

**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE AMENDING CHAPTERS 4 AND 9 OF THE CITY CODE  
TO COMPLY WITH MS4 PERMIT REQUIREMENTS AND  
NPDES (National Pollution Discharge Elimination System) STANDARDS**

The City Council for the City of Nowthen hereby ordains:

**SECTION 1.** City Code Section 4-3-10, Accessory Structures, is hereby amended to add the following:

**4-3-10: BEST MANAGEMENT PRACTICES:**

- E. Salt Storage at commercial, institutional, and non-NPDES permitted industrial facilities must be in compliance with the following:
1. Salt storage must occur in a designated area which is covered or indoors;
  2. Designated salt storage must be located on an impervious surface;
  3. The operator/owner of the property must implement Best Management Practices to reduce exposure when transferring material in designated salt storage areas.

**SECTION 2.** City Code Section 9-5-6.B is amended as follows:

**9-5-6: DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT:**

Projects shall be designed in accordance with the most recent version of the Engineering Manual, the latest edition of the MN Stormwater Manual as published by the MPCA, and the following:

- A. Rate Control
1. All projects will be required to control the rate of runoff from the site. Proposed discharge rates shall be equal to or less than the pre-

development discharge rates for the 2-year, 10-year, and 100-year return frequency events.

B. Volume Control

1. A volume equal to 1 inch of runoff from the new or fully reconstructed impervious area of the site shall be retained on-site through infiltration or other volume reducing BMPs as approved by the City Engineer.
2. Infiltration systems must be prohibited when the system would be constructed in one or more of the following areas:
  - a. That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;
  - b. Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;
  - c. Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;
  - d. With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;
  - e. Of predominately Hydrologic Soil Group D (clay) soils;
  - f. In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;
  - g. In an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

- h. Outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;
- i. Within 1,000 feet upgradient or 100 feet down gradient of active karst features; or
- j. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

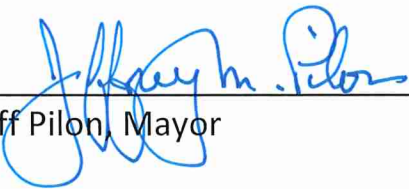
3. Linear projects

- a. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and fully reconstructed impervious surface.
- b. Where the lack of right-of-way precludes the installation of volume reducing BMPs, an exception to the volume control standard will be allowed provided that Sections 5.a. thru 5.b. below are met.
- c. Mill and overlay and other resurfacing activities are not considered fully reconstructed and an exception to the volume control standard will be allowed as the project will not alter the hydrologic response of the watershed.
- d. A reasonable attempt must be made to obtain right-of-way during the project planning process for volume control practices.

(Subsections 5 and 6 are renumbered to 4 and 5 respectively)

SECTION 3. This Ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this 11th day of April 2023 by the City Council of the City of Nowthen.

  
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Jeff Pilon, Mayor

ATTEST:

  
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Scott Lehner, City Administrator