

## 13 Environmental Regulations

### 13.1 Hazardous Materials

- 13.1.1 Permits Required.** All uses associated with the bulk storage of over two thousand (2,000) gallons of oil or motor oil, shall require a Conditional Use Permit. Storage of any other regulated material in other than consumer quantities for personal use shall require a Conditional Use Permit. A permit will not be required if the owner/operator is licensed by a government agency to buy or use a product for agricultural use. All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following enactment of this Zoning Ordinance, unless the tank(s) is/are located on agricultural property. A Certificate of Compliance is required for all above ground storage tanks having a capacity of 2,000 gallons that are located on agricultural properties. Secondary containment shall be provided for hazardous materials which are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank's capacity.
- 13.1.2** Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall connect the floor drain to a closed holding tank or obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
- 13.1.3** The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well. Hazardous materials stored in an above ground storage tank with containment must be set back a minimum of 100' from a water supply well. Dry commercial fertilizers must not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer, or other surface or ground water.
- 13.1.4** Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.
- 13.1.5** Closed holding tanks shall be used for the collection of wash water from vehicle maintenance and other related operations.
- 13.1.6** Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County, and Local agencies. Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies. The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
- 13.1.7 Hazardous Waste.** Any use which generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the Washington County hazardous waste management ordinance, Minnesota pollution control agency, and any other federal, state, and local agencies.

## **13.2 Explosives**

Uses involving the commercial storage, use, or manufacture of materials or products which could detonate by decomposition are not permitted.

## **13.3 Radiation and Electrical Interference**

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

## **13.4 Nuisances**

- 13.4.1 General.** No noise, odors, vibration, smoke, air pollution, liquid, or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will have an objectionable affect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:
- 13.4.2 Noise, Air, and Water Pollution.** Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.
- 13.4.3 Vibration.** The following vibrations are prohibited: Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.
- 13.4.4 Public Health.** The following are declared to be nuisances endangering public health and are prohibited:
- 13.4.4.1** Causing or allowing the effluent from any cesspool, septic tank, drainfield, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.
  - 13.4.4.2** Causing or allowing the pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances.
  - 13.4.4.3** Failing to dispose of carcasses of animals within twenty four (24) hours after death.
  - 13.4.4.4** Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business.
  - 13.4.4.5** The ownership, possession, or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

- 13.4.5 Refuse.** In all Districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
- 13.4.6 Inoperable Vehicles.** Passenger vehicles and trucks in an inoperable state shall not be parked in any District, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

## **13.5 Unsafe Buildings**

### **13.5.1 Definitions**

**13.5.1.1 Building.** “Building” includes any structure or part of a structure.

**13.5.1.2 Hazardous Building.** “Hazardous Building” means any building or structure which is structurally unsafe or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in the State Building Code or any other effective ordinance, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Section.

**13.5.1.3 Owner, Owner of Record, and Lien Holder of Record.** “Owner”, “Owner of Record”, and “Lien Holder of Record” means a person having a right or interest in property to which Minnesota Statutes Chapter 324 applies and evidence of which is filed and recorded in the office of the Register of Deeds or Registrar of Title in Washington County.

**13.5.2 Removal by Town with Consent.** The town board may remove or raze any hazardous building upon obtaining the consent in writing of all owners of record, occupying tenants, and all lien holders of record the cost shall be charged against the real estate as provided in Minnesota State Statute section 502.060 except the cost so assessed may be paid in not more than five equal annual installments with interest thereon, at eight per cent per annum.

**13.5.3 Repair or Removal of Hazardous Building.** The town board may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.

**13.5.3.1 Posting of Signs.** The building official shall cause to be posted at each entrance to such building a notice to read: “Do not enter, unsafe to occupy. Building department, Town of West Lakeland.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

#### **13.5.3.2 The Order**

**13.5.3.2.1 Contents.** The order shall be in writing; recite the grounds therefore; specify the necessary repairs, if any, and provide a reasonable time for

compliance not to exceed ninety (90) days and shall state that a motion for summary enforcement of the order will be made to the District Court of the County unless corrective action is taken, or unless an answer is filed within twenty (20) days.

**13.5.3.2.2 Service.** The order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by four (4) weeks publication in the official newspaper.

**13.5.3.2.3 Filing.** A copy of the order with proof of service shall be filed with the Clerk of District Court of Washington County not less than five days prior to the filing of a motion to enforce the order. At the time of filing such order, the Town board shall file of record with the County Recorder or Registrar of Titles a notice of the pendency of the proceeding, describing the reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the Town shall within ten days thereafter file with the Register of Deeds a notice to that effect.

**13.5.3.3 Enforcement of Judgment.** The town board shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the town from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure. If the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the owner or other party in interest shall pay the same and in default of payment by October 1st, the town clerk shall certify the amount of the expense to the county auditor for entry on the tax lists of the county as a special charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the town treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the town and if there are no delinquent taxes, the surplus shall be paid to the owner. If there are delinquent taxes against the property, payment of the surplus shall be paid to the county treasurer to be applied on such taxes.

## **13.6 Shade Tree Disease**

**13.6.1 Adoption of Model Regulations.** The September 5, 1982, Resolution of the Board of County Commissioners of Washington County, Minnesota, setting forth regulations to prevent, control and eliminate epidemic diseases of shade trees is hereby adopted by reference in its entirety except as hereinafter modified; not less than three copies thereof are on file in the office of the town clerk.

**13.6.2 Modification.** Wherever used in said model regulations, the words “county” or “county of Washington” shall mean the town of West Lakeland, and the words “county board” shall mean the Town Board of the town of West Lakeland, insofar as may be necessary to effectuate the policy of this ordinance, which is hereby declared to be to cooperate with and participate in the program of the county of Washington to prevent, control and eliminate epidemic diseases of shade trees.