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ORDINANCE # 2005-1

JUNK AND MOTOR VEHICLE SALVAGE FACILITIES AND /OR JUNKYARD

ARTICLE IV. JUNK AND MOTOR VEHICLE SALVAGE FACILITIES AND /OR JUNKYARDS

DIVISION 1. GENERALLY

SEC. 10-50 Definitions.

As used in this article, the following terms shall have the respective Meaning ascribed to them:

Hazardous. The term "hazardous waste" shall have the meaning prescribed by Minnesota Statutes, Section 116.06, Subd.11.

Junk: The term "junk" shall include, but not be limited to: old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, tires, rubber debris, solid or liquid waste, junk vehicles, dismantled vehicles, parts from vehicles, machinery, machinery parts, iron, steel, and other old or scrap ferrous or nonferrous material.

Junk Vehicle: A vehicle shall include any vehicle, motor vehicle, Trailer or semi-trailer, as defined by Minnesota Statute Section 169.01, which is not in an operable condition. As abandoned motor vehicle as defined by Minnesota Statute Section 168B.02, shall be considered a junk vehicle. All vehicles, motor vehicles, trailers or semi-trailers, which are not properly Licensed for operation on public highways within the State of Minnesota are also considered junk vehicles.

Motor vehicle salvage facilities and /or junkyards. The term "motor vehicle salvage facilities and/or junkyards" shall mean the storing or keeping of two (2) or more junk vehicles or Ten (10) or more pieces of junk.

Person. The term "person" includes any person, firm or corporation, or group, however organized, and the singular includes the plural.

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Racing car: Any motor vehicle designed or intended for operation on a speedway, race track, or other facility used or designed for high speed contests between two (2) or more vehicles or for timing of speed.

Stock car: Any motor vehicle of standard design and construction which is modified, adapted or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used or designed for high speed contests between two (2) or more vehicles or for timing of speed.

Sec. 10-51 Storage of junk and junk vehicles.

No person or corporation shall park, keep place or store, or permit the parking or storage of a stock car, racing car, junk vehicle, or junk, refuse, yard waste or recyclable materials, as defined in section 10-1 of this code, on public lands, street or alleys, or any private lands or premises unless it shall be within an enclosed garage or storage building on such private premises except as provided in this chapter.

Sec. 10-52. Repair, etc., of vehicles restricted.

No person or corporation shall service, repair, replace parts or do maintenance work on a stock car, Or junk vehicle on public lands or street, or on any private lands or premises unless it shall be within an enclosed garage or storage building on such private premises.

DIVISION 2. MOTOR VEHICLE SALVAGE FACILITIES AND /OR JUNKYARDS

Sec. 10-60. Purpose and intent.

Motor vehicle salvage facilities and/or junkyards process materials and debris contaminated by petroleum and chemical products, generate waste tires, batteries, and other materials requiring special disposal methods, and store accumulation of soil, ground water and surface waters. It is in the best interests of the public's health, safety and welfare to regulate their operations for the protection of the environment, to preserve the public health, and guard against the danger of fire.

Sec.10-61 License required.

- (a) It shall be unlawful for any person to operate and/or maintain a motor vehicle salvage facility and/or junkyard within the city without a valid junkyard or auto dismantling facility license. License shall not be assignable or transferable by the applicant.
- (b) An application for a motor vehicle salvage facility and/or junkyard shall be made to the city clerk on a form supplied by the city. The application fee, as herein specified, shall accompany the application. The clerk shall present the application to the city council for consideration, and if approved and granted by the city council a license shall be issued by the clerk.

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Sec. 10-62 General conditions.

Each application for a motor vehicle salvage facility and/or junkyard license shall include the following information:

- (1) The name, date of birth, social security number and street address of the applicant and the full Name of the business, which the facility will operate under.
- (2) The street address and legal description of the premises upon which the motor vehicle salvage Facility and/or junkyard is to be operated;
- (3) The Applicant must present evidence of ownership of the property or the name, street address, and written consent of the owner of the premises, to use the premises for the purposes detailed on the application
- (4) The date of issuance and status of the conditional use permit, if applicable, for use of the premises for the purpose detailed on the application.
- (5) A copy of a currant industrial storm water permit from the Minnesota Pollution Control Agency for the site.
- (6) A copy of the appropriate watershed approval, if applicable;
- (7) A site management plan, as herein defined;
- (8) Proof of general liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00)
- (9) A copy of any licenses from the Department of Public Safety for selling used parts or vehicles;
- (10) Federal and state sales tax identification numbers;
- (11) In addition, no license will be issued until the applicant agrees in writing to hold the city harmless from all damages and claims of damages which may arise by reason of any negligence of the applicant's agent or employees while engaged in the performance of the license and will indemnify the city for the amount of all claims.

