

Monitoring

MnDOT is responsible for ongoing monitoring of state highways and the interstate for legal, illegal and legal non-conforming junkyards. The inventory process includes identification and classification of all junkyards, and written and photographic documentation of illegal and legal non-conforming junkyards. Inventory data collected and retained for the three junkyard classification types varies. MnDOT formally records the junkyard location, verifies local zoning, and takes appropriate action.

Maintain Written Inventory Summary

Each MnDOT district is responsible for maintaining its own written inventory, which includes the location and written description of the junk type and area of coverage including dated photos. Inventory should include a list of actions taken and the date the action was taken.

Verify Local Zoning Requirements

Check current zoning ordinance. If the local unit of government has a zoning ordinance, check requirements for junkyards in zoned or unzoned industrial areas. Junkyards located in zoned or unzoned industrial areas are legal by state law. Record any zoning change to the junkyard inventory that affects listed junkyards.

Inventory Illegal Junkyards

Maintain written and photographic documentation of illegal junkyards for a minimum of two years. Contact all land owners of an illegal junkyard to inform them of state law governing junkyards and ask the owner to clean up the site. Check the site again 10 to 15 days after first contact. If the site is not cleaned or screened send a violation notice.

Inventory of Legal Non-Conforming Junkyards

If a junkyard was in continuous existence since July 1, 1971, inform the owner of the MnDOT Junkyard Control Program. The junkyard owner is eligible for state funds to remove, relocate on-site, or screen the non-conforming junkyard.

Statewide Reporting Procedure

Uniform Reporting Process

Statewide junkyard inventory information is stored in various MnDOT electronic data filing systems. Legal non-conforming junkyard easement and right of way data is recorded in REALMS and also recorded on land titles. Additional program, project information and screening plans are stored in EDMS (http://dotapp7.dot.state.mn.us/cyberdocs_guest/). District staff is responsible for storage, retrieval and reporting of data for junkyards located within their district boundaries.

Public Education

MnDOT may publish an annual summary report and provide the public with information on how they can get involved in junkyard monitoring. MnDOT should inform the local government units about the state junkyard law so they can make informed decisions about zoning in their areas.

Public Involvement

The MnDOT website is designed to inform the public and local units of government of the different classifications of junkyards. Most newly identified illegal junkyards are called in by neighbors. Educating the public to prevent the establishment of illegal junkyards and to report violations can reduce the state's cost of monitoring highways for illegal junkyards. A news release to local news media can provide valuable information about state law. Public pressure can encourage local units of governments to

adopt local zoning to control junkyards throughout their area and to prosecute land owners who violate Mn Statute 161.242.

Monitor Previous Legal Non-Conforming Junkyards that were Cleaned up, Relocated On-site, or Screened

Maintain Records of the Locations where State and Federal Funds were Spent for Junkyard Control

Maintain an inventory of locations of previous legal non-conforming junkyards were located. For each legal non-conforming junkyard, maintain project information that includes a site plan, air photos before and after actions were taken, site photos, complete file of action taken, and summary of the amount of funds spent to control that property. These records will ensure that the MnDOT district staff can locate the site and MnDOT Central Office can account for funds spent.

Conduct an Annual Inspection of State Screened or Cleaned-up or Relocated Junkyards

Conduct an annual inspection of each MnDOT screened junkyard for violation of the screening agreement or damage to the screen. If screen damage has occurred, review the screening agreement to determine what actions should be take and by whom to correct the defect. Monitor legal non-conforming junkyards where the state removed or relocated junk to verify junkyard has not become illegal.

Junkyard Screen Violations

Monitor legal non-conforming junkyards where the state screened junk. If junk in excess of five hulks is visible from the highway above or in-front of the screen or beyond where the screen ends the junkyard is illegal. If junk is visible, the junkyard is illegal. Send the junkyard property owner(s) a violation notice.

The owner has 90 days after the violation notice is sent to clean up junk. Periodically check on the junkyard to see if the junk has been removed from view. If it has been removed from highway motorist view, send the owner a conformance letter.

Legal Action

Work with local units of government to prosecute each property owner(s) who is in violation of MN Statute 161.242. Provide all site information, including dated photographs, to the local unit of government when you request prosecution of an illegal junkyard.

If you do not receive cooperation from the local unit of government to prosecute the illegal junkyard land owner for having a public nuisance, contact the Statewide Junkyard Program Manager. The Program Manager will contact the Attorney General's Office.

Remove State Owned Screen and/or Easement if Legal Non-conforming Junkyard is cleaned up or a Change in Ownership or Zoning Changes MnDOT's Obligations for Maintaining an Interest in the Fence or Easement

Contact Owner

If the junkyard is 100 percent cleanup of all junkyard material or the classification of a junkyard site changes due to a change in local zoning or in land ownership that eliminates the state's obligation under MN Statute 161.242, MnDOT will contact the land owner in writing to notify them of the change. MnDOT should work with the land owner(s) to take immediate action to remove or transfer the screen to the land owner and vacate the easement. These actions will eliminate potential future cost to the

state. At the time a junkyard is cleaned up or is determined to be legal under MN Statute 161.242, send the land owner a letter of conformance by certified mail and retain a copy of delivery verification with the conformance letter in the project file.

Remove State-Owned Screen

MnDOT will review the condition of the signed Right of Way Agreement executed between MnDOT and the land owner at the time the screen was constructed and follow the agreement unless an alternate agreement is reached between MnDOT and the land owner. The landowner may submit to MnDOT a written request to transfer ownership of the chain-link or wood screen to the land owner. If a written request is not received, MnDOT will remove the chain-link or wood screen. Vegetative screens will be left in place unless the land owner submits a written request to remove it. MnDOT will review the landowners request and determine a removal schedule or if a transfer of materials is appropriate. Upon receiving a written request from the landowner and verifying 100 percent cleanup of all junkyard material from the land, the state may remove the state-owned screen.

All plant material should be left in place unless removal of MnDOT-installed plantings is specifically requested by the owner.

Remove State-Owned Easements

Temporary screening easements acquired by the state to construct junk yard screens shall be removed from the land title by the state. All activities must agree with the signed Right of Way Agreement executed between MnDOT and the land owner at the time the screen was constructed. Notify the District Right of Way Engineer to remove the screen location easements from the property title when either the screen is removed or documents to transfer the screen to the land owner are complete.

Retain Land-use Restrictions for the Land

Leave in-place all existing state visual easement restrictions on the land title so future use of the land as a junkyard cannot occur. All activities must agree with the signed Right of Way Agreement executed between MnDOT and the land owner at the time the screen was constructed. To prevent possible legal actions by the previous and current land owners, notify the land owner of all actions the state takes.