

ORDINANCE NO. 1489

AN ORDINANCE OF THE CITY OF WILLMAR, MINNESOTA AMENDING CHAPTER 9, NUISANCES, AND CHAPTER 17, SURFACE WATER MANAGEMENT, TO UPDATE CITY CODE WITH MS4 REQUIREMENTS

The City Council of the City of Willmar hereby ordains as follows:

Section 1. ENACTMENT OF MUNICIPAL CODE SECTION 9-28. Chapter 9, Nuisances, is hereby amended to add a new Section, 9-28, as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 9-28. - Pet waste.

No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area, common grounds owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.

The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

Secs. 9-~~2928~~ - 9-40. Reserved.

Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 17-4. Chapter 17, Surface Water Management, Section 17-4, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

~~New development means any land development that occurs on previously undeveloped land or land used for agricultural uses.~~

~~Redevelopment/expansion means land development that occurs within designated areas based on local land use where the surrounding area is generally developed, and where the site is either vacant or has previously been used or developed.~~

Section 3. AMENDMENT OF MUNICIPAL CODE SECTION 17-16. Chapter 17, Surface Water Management, Section 17-6, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

(a) *Water quality criteria.*

- (1) Best management practices shall be implemented to meet that reduce the total suspended solids load by eighty (80) percent, and the phosphorus load by sixty (60) percent from the runoff generated by the two-year, twenty-four hour event for the developed site as a

~~whole, as compared to no runoff management controls. These standards may be met through the runoff volume reduction criteria below (subsection (c) of this section). If the criteria are met through construction of onsite basins, they shall be designed in accordance with the MN Stormwater Manual in place at the time the project design plans are submitted for review to the City as modified below: ~~ponding, the following guidelines for the design of wet detention facilities shall be followed:~~~~

- ~~a. — A permanent pool ("dead storage") volume below the principal spillway (normal outlet) which shall be greater than or equal to the runoff from a two and one-half (2½) inch storm over the entire contributing drainage area assuming full development.~~
- ~~b. — A permanent pool average depth (basin volume/basin area) which shall be greater than or equal to three (3) feet, with a maximum depth of less than or equal to ten (10) feet.~~
- ~~ea. Basin side slopes above the normal water level should be no steeper than 3:1, and preferably flatter. A basin shelf with a minimum width of ten (10) feet and one (1) foot deep below the normal water level is recommended to enhance wildlife habitat, reduce potential safety hazards, and improve access for long-term maintenance.~~
- ~~eb. Basins ~~The pond~~ should be wedge shaped with the inlet at the narrowest end and the outlet at the widest end. A length to width ration of 3:1 or greater shall be used whenever possible. Distance between outfalls and outlets should be maximized.~~
- ~~ec. Skimmers or other similar devices are required on basin~~pond~~ outlets. Designs shall provide for skimmers that extend a minimum of four (4) inches below the water surface and minimize the velocities of water passing under the skimmer to less than one-half (½) foot per second for the one (1) year twenty-four-hour event.~~
- ~~d. Basins shall have a designed emergency outlet.~~
- ~~eg. Side slopes shall be seeded with native vegetation appropriate to the site conditions. Upland buffers on side slopes are required. Buffers shall include a mixture of deciduous and coniferous shrubs and include access for pond maintenance. Trees are encouraged as part of the upland buffer. Buffers shall be designed to provide maintenance access to the facility.~~
- ~~gf. The applicant shall provide the city with a two-year warranty on all vegetation to ensure plant establishment and survival.~~
- ~~hg. Pond designs that incorporate filtered bottom withdrawal, vegetated swale discharges, or constructed wetland treatment cells to limit temperature increases are encouraged.~~
- ~~ih. Pond designs that incorporate tree shading to limit future temperature increases are encouraged.~~

~~(2) Infiltration/filtration methods, described under runoff volume control are the preferred approach to satisfying the water quality treatment requirements in all areas of the city where practical and subject to the limitations of section 17-6(c)(3).~~

~~(32)~~ For all projects, street catch basins must have a three-foot sump.

