

Official  
Adopted  
7/25

Ordinance No. 56

TOWN OF STILLWATER

An Ordinance Regulating  
the ~~Discharge~~ of Storm  
Water Entering the  
~~Town of Stillwater~~

*Design of  
Storm Water*

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:

Section 1. Purpose

The deleterious effect of nutrients and pollutants conveyed to lakes, streams and other bodies of water by storm water have been demonstrated by the degradation of various lakes and streams in the State of Minnesota and elsewhere. The recreational and esthetic value of such natural waters has been greatly diminished and in some instances such waters have become public nuisances. The State and Federal governments have recognized the problem caused by uncontrolled discharge of storm water and have taken certain steps to correct it, but have not provided adequate laws to protect the public from the hazards to health and general welfare caused by storm water. The Town of Stillwater is vested with jurisdiction to provide for the promotion of health, safety, order, convenience and the general welfare, and the benefit of residence, trade and commerce, and the government and good order of the town by Minnesota Statutes, Section 368.01. For the purpose of exercising the jurisdiction so vested in the township, the Board of Supervisors has deemed it necessary to enact this ordinance.

Section 2. Definitions

When used in this ordinance, the terms defined in this section shall have the following meanings:

1. Person means any individual, firm, corporation, and association, and includes any municipality; and the singular includes the plural.

2. Storm water is any water which reaches any surface as a result of atmospheric condensation, such as rain and snow, and which is not absorbed by the surface upon which it falls.

3. A point source is any discrete conveyance such as a pipe, conduit, or man-made ditch, grade, flowage way or impoundment which conveys or contains or is designed to convey or contain any storm water. A point source does not include any unaltered natural basin, pond, lake, ravine or flowage way.

4. Township means the Town of Stillwater.

### Section 3. Discharge of Storm Water Unlawful

No storm water shall be discharged from any point source in such a manner as to cause or allow such water to flow into or discharge into the Township of Stillwater unless:

1. Such water shall first have been impounded for not less than eight (8) hours and contain not more than one tenth (0.1) part of phosphorus per million (1,000,000) parts of water; or
2. The plan and design criteria for treatment of such water shall have been approved by the Board of Supervisors of the Township.

### Section 4. Approval of Plan and Design Criteria

Subd. 1. Any person may apply to the Town Clerk for approval of a proposed storm water point source which would discharge at a point within the Township or discharge at a point outside of the Township in such manner as to cause a discernable flow of such water into the Township. The application shall be in writing, state the true name and address of the applicant and the names and addresses of all other persons known to applicant having an interest in the matter, and shall be accompanied by plans and specifications showing the proposed storm water system, the proposed treatment of the storm water, and

the data upon which volume estimates are based. The application shall be accompanied by a fee of \$150.00 to defray the costs of Township in considering such application. The application and all plans shall be submitted in sextuplicate. Failure to include the names and addresses of all persons having an interest in the matter shall not be grounds for disapproval of the plan.

Subd. 2. Upon receipt of an application, the Clerk shall furnish one copy to the secretary of the planning commission, one copy to the engineer, and one copy to each supervisor. The Town Board shall consider the application at the next regular meeting or any special meeting called for that purpose, and shall within 60 days after submission either order a public hearing on the application, or shall act upon the application by approving the application subject to any conditions and changes agreed to by the applicant and the Town Board, or by disapproving the application. Any public hearing shall be held not later than eighty (80) days after submission of such application, and the Town Board shall act upon the application not later than ninety (90) days after submission of such application.

Subd. 3. Minimum design criteria shall include provision for:

1. impoundment for not less than 8 hours based on a maximum flow for a once in ten year occurrence level, and
2. removal of phosphorus in excess of one <sup>(0.1)</sup>~~1~~ part per million <sub>hundred</sub> (1,000,000) parts of water, and
3. utilization of ground water recharge systems where topographical and geological conditions make such systems practicable and effective and in accordance with approved engineering standards.

The Board of Supervisors may for a good cause grant variances from the minimum design criteria provided herein.

Section 4. Violations-Penal Penalties

Any person who shall own, construct or control any point source, whether within or without the Township, which shall cause storm water to be discharged within the Township or outside of the Township in such manner as to flow into the Township in violation of this ordinance, shall be guilty of a misdemeanor. Each day that any point source which is in violation of this ordinance shall be permitted to remain in violation shall constitute a separate offense.

Section 5. Violations-Civil Liability

Any person who owns, constructs or controls any point source which causes storm water to be discharged within the Township or outside the Township in such manner as to flow into the Township in violation of this ordinance shall be liable in any civil action brought by the Township or any resident or property owner therein, for all damages, including the reasonable value of all work performed or to be performed in an effort to correct, repair and reduce pollution of any body of water, whether public or private, caused in whole or in part by such violation.

Section 6. Jurisdiction

All acts done in performance of the construction and operation of any point source which is in violation of this ordinance shall be deemed as having been performed within the Township.

Section 7. Severability Clause

If any provision of this ordinance shall be held by any court of competent jurisdiction to be invalid, all the remaining provisions shall continue in full force and effect.

Section 8. Effective Date

This ordinance shall be effective upon publication.

Adopted: July 25, 1974

THE TOWN OF STILLWATER

By: John Donahue  
John Donahue, Chairman

ATTEST:

Pat Bantli.  
Patricia Bantli, Clerk