

CHAPTER 7535
OFFICE OF PIPELINE SAFETY
MODEL PIPELINE SETBACK ORDINANCE

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7535.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Building.** "Building" means a structure designed primarily for human use or occupancy including businesses, offices, educational facilities, medical facilities, residences, and institutions. Decks, overhangs, porches, or similar attached structures are considered part of the building. Building does not include appurtenances