

**ORDINANCE NO. 20230216-01**

**CITY OF LINDSTROM  
CHISAGO COUNTY, MINNESOTA**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR PERVIOUS PAVERS IN  
CITY CODE TITLE XV, SECTION 151.02.31**

THE CITY COUNCIL OF THE CITY OF LINDSTROM, MINNESOTA ORDAINS:

**Section 1.** Title XV: Land Usage Section 151.02.31(B) is hereby amended of the Lindstrom Code of Ordinances to read as follows:

**SECTION 151.02.31: GENERAL PROVISIONS**

**SECTION 151.02.31(B)**

(B) Impervious surface.

a) In an effort to reduce the quantity and improve the quality of runoff in all areas of the city, no lot shall be covered by more than 50% impervious surface.

(i) In residential districts, properties may use pervious pavers to meet impervious surface requirements if approved by the City Council through a variance process in accordance with the City of Lindstrom Pervious Paver Policy which shall be incorporated herein.

(ii) This standard shall not apply for uses in the CBD, B-1, B-2, and I-1 Districts if the proposed use either causes no increase in surface water discharge or if all discharges are accommodated by a surface water management system or program approved by the city.

(iii) Properties located within the Shoreland District shall be subject to impervious surface limits as specified in § 151.03.22.

b) **Pervious Pavers:** Any use of pervious pavers or pavement shall only be allowed on residential properties in accordance with the Pervious Paver Policy adopted by the City Council; commercial properties; and industrial properties under the following conditions:

(a) All pervious pavers must be designed and professionally installed in accordance with manufacturer's specifications.

(b) Pervious paver installations must be certified by the contractor when complete and shall be subject to the City's approval. After the first year (365 days from the date of the first certification), the pervious pavers must be recertified every three (3) years or any time the property is sold or transferred to a new owner in order to ensure that the pervious pavers are being properly maintained.

- (c) All pervious pavers or pavement must be properly maintained. The owner of the property shall be required to provide the City with a maintenance plan to ensure that the use of the pervious pavers or pavement conforms to the manufacturer's guidelines. The maintenance plan shall include the frequency and type of maintenance that must be performed to properly maintain the pervious pavers or pavement.
- c) **Certification Process:** Each property using pervious pavers to meet impervious surface requirements through a variance is required to maintain an active certification with the City as outlined above. The certification and recertification process is described below:
  - (a) All installations require at least one (1) observation port made from a perforated pipe (preferably PVC) wrapped in fabric that allows water to enter from of the underlying storage layer (sand or gravel).
  - (b) After the installation is complete, the designer/installer shall perform a simulated infiltration test on the pervious pavers or pavement by running a water hose across the surface for a fifteen (15) minute period. The City staff shall observe this process and record the length of time it takes for water to reach the observation port. If the water shows up with an allowable variance from the original installation (original time plus 25%), then it passes. Alternatively, the City, in its discretion, may use the manufacturer's recommended standards or verification process to determine if the pervious pavers or pavement may be certified.
  - (c) After three (3) years, the property owner shall conduct the same fifteen (15) minute saturation test and measure how long it takes water to enter the observation port. If the water shows up with an allowable variance from the original installation (original time plus 25%), then it passes, and another certification is conducted in three (3) years. Each recertification must pass the saturation test with original time plus 25%. If it does not pass, then the surface must be rehabilitated (i.e. cleaned/vacuumed) based on the manufacturer's recommendations then rechecked upon completion of rehabilitation. Alternatively, the City, in its discretion, may use the manufacturer's recommended standards or verification process to determine if the pervious pavers or pavement may be certified. Subsequently, the property must be recertified one (1) year from the date that the pervious pavers or pavement were rehabilitated. Thereafter, if the property passes the inspection, the property shall be recertified three (3) years from the date of that inspection.

- (d) Notwithstanding the certification schedule described above, pervious pavers or pavement must be recertified any time the property is sold or transferred to a new owner.
- d) **Administrative Penalty.** Any person who violates any provision of this section or fails to certify or recertify pervious pavers or pavement shall face a presumptive administrative civil penalty of \$100 for a first violation, \$300 for second violation, and \$500 for each violation thereafter. Appeals of an administrative civil penalty issued pursuant to this section shall be heard in accordance with the procedure set forth in Title I, Chapter 10.98 of Lindstrom City Code.
- e) **Other Penalties.** Any person who violates any provision of this section or fails to certify or recertify pervious pavers or pavement is guilty of a misdemeanor offense and upon conviction shall be according to the Minnesota Statute for misdemeanor offenses. The imposition of an administrative penalty does not prevent the City from exercises its discretion to initiate criminal charges or civil court actions.

**Section 2. EFFECTIVE DATE.**

This ordinance shall be effective immediately upon passage and publication according to law.

**ADOPTED** this 16th day of February, 2023, by the City Council of the City of Lindstrom.

By: \_\_\_\_\_  
Judy Chartrand, Acting Mayor

ATTEST:

\_\_\_\_\_  
Melissa Glenna, Interim City Administrator