~~(4) Where TSS and/or TP reduction requirements cannot be met on the site of the original construction, the applicant will be required to locate alternative sites where TSS and/or TP treatment standards can be achieved. Mitigation project locations are chosen in the following order of preference:~~

~~a. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.~~

~~b. Locations within the same department of natural resource (DNR) catchment area as the original construction activity.~~

~~c. Locations in the next adjacent DNR catchment area upstream.~~

~~d. Locations anywhere within the City of Willmar.~~

~~(3) Mitigation projects shall involve the establishment of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Previously required routine maintenance of structural stormwater BMPs cannot be considered mitigation. Mitigation projects must be finished within twenty-four (24) months after the original construction activity begins. A maintenance agreement specifying the responsible party for long-term maintenance shall be identified. Payments will not be accepted in lieu of the construction project meeting the TSS and TP treatment standards.~~

(b) *Runoff rate control criteria.*

(1) Future discharge rates ~~from new development and redevelopment~~ will not exceed existing discharge rates for the two-year (fifty (50) percent), ten-year (ten (10) percent), and 100-year (one (1) percent) twenty-four-hour critical storm events and the 100-year (one (1) percent) ten-day snowmelt, in accordance with the most recent Atlas14 data, as supplemented and amended from time to time. In any area where downstream flooding is a concern the city may require additional rate control. Design calculations for the two-year (fifty (50) percent), ten-year (ten percent), and 100-year (one (1) percent) twenty-four-hour critical storm events and the 100-year (one (1) percent) ten-day snowmelt must be submitted to the city for review and approval. For a regional detention or stormwater management system, the city engineer shall recommend a proposed system charge to be administered by the city council based upon an approved watershed master plan and an analysis of required drainage systems, projected costs and flood protection benefits provided to those properties directly or indirectly impacted by the regional detention or stormwater management system.

(5) An emergency spillway or outlet from wet or infiltration stormwater basins~~ponding areas~~ shall be installed at a minimum of one (1) foot below the lowest building opening and shall be designed to have a capacity to overflow water at an elevation below the lowest building opening at a rate not less than three (3) times the 100-year (one (1) percent) peak discharge rate from the basin or the anticipated 100-year (one (1) percent) peak inflow rate to the basin, whichever is higher. A narrative shall be submitted describing the secondary flow paths for events larger than the 100-year (one (1) percent) event.

(c) *Runoff volume control criteria.*

- (1) Sites that disturb less than 1.0 acres shall be designed to control runoff rate so as to not cause downstream flooding or erosion. ~~Volume control measures are required on projects to meet the water quality criteria of the city and to meet the requirements of the city's NPDES MS4 permit obligations. Except where conditions listed below are not met, stormwater runoff abstraction via infiltration, evapotranspiration, capture, and/or reuse of stormwater runoff is required to treat the water quality volume of one (1) inch (or one (1) inch minus the volume of stormwater treated by another system on the site) of runoff from the new impervious surfaces created by a development project. For new development projects, stormwater discharge volume shall result in no net increase from pre-project conditions. For redevelopment projects, stormwater discharge volume shall result in a net reduction from pre-project conditions. Runoff must be infiltrated within forty-eight (48) hours or less. To simplify the review process, no runoff will be assumed from pervious surfaces from a one inch rainfall event.~~

- (2) Sites that disturb 1.0 acre or more shall provide permanent BMPs, with highest preference given to Green Infrastructure techniques and practices necessary to meet the following conditions on the site of construction activity to the Maximum Extent Practicable. ~~Infiltration will not be required nor allowed in areas where:~~
 - a. Stormwater release rates and volume from the site on an annual average basis shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharges rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. ~~There are known groundwater contaminants;~~
 - b. Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. ~~The soils are not suitable for infiltration (hydrologic soil group D);~~
 - c. Applicants shall provide documentation showing rate, volume, and water quality compliance. Calculations shall be by a methodology listed in the MPCA Stormwater Manual or other method approved by the City. ~~The area is within a drinking water supply management areas are present, as defined by Minn. R. 4720.51000, subp. 13;~~
 - d. ~~Soil infiltration rates are more than 8.3 inches per hour, unless soils are amended to flow the infiltration rate below 8.3 inches per hour; or~~
 - e. ~~There is less than three (3) feet of separation between the bottom of the infiltration system and the groundwater.~~

