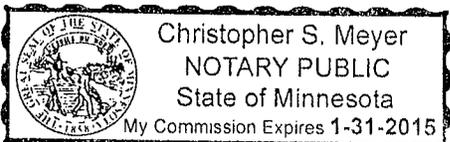


Gary Meyer, Publisher

Subscribed and sworn to me this 30 day

of JULY, 2012





**HAVEN TOWNSHIP  
SHERBURNE COUNTY,  
MINNESOTA**  
On July 16, 2012, the Haven Town Board adopted Ordinance No. 2012-2, which is an ordinance establishing erosion control and storm water management requirements for land disturbances and water quality within Haven Township. A copy of this ordinance is available for inspection and copying by contacting the Haven Township Clerk, or during any regular Town Board meeting.  
Anyone with questions should contact Michael Zniewski, Haven Town Clerk.  
Dated: July 16, 2012  
**HAVEN TOWNSHIP BOARD**  
By: Jeffrey Schlingmann,  
Its Chair  
(Published in the *Sherburne County Citizen*: 07/28/12.)