

Section 945 - Landfill Gas Control District.

945.01. Declaration Of Public Policy And Purpose. The Council of the City of Hopkins hereby declares as a matter of public policy that compliance by the City of Hopkins with applicable orders, directives or regulations of the Minnesota Pollution Control Agency regarding landfill gas emissions from the 7th Street Landfill is in the interest of the health, safety and welfare of the people of the City of Hopkins in the regulation of activities thereon. Accordingly, the purpose of this chapter is to impose certain controls on certain property, for so long as required by the Minnesota Pollution Control Agency pursuant to the Closure Order and other applicable orders, directives and regulations respecting the 7th Street Landfill.

945.03. Definitions. Subdivision 1. For the purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. Closure Order: The Closure Order by Consent dated June 13, 1988 between the Minnesota Pollution Control Agency and the City with respect to the Landfill, as from time to time amended, and all directives, oral or written by the MPCA pursuant thereto.

Subd. 3. Landfill: The former 7th Street Landfill located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 117, Range 22, Hennepin County, Minnesota. (Amended by Ord. #95-766)

Subd. 4. Landfill Gas: Any gaseous or volatile organic compound generated or emitted on or adjacent to the Landfill, including, without limitation, methane, by reason of decomposition of landfill waste.

Subd. 5. MPCA: The Minnesota Pollution Control Agency or any successor agency performing the functions of the Minnesota Pollution Control Agency.

Subd. 6. Institutional Controls: Imposition of setbacks on premises adjoining the Landfill Gas Control District. (Added Ord. No. 95-775)

945.05. Property Included In District. The following described property is included within the designated Landfill Gas Control District. The boundary of the district is as follows:

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter of the Southwest Quarter; thence southerly, along the east line of said Northwest Quarter of the Southwest Quarter to its intersection with a line drawn parallel with and distant 33.00 feet south of the north line of said Northwest Quarter of the Southwest Quarter and said point of intersection being the point of beginning; thence westerly, along said described parallel line to its intersection with the southeasterly right-of-way line of the Soo Line Railroad Company (formerly known as the Chicago, Milwaukee, St. Paul, and Pacific Railroad);

thence southwesterly, along said southeasterly right-of-way line to its intersection with the west line of said Northwest Quarter of the Southwest Quarter; thence southerly, along said west line of the Northwest Quarter of the Southwest Quarter to the southwest corner thereof; thence easterly, along the south line of said Northwest Quarter of the Southwest Quarter to the southwest corner of Outlot A, WESTBROOKE PATIO HOMES, according to the recorded plat thereof, Hennepin County, Minnesota; thence northerly, along the west line of said WESTBROOKE PATIO HOMES to the southwest corner of Outlot B of said WESTBROOKE PATIO HOMES; thence easterly, along the south line of said Outlot B to its intersection with the east line of said Northwest Quarter of the Southwest Quarter; thence northerly, along said east line of the Northwest Quarter of the Southwest Quarter to the point of beginning and there terminating.

Together with that part of the Northwest Quarter of the Southwest Quarter of said Section 25 described as follows:

Beginning at the point of intersection of the north line of the Northwest Quarter of the Southwest Quarter of Section 25 with the southeasterly right-of-way line of the Soo Line Railroad Company (formerly known as the Chicago, Milwaukee, St. Paul, and Pacific Railroad); thence southwesterly, along said southeasterly right-of-way line, a distance of 54.64 feet to its intersection with a line drawn parallel with and distant 33.00 feet south of said north line of the Northwest Quarter of the Southwest Quarter of Section 25; thence easterly, along said parallel line, a distance of 68.56 feet to its intersection with a line drawn perpendicular to said southeasterly right-of-way line from said point of beginning; thence northwesterly, along said perpendicular line, a distance of 41.40 feet, to the point of beginning. (This section was amended by Ord. #95-766)

945.07. Entry By City. The City, and persons claiming under or through the City, shall have a right of entry onto any parcel contained within the Landfill Gas Control District, for the purpose of conducting drilling, boring or otherwise sampling, testing the soil or ground water of any such parcel, or testing, measuring or monitoring Landfill Gas emissions thereon or for the installation or maintenance of wells, monitoring or measuring devices, or the carrying out of any remedial activity required by the MPCA. Any such entry shall be made at reasonable times and upon reasonable advance notice to any owner or person in possession.

