

Subd. 2. Grading Requirements.

A. Street Rough Grading. No permit shall be issued for construction of a new building until the rough grading of public streets providing access thereto has been completed, sewer and water construction in connection therewith has been completed or is under construction, and the rough grading of planned private streets and roadways within the project area has been completed. From and after the commencement of building framing, the public streets and private streets and roadways shall be maintained without obstruction and the rough grading shall consist of at least an all-weather base construction sufficient to provide adequate support at all times for emergency and fire protection vehicles. The City Engineer or Building Official may issue a stop order if the streets and roadways are not maintained as required herein. Additionally, the Building Official may revoke building permits, and may deny the issuance of additional building permits for the subdivision(s) served by such streets and roadways, if the streets and roadways are not maintained as required herein.

B. Site Grading. No permit shall be issued for construction of a new building until the City Engineer has inspected and approved the site grading. The City Engineer shall approve the site grading when the rough grading of the site is substantially complete and the storm water facilities serving the site are complete and stable, in accordance with the following requirements:

(1) Rough grading of the site shall be such that the ground elevations at property corners are in conformance with the property corner elevations indicated on the approved plans;

(2) Temporary seeding or permanent cover in accordance with the approved plans shall be complete in all site areas that have not been or will not be worked for 45 days or that period indicated in any storm water permit applicable to the site, whichever is less;

(3) All drainage easements on the site shall be graded in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans;

(4) All storm water conveyance facilities located within easements and right of way, through which storm water from the site flows, shall be complete in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans; and,

(5) All ponds and other storm water facilities to which storm water from the site flows shall be complete in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans.

C. The City Engineer may waive one or more of the requirements listed in Subdivision 2 (B) above when:

(1) An overall grading plan has been approved for the site;

(2) An interim/staged grading plan which depicts the proposed grading and building has been approved. The interim/staged grading plan shall show that the proposed building is compatible with the overall grading plan of the site and shall include interim erosion and sediment control measures acceptable to the City Engineer such that no lands outside of the control of the developer are adversely impacted by drainage, erosion, or sediment from the proposed grading and building; and,

(3) Sediment control measures indicated on the approved interim/staged plan are in place.

All erosion and sediment control measures indicated on the interim/staged grading plan shall remain functional until site grading and storm water facility requirements listed in Subdivision 2 (B) above have been completed.

D. Building permits. Building permits issued following the City Engineer's approval shall have attached to them a notation indicating that permittee's work on the property is subject to the provisions of the grading plan covering that property, including the appropriate temporary erosion control measures.

E. Grading violations. No person, firm, partnership or corporation shall perform any grading work without first receiving a grading permit as the same may be required by the Building Code or any other provision of local ordinance. No person, firm, partnership or corporation, whether the permittee under a grading permit or otherwise, shall perform grading work in any manner that is inconsistent with the conditions of a grading permit applicable to that site. Additionally, no person, firm, partnership or corporation shall, after initiation of a grading project, discontinue such project except with the permission of the City Engineer and subject to those reasonable conditions that may be imposed by the City Engineer to prevent unsafe conditions, drainage, erosion, and sediment problems on adjacent public and private property. For the purpose of this ordinance, a grading project shall be considered discontinued if no grading work has been accomplished for 60 days excluding the period from November 15 to April 15 (inclusive), and the project is not complete in accordance with the approved plans.

F. Stop Orders. The City Engineer may issue stop orders to stop persons performing grading work in violation of this section, and correction orders to gain compliance with the provisions of this section. Correction orders shall identify the work to be performed and shall provide a reasonable time in which to perform the work. Any violation of this section, any failure to stop work as required by the provisions of a stop order issued by the City Engineer, and any failure to take corrective action as required by a correction order, is a misdemeanor. Violations of this section shall also be considered a public nuisance and the City Attorney is authorized to initiate any legal or equitable action in the District Court to abate such public nuisance.