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Sec. 10-63 Site Management Plan.

Each person holding a motor vehicle salvage facility and /or junkyard license issued by the city shall maintain a current site management plan on file with the clerk. The plan must be updated annually to accurately reflect the site conditions. At a minimum, the site management plan shall include the following

- (1) A site sketch showing the general location and dimensions of all fire lanes, building, storage, areas of hazardous , explosive or flammable material, waste piles of ten (10) or more tires, location of all fire extinguishers, and site entrance and exit points.
- (2) A fluid management plan describing in detail the processing of hazardous or flammable fluids, to include fluid drainage storage, proof of proper disposal, and spill containment and clean up;
- (3) A plan for the storage, processing, and disposal of batteries, tires, and parts containing hazardous material. Proof of proper disposal will be required;

Sec. 10-64 General operating practices.

Any motor vehicle salvage facility and/or junkyard location in the city must operate in conformance with the following provisions:

- (1) No motor vehicle salvage facility and/or junkyard shall be allowed to become a nuisance or shall be operated in such a manner so as to become injurious to the health, safety, or welfare of the community or any residents.
- (2) The facility operation shall be in compliance with the Motor Vehicle Salvage Facility Environmental Compliance Manual and other applicable Minnesota Pollution Control Agency rules.
- (3) Vehicle crushing shall be conducted on an impermeable surface with adequate spill control equipment. Waste fluids shall be properly managed according to Minnesota Pollution Control Agency guidelines.
- (4) Disassembly of any vehicle, or component thereof, which allow for the leakage of fluids, will be completed with in a covered structure with an impermeable floor.
- (5) Draining of vehicle fluids will be completed within a covered structure with an impermeable floor with spill-control equipment, and absorbent material immediately available to contain any spill which may occur.

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- (6) Parts cleaning operations shall be conducted in accordance with current Minnesota Pollution Control Agency parts-cleaning methods and wastewater management guidelines.
- (7) Drained vehicle parts and cores will be stored in closed bins or in a covered area to minimize exposure to precipitation. Vehicle parts which pose a risk to the environment including, but not limited to, lead parts, mercury switches, catalytic converters, and airbags, shall be removed and stored in accordance with the current Minnesota Pollution Control Agency guidelines and recycled through an approved recycling facility.
- (8) Battery, tires, All Batteries must be stored on a non-reactive, curbed and impermeable surface without a floor drain and protected from accumulation of rain, snow and drain water, or stored within a covered, non-reactive impermeable container.
- (9) Tire storage. Waste tire storage shall be kept in one (1) location and shall not exceed one hundred tires or the volume permitted in one (1) semi-trailer.
- (10) Uncrushed junk and junk vehicle storage. Uncrushed junk and junk vehicles shall be stored in piles not exceeding one (1) vehicle in height and shall be so arranged to permit emergency access (see sec. 10.65 (b)).
- (11) Hazardous material storage. Flammable and hazardous materials shall be stored in compliance with the Minnesota uniform Fire Code in covered and appropriately marked containers suitable to the contents in storage. Adequate aisle space shall be provided for access by emergency personnel and for spill containment and cleanup equipment (see sec. 10.65 (b)).
- (12) Anti freeze disposal. Antifreeze shall be collected and recycled, or disposed of through other Minnesota Pollution Control Agency approved methods. Antifreeze shall not be discharged to land, water, any septic system, or public sewer system.
- (13) Refrigerants (CFCs). Refrigerants shall be recycled, disposed of as hazardous waste, or after being drained and tested by a professional testing laboratory, disposed of as solid waste. Oil filter may remain attached to engine or motor when sold to a second party or transported as scrap, as long as the receiving person will accept the filter.
- (14) Oil filter disposal. Used oil filters shall be recycled disposed of as hazardous waste, or after being drained and tested by a professional testing laboratory, disposed of as solid waste. Oil filter may remain attached to engine or motors when sold to a second party or transported as scrap, so long as the receiving person will accept the filter.
- (15) Battery cable disposal. Lead battery cable ends and heater cores shall be removed from vehicles prior to crushing and shall be recycled separately, unless accepted as a vehicle component by a second person.
- (16) Other recyclables. Other recyclables designated by the Minnesota Pollution Control Agency shall be disposed of as required by current Minnesota Pollution Control Agency guidelines.

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- (17) On-site disposal. On-site disposal of any material is prohibited, except under proper license or permit.
- (18) Hazardous spills. Spills of oil, lubricants, or other hazardous material shall be promptly contained, cleaned, and disposed of in accordance with current Minnesota Pollution Control Agency guidelines.
- (19) Recycling petroleum products. Used oil, including engine oil, transmission fluid, hydraulic oil and similar petroleum products, shall be recycled or disposed of through Minnesota Pollution Control Agency approved methods.