945.09. Activities Prohibited In Landfill Gas Control District. No building or structure shall be erected, occupied or maintained in or upon any property located within the Landfill Gas Control District; nor shall any trade or business be conducted therein or thereon nor shall any personal property, fixtures or equipment be placed, located or stored therein or thereon in violation of such orders, directives, regulations and requirements issued or promulgated from time to time by the MPCA and unless the City of Hopkins shall have issued a license there for duly applied for to said City subject to such terms, conditions, restrictions and for such duration as may be established by the MPCA and such additional terms and conditions as may be imposed by the City.

945.11. Removal Of Prohibited Property. Upon determination by the City that a violation exists, the City shall direct abatement of such violation by written order served personally or by certified mail upon the owner or party in possession specifying the violation, the action necessary to cure the violation, the time frame in which the violation must be abated and notice that the City will undertake such abatement required unless otherwise corrected within the period indicated in the notice and charge all costs incurred by the City against the real estate as a special assessment or against the responsible party. Abatement may include without limitation, removal of existing structures or other improvements or removal of personal property, fixtures or equipment located thereon.

945.13. Setback Requirements. In order to provide for the health, safety and welfare of people in proximity to the boundaries of the Landfill Gas Control District located on properties adjoining thereto, there is hereby imposed thereon certain setbacks on the following described property adjoining said Landfill Gas Control District upon which no structures or construction of any kind shall be permitted without consent of the City of Hopkins and the Minnesota Pollution Control Authority:

Parcel 1

That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 25, thence westerly, along the north line of said Southwest Quarter of the Southwest Quarter, a distance of 195.88 feet to the point of beginning; thence southerly, at a right angle to said north line, a distance of 80.00 feet, thence westerly, along a line parallel with and distant 80.00 feet south of said north line, a distance of 250.00 feet, thence northerly, at a right angle to said parallel line, a distance of 30.00 feet, thence westerly, at a right angle, along a line parallel with and distant 50.00 feet south of said north line to its intersection with the west line of said Southwest Quarter of the Southwest Quarter, thence northerly, along said west line to the northwest corner of said Southwest Quarter of the Southwest Quarter, thence easterly along said north line of the Southwest Quarter of the Southwest Quarter to the point of beginning.

That part of Section 25, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Beginning at the point of intersection of the north line of the Northwest Quarter of the Southwest Quarter of said Section 25 with the southeasterly right-of-way line of the Soo Line Railroad Company (formerly known as the Chicago, Milwaukee, St. Paul and Pacific Railroad); thence northerly, at a right angle to said right-of-way line, a distance of 120.00 feet, thence southwesterly along a line parallel with and distant 120.00 feet northwesterly of said southeasterly right-of-way line to its intersection with the west line of said Section 25, thence southerly, along the said west line of Section 25 to its intersection with the said southeasterly railroad right-of-way line, thence northeasterly, along said southeasterly railroad right-of-way line to the point of beginning. (Added Ord. No. 95-775)

945.15. Expiration of Setback. The setback requirements contained within in Section 945.09 shall expire without further action on October 31, 2000 or at the earlier date of October 31, 1998 if eight consecutively quarterly landfill gas samples disclose landfill gas levels are below the lower explosive limit at wells designated by the MPCA. (Added Ord. No. 95-775)

945.17. Unauthorized Access. The City shall impose from time to time certain controls necessary and appropriate to prohibit unauthorized access to, over and upon landfill property by the general public. (Added Ord. No. 95-775)