

AN ORDINANCE AMENDING THE 1980 CODE OF ORDINANCES OF THE CITY OF OAK PARK HEIGHTS TO CREATE CHAPTER 308 REGULATING WATER DRAINAGE AND THE FILLING OF LAND IN THE CITY OF OAK PARK HEIGHTS.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

308.01 General Purposes.

The general purposes of this Ordinance are to provide for the orderly growth of the community and to preserve, protect, and provide for the public health and safety and general welfare by fostering and requiring adequate water drainage from any property to be improved within the City of Oak Park Heights.

308.02 Definitions.

For the purposes of this section, certain words and phrases are defined as follows:

- A. “Building Inspector” means that individual appointed by the City of Oak Park Heights to perform its building inspection services.
- B. “Drainage Site Plan” means such documentation and written plans submitted by any property owner seeking to obtain a building permit containing all data and information reasonably required by the City Engineer to demonstrate adequate water drainage patterns from the affected property. Such plans may include aerial photographs of the affected property and neighboring or adjacent properties, surveys, soil tests, elevation charts or maps, landscaping plans or drawings, and any other information reasonably required by the City Engineer.

308.03 Approval of Drainage Site Plan Affecting Issuance of Building Permit.

For all permits required under the Code of Ordinances of the City of Oak Park Heights, no building permit shall be issued without the property owner or his designated agent having first obtained approval, in writing, from the Building Inspector with regard to drainage. The Building Inspector may require a drainage site plan prior to issuing any opinion as to the approval or disapproval of drainage from the site proposed to be developed subject to the following:

- A. On a single-family residential lot and any proposed development therefore, the Building Inspector may waive the requirements for a drainage site plan, providing that he finds that the residential lot, after improvement, will demonstrate a reasonable plan for water drainage.
- B. All plats or plans for subdivision, planned unit developments, multi-family, business and industrial and commercial developments shall have an approved

drainage site plan prior to the approval of such plat or plans or issuance of any building permits therefore.

- C. Where required, no drainage site plan shall be approved where it cannot be demonstrated by the applicant that:
 - 1. The site drainage plan demonstrates a reasonable plan for water drainage.
 - 2. Volumes of storm water run-off from the property to be improved does not exceed the volume of storm water run off when the property is in its natural state, unless provisions for said excess run off have been made in a local storm water retention basin or by way of municipal storm sewer.
 - 3. Storm water or other water drainage can be accomplished from the area to be improved without altering established water drainage patterns on abutting or adjacent properties or otherwise within the City of Oak Park Heights and without affecting or altering the drainage of public streets, roads, and alleys.

308.04 Fees Required.

All applicants submitting drainage site plans, in addition to those fees set forth within the Building Code and Zoning Ordinances of the City of Oak Park Heights, shall also pay to the City an amount equal to the fees charged by the City Engineer for his inspection and review of any drainage site plan.

308.05 Appeal from Denial of Drainage Plan Approval.

- A. Any applicant may appeal to the City Council to review a denial for the proposed site drainage plan as submitted by the applicant. Appeal may be taken by filing with the City Clerk within twenty (20) days after the applicant has received a written denial of the approval of the applicant's proposed site drainage plan, the following:
 - 1. A written notice of appeal;
 - 2. Three (3) copies of the proposed drainage site plan;
 - 3. A verification by the applicant that the engineer's fees for reviewing the drainage site plan had been paid in full.
- B. No fee shall be charged by the City Clerk for the appeal.

- C. The City Clerk shall place the matter on the agenda for the month next following the filing of the written notice of appeal.
- D. The City Council may reverse or affirm wholly or in part, or may modify the decision or determination of the City Engineer and may direct the issuance of the Building Permit.

308.06 Future Maintenance of Drainage Plan on Property.

Wherever the City Engineer has given written recommendations for any drainage site plan, the property owner and applicant for the Building Permit shall warrant and provide to the City of Oak Park Heights, on a form prescribed and approved to the City of Oak Park Heights, a written agreement of the property owner with the City of Oak Park Heights guaranteeing that the property owner, his successors, heirs, and/or assigns shall implement and maintain the drainage site plan as approved by the City of Oak Park Heights and shall not alter by act, omission, or otherwise the drainage plan without the written prior consent of the City Council.

308.07 Alterations.

No person shall make any change, alteration, otherwise obstruct, or interfere with any drainage ditch, culvert, or storm sewer upon any private property which has been approved by the City of Oak Park Heights without first having obtained prior approval by the City of Oak Park Heights.

308.08 Land Reclamation and Grading.

Within this Ordinance, land reclamation is the reclaiming of land by depositing or moving materials so as to alter the grade. Land reclamation shall be permitted only by Conditional Use Permit in all districts. Depositing a total of more than twenty-five (25) cubic yards of material per acre, either by hauling in fill or regrading the area, shall constitute land reclamation. Land reclamation in all flood plains shall be in accordance with the Flood Plain Ordinance. The permit shall include, as a condition thereof, a finished grade plan which shall not adversely affect adjacent land, shall regulate the type of material permitted, program for rodent control, plan for fire control, and general maintenance of the site, controls for vehicular ingress and egress, drainage, and control of materials disbursed from wind and/or hauling of material to and from the site.

308.09 Enforcement - Violation.

Violation of any provision of this Ordinance is declared to be a nuisance affecting the public health, safety, and general welfare and shall be prohibited as specified in Section 1501 of the Code of Ordinances of the City of Oak Park Heights.