Sec. 10-65 Site Requirements.

- (a) Fencing. Fencing shall be installed in accordance with city specification on the perimeter of all motor vehicle salvage facilities and / or junkyards at least eight (8) feet high and not to exceed twenty (20) feet in height. Said enclosure shall be maintained in good condition at all times and constructed so that no dust or other material may pass through. Any such fence shall not have more than one (1) opening upon any public street and each opening shall not be more than twenty-five (25) feet wide and shall be equipped with a substantial, solid tight gate or door of the same height as such fence or wall, and the same shall be kept securely closed at all times when such establishment is not open for business. No junk or storage of any description shall be kept displayed or exhibited on the outside or protrude above such fence.
- (b) Emergency access. Adequate access shall be provided on site to ensure fire protection throughout site. A minimum of a twenty (20) foot wide access road shall be provided to within one hundred fifty (150) feet of all vehicle or vehicle parts storage areas. The road shall be capable of supporting thirty-five (35) ton emergency vehicles.
- (c) Site Access. Sites shall provide a driveway with a surface equal to the street surface to extend from the street to the required screen fence.

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Sec. 10-66 Inspections and monitoring

- (a) Inspections by officials. In order to ensure compliance with the license granted in this division, and as a condition for the issuance of the license granted under this division, the applicant shall allow inspection at reasonable and appropriate times by officials of the city or such consultants as the city deems appropriate to retain
- (b) Monitoring wells. The council may require that any licensee construct and maintain, at the licensee's expense, ground water monitoring wells on the premises of his / her motor vehicle salvage facility and and / or junkyard and conduct tests to determine the impact the facility is having on the city's ground water. Where appropriate, soil sampling may be required in place of or in addition to ground water monitoring. In determining whether to require monitoring wells, the council shall:
 - (1) Evaluate the condition of site, hazardous waste storage and disposal practices, evidence of spill or vehicle fluid drainage problem
 - (2) Consider the specific geographic, topographical and other features of the operation as they pertain to the facilities' potential to contaminating the city ground water.
 - (3) Consider the professional recommendation of the city engineer, or other qualified individual or firm as to the necessity or desirability of constructing monitoring wells and the frequency of required tests at the facility.

(c) It is the duty of every person to notify the Minnesota pollution Control Agency of any spill or discharge of a substance in accordance with Minnesota Statutes, Section 115.061. any person holding a motor vehicle salvage facility and / or junkyard license from the city shall also report to the city, in writing the, time, date, location, cause, and method of cleanup of any hazardous material spill reported to the Minnesota Pollution Control Agency.

Sec. 10-67. Licenses.

- (a) Licenses shall be issued under this division for a period not to exceed one (1) year.
- (b) Display of license. Every license shall be kept conspicuously posted about the place for which it is issued, along with the telephone number of the Minnesota Pollution Control Agency Spill Unit and the City of Brownsdale, Fire Department. Licenses shall be exhibited to any person upon request.
- (c) License Fee. The fee for every motor vehicle salvage facility and / or junkyard license shall be an amount established by council resolution per year. Such fees do not include cost to be paid by the licensee in the design, supervision, and construction of any ground water monitoring wells required as part of this license.
- (d) Hearing on granting, denial, renewal, or revocation of license. Every license may be revoked by the council for violation of any provision of this division, after the licensee has been given reasonable notice and the opportunity to be heard, or upon any change in zoning or conditional use permit status of the premises whereby motor vehicle salvage facilities and / or junkyards are prohibited. There shall be no refund of any license fee, or any portion thereof upon revocation.

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Sec. 10-68. Closure.

Prior to discontinuing the motor vehicle salvage facility and / or junkyard operation a plan must be submitted documenting a plan to remove all outside storage of material and vehicle, structures, fencing, hazardous wastes and documenting the owners / operators' responsibilities for full site and pollution cleanup.

Sec. 10-69. Compliance.

- (a) Any person acting as a motor vehicle salvage or junk dealer within the city on the effective date of the ordinance from which this division derives (Ordinance. # No 2005-1) shall have a period of six (6) months after such effective date to comply with provisions of this division.
- (b) Any person who violates any provision of this division shall be guilty of a misdemeanor as defined by state law and subject to the penalties thereof.

This Ordinance becomes effective April 20, 2005

Passed by the Brownsdale City Council this 4 day of April 2005

Marvin Foster
Mayor

(Seal)

Attest:

Ida Foster
City Clerk

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