

Violation Notice, Follow Up and Illegal Junkyard Prosecution

Use Consistent Enforcement Actions Statewide

MnDOT uses consistent inventory and classification criteria statewide for investigating junkyards and issuing violation notices. Problems develop if district staff do not monitor and enforce violations consistently statewide.

The state law identifies five hulks, or the equivalent, as constituting a junkyard. Some land owners are unaware of the law; the formal violation notice may offend them. If MnDOT can locate the land owner or the owner of the junk, the best approach is to talk with them about removing the visible junk.

Use the public website to explain the state law and enforcement requirements of the law. Discuss actions that the owner may take and provide available resource information to the affected land owner. Allow 15 days for clean up or screening prior to sending a violation notice. Maintain an accurate and complete documentation of the site and all actions taken to bring the junkyard into compliance with state law.

Document Junkyard Status and Enforcement Actions

Complete site documentation is necessary if legal action may be required against a junkyard owner(s). Document all of the following:

Zoning Status

Verify current land zoning at site location and review local zoning ordinances, and document local control requirements for junkyards. Junkyards located in zoned or unzoned industrial areas are legal by state law. If a local zoning ordinance includes the control of junkyard, work with local zoning enforcement staff and provide support as needed. Follow up and verify the violation is corrected to satisfy state law requirements.

Written Documentation of Actions

When illegal junkyards are identified, maintain a written log of all contacts and actions taken, including those by MnDOT to communicate with the owner(s) or other units of local and state government, as well as by the land owner to correct the violation.

Photograph Violations

Photograph the illegal junkyard regularly to document actions taken by the land owner to correct the violation of state law. Photographs of the site will help if prosecution is necessary. Label and date all photos.

Personal Contact with the Owner

Personally contact the landowner(s) and/or junkyard operator. Use the public website to explain the state law and enforcement requirements. Discuss actions that the owner may take to avoid legal action.

In some cases, land owners don't know they are in violation of a state law. Educating them can motivate them to clean up the junk before the problem is bigger and a violation notice is needed.

Send Written Violation Notice by Certified Mail

If after talking with the land owner no action to correct the violation is taken, send a violation notice to the land owner to begin the 90-day clean up period. Send the violation letter by certified mail to the land owner within 15 days of the first contact. File a copy of the violation letter with the certified mail receipt in the site file.

Notify Local Unit of Government

If the owner has taken no action to correct the violation after 45 days, send a copy of the violation notice to the county and local zoning administrators.

If the land owner has not corrected the violation within 90 days, send a letter to the local unit of government requesting immediate action to notify and prosecute the land owner as a public nuisance. Supply local units of government with complete documentation, including file copies of activities and duplicate photos of the site conditions. Review documentation with the attorney to ensure prosecution material is adequate. The information must be complete for the city or county to take legal action.

Follow up with the local zoning administrator and city or county attorney's office to see if the local unit of government attorney will send a letter to the land owner in violation. The letter should inform the land owner that, if things are not cleaned up, they will be taken to court in accordance with state law. Remind the city or county attorney that it is their responsibility to prosecute violators, as described in state Statute 161.242 and 168B.01.

Send Letter of Conformance by Certified Mail

When the owner has fully corrected the violation, send a letter of conformance by certified mail to the land owner and place a copy in the site file.