~~Percolation tests shall be required to verify the infiltration rates of on-site soils following the construction of infiltration BMP's.~~

- (3) Pretreatment of stormwater is required prior to discharge to an infiltration system. This pretreatment shall collect sediment and be easily accessed for inspection and maintenance. The infiltration/filtration system selected must meet the following criteria:

(4) The city may authorize reduced volume control for the following situations:

- a. ~~If the project applicant documents that onsite volume control of the full amount is not practicable; and meets one (1) of the limitations outlined above.~~
- b. ~~If the applicant implements to the maximum extent possible other volume reduction practices, including but not limited to, besides infiltration; and, on the site but may not meet the requirements for post-construction stormwater management.~~
- c. The project as designed will not cause downstream flooding or erosion as a result of the authorized reduced volume control.

Section 4. AMENDMENT OF MUNICIPAL CODE SECTION 17-32. Chapter 17, Surface Water Management, Section 17-32, is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 17-32. Discharge prohibitions.

(a) *Prohibition of illicit discharges.*

(5) Commercial, institutional, and non-NPDES permitted industrial facilities storing salt and salt-containing materials outdoors must meet minimum standards for storage and handling.

- a. Designated salt storage areas must be covered or indoors;
- b. Located outside of areas likely to flood or to be exposed to stormwater or snowmelt runoff;
- c. Located on an impervious surface; and
- d. Protection practices to reduce exposure when transferring material in designated salt storage areas such as but not limited to sweeping, diversions, and/or containment must be implemented.

Section 5. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

Passed by the City Council of the City of Willmar this 17th day of October, 2022.

ATTEST:

/s/ Judy Thompson
Judy Thompson, City Clerk

/s/ Marv Calvin
Marvin Calvin, Mayor

VOTE: X ASK X ASMUS X BUTTERFIELD X DAVIS
 X FAGERLIE X NELSEN X O'BRIEN X PLOWMAN

This Ordinance introduced by Council Member: O'Brien

This Ordinance introduced on: October 3, 2022

This Ordinance published on: October 8, 2022

This Ordinance given a hearing on: October 17, 2022

This Ordinance adopted on: October 17, 2022

This Ordinance published on: October 22, 2022

SUMMARY PUBLICATION OF CITY OF WILLMAR ORDINANCE NO. 1489

AN ORDINANCE AMENDING CHAPTER 9, NUISANCES, AND CHAPTER 17, SURFACE WATER MANAGEMENT, TO UPDATE CITY CODE WITH MS4 REQUIREMENTS

Summary: Ordinance No. 1489 updates and amends Willmar City Code, Chapter 9 – Nuisances, by adding a new Section to address pet waste and Chapter 17 – Surface Water Management, by removing unnecessary references and updating criteria for construction requirements, basin design standards, reduced volume control, and salt storage standards.

All amendments are made in order to update the City’s technical stormwater management regulations to comply with its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Stormwater (MS4) Permit issued by the Minnesota Pollution Control Agency (MPCA). The technical regulations as amended will apply to all construction activity that disturbs one acre or more of land and impose requirements on such activity including the submission of stormwater management plans for erosion and sediment control at construction sites prior to the start of construction; procedures for site inspections and enforcement; best management practices to reduce stormwater runoff during construction; and post-construction performance standards for permanent stormwater management.

The complete text of Ordinance No. 1489 may be obtained at no charge at City Hall (333 6th Street Southwest, Willmar, MN 56201), or from the City’s website at www.willmarmn.gov.