

Tough-Fix Legal Non-Conforming Junkyard

The MnDOT District Junkyard Coordinator is responsible for enforcing the state and federal laws for junkyard control. In some situations the landowners of legal non-conforming junkyards did not have interest in participating in the funded cleanup program, or some outside constraint deterred MnDOT from taking action to bring the property into compliance with state law. These sites were designated by MnDOT as tough-fix sites.

The District Junkyard Coordinator is responsible for

1. Contacting each owner of legal non-conforming junkyards periodically (minimum every five years) to review current control measures and opportunities for bringing the junkyard into conformance with state law.
2. Explaining to owner(s) if funding is available to pay for bringing their junkyard into compliance.
3. Clarify that it is MnDOT's policy to work with legal non-conforming junkyard owner(s) to find solutions to bring them into compliance with State law.

MnDOT has based current control method priorities on lowest life-cycle cost to the state for compliance with the junkyard control state law. They are:

1. Clean up site by removing all junk material
2. On-site relocation
3. Screen
4. Off-site relocation
5. No action (Tough Fix)
6. Condemnation removal (not currently used)

A determination of which control method should be used to bring a junkyard into compliance with state law is based on joint review of the land owner's preference and MnDOT's evaluation of site conditions and related issues. Complete salvage removal is only possible if the non-conforming junkyard owner is willing in the future to manage the property in compliance with state law. If the legal non-conforming junkyard is a viable, ongoing business, screening or relocation may be a preferred alternative. A legal non-conforming junkyard is considered a tough-fix property under a variety of conditions resulting in MnDOT not able to take action.

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Tough-Fix Junkyard Illegal Expansion

The Commissioner of Transportation is responsible for the control of junkyards along the trunk highways. MnDOT recognizes that businesses grow; however, the commissioner's level of responsibility for removal or screening is based on the size of the junkyard in 1971 and reasonable business changes up to MnDOT's first point of contact. Additional expansion in yard size (in volume of junk or area) is illegal. Screening and clean up of the expansion area is the responsibility of the land owner. MnDOT will use air photos to document the yard size when MnDOT made its first contact with the land owner. Discussions documenting the "maximum" extent of MnDOT's cleanup and screening participation to the land owner will be based on MnDOT air photo and other supporting information.

Status of Tough Fix Non-Conforming Junk Yards

At the completion of the accelerated junkyard program in January 1991, there were 21 non-conforming tough-fix legal non-conforming junkyards statewide.

Tough-Fix Status Due to the Physical Nature of the Site

Topography problems can make screening difficult. When the junkyard, located on a hillside, faces the highway, one option is to relocate the junkyard on-site so it is out of view from the highway users. Another option is to consolidate the junk on the site so that it can be screened and, in conjunction with screening, purchase a restriction easement on the visible areas that were cleared. If the junkyard cannot be screened on-site, relocate the junkyard to a legally zoned area, provided the new site is not visible from a trunk highway.

Tough-Fix Status Due to Title Problems

Land ownership title problems have created situations that prevent MnDOT from taking action to bring a junkyard into compliance with state law. Condemnation may be considered to resolve title problems.

Tough-Fix Status on Indian Lands

Minnesota state law does not include regulation of tribal land. MnDOT, as an agent assigned to enforce the federal laws, is responsible for working with the tribes to enforce federal law. Junkyards on tribal land visible from highways controlled under federal law require coordination with the appropriate tribe. MnDOT should work through the department's contact for the Minnesota Advocacy Council for Tribal Transportation for direction on how to resolve individual issues.

Tough-Fix Status Because of Owner

Some legal non-conforming junkyard owners are unwilling to participate in the Junkyard Control Program. District staff should visit the owners annually to determine level of interest and monitor properties for a change in land ownership. Sometimes, a new land owner is interested in participating in the program.

Condemnation as a Tool

Use of condemnation in accordance with state and federal requirements is an option for controlling legal non-conforming junkyards. However, MnDOT's first priority is to work with owners who want to participate in the program. Condemnation can be used to establish land value before and after junk is removed. Condemnation can also be used to settle title disputes. Condemnation is a costly activity for the state and should be used only when no other reasonable option exist.