

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 820

**AN ORDINANCE AMENDING CITY CODE PROVISIONS RELATED TO
MINNESOTA POLLUTION CONTROL AGENCY'S (MPCA)
MS4 PERMIT PROGRAM**

WHEREAS, MPCA and City staff have reviewed existing language of Wayzata City Code that is related to the current standards and requirements of Minnesota Pollution Control Agency's (MPCA) MS4 permit program (the "Program"); and

WHEREAS, City staff recommends certain amendments to Wayzata City Code to better conform with the requirements of the Program.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 408 of City Code (Surface Water Management Plan). Chapter 408 of the Wayzata City Code (Surface Water Management Plan) is hereby amended to add a new Section 408.02 to read in its entirety as follows (underlined text added):

408.02 Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit.

The City of Wayzata hereby adopts and incorporates by reference the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as now established and from time to time amended.

Section 2. Amendments to City Code to Add New Chapter 411 (Deicer Bulk Storage Facility Requirements). A new Chapter 411 is hereby added to the Wayzata City Code to read in its entirety as follows (underlined text added):

CHAPTER 411 - DEICER BULK STORAGE FACILITY REQUIREMENTS

411.01 Purpose.

City Council finds that the removal of snow and ice from roadways is essential to both public safety and to the local economy. In order to ensure public safety, the use of pavement deicing materials during and after winter storm events is a widely accepted means of keeping roadways safe and passable. Pavement deicing is typically accomplished through the use of deicers containing chlorides (salt), which can be corrosive to vehicles, roadway surfaces, and bridges and has been found to have adverse effects on surface waters, ground water and to environmentally sensitive areas. The restoration of surface and ground water quality and ecosystems in such areas can be very difficult and costly, if not impossible, to rehabilitate once

the events of contamination occur. One source of chloride entering the water is through spillage and washouts of deicing material that is stored for winter maintenance activities. Accordingly, the purpose of this Chapter is to put in place proper utilization and management of deicing materials and to ensure that the environmental impacts of such practices are reduced to the maximum extent possible.

411.02 Definitions.

For the purposes of this Chapter,

“Deicing material” means any substance containing chloride used to melt snow and ice, or that is otherwise used for its anti-icing effects.

411.03 Applicability.

The following sections of this Chapter apply to all indoor and outdoor storage (temporary and permanent) of deicing material including salt piles, salt bag storage, and other storage of deicing materials on commercial, industrial, and institutional properties within the City.

411.04 Nuisance; responsible party.

It is a public nuisance for the owner of commercial, industrial or institutional property in the City, or for the owner or operator of a business or other organization on such property, to store deicing materials on the property in violation of provisions of this Chapter.

411.05 Storage Requirements.

- A. Deicing materials must be stored indoors wherever and whenever possible in order to prevent such materials from being affected by rain, snow and melt water.
- B. All deicing materials stored outdoors must be covered at all times. In addition,
 - 1. When not using a permanent enclosure, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - 2. Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.
 - 3. Tanks used for liquid deicing material storage must be dual wall contained, or if a single wall tank is used then a containment system must be in place surrounding the tank.
- C. The storage facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
- D. Outdoor storage of deicing materials must be located on an impermeable surface.
- E. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring deicing material from one location to another.

411.06 Enforcement.

A licensed police officer, the City Manager, the Director of Public Works, or an environmental health specialist may enforce the provisions of this Chapter.

411.07 Notice and Abatement of Nuisance.

In all cases where a nuisance under this Chapter has been found, 24 hours' notice must be given in writing, signed by the City Manager, Director of Public Works or any police officer, to the owner or occupant of the building or premises with which the nuisance is associated, where such owner or occupant is known to be or can be found, to abate or remove the nuisance within reasonable time, to be stated in such notice. In case of neglect or refusal of any person upon whom such notice is given to abate or remove the nuisance, in accordance with the notice, such person shall be chargeable with the expenses which may be incurred in the abatement or removal of the nuisance, to be collected by special assessment under Minn. Stats. §§ 145.22 and 145.23, in addition to any fine or penalty applicable thereto.

411.08 Summary Abatement of Health Nuisance.

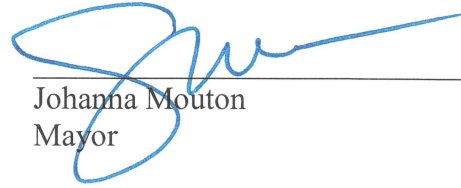
Whenever any nuisance under this Chapter shall constitute a health nuisance contrary to the laws of the State or City Code, the City Manager and Director of Public Works are hereby authorized to cause the same to be summarily abated in accordance with the provisions of such laws.

Section 3. Amendments to Chapter 702 (Animals) of City Code . Section 702.37.A.9 of Chapter 702 of the Wayzata City Code (Animals) is hereby amended to read in its entirety as follows (~~struck~~ text deleted, underlined text added):

702.37.A.9 - No owner shall permit his or her animal to damage or foul any lawn, garden, ~~or~~ property of another person, or City-owned property. An owner shall have the responsibility of cleaning up any feces of the animal and disposing of same in a sanitary manner.

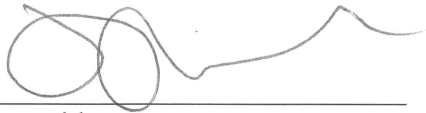
Section 4. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 15th day of November, 2022.



Johanna Mouton
Mayor

ATTEST:



Jeffrey Dahl
City Manager

First Reading: November 1, 2022
Second Reading: November 15, 2022
Publication: November 24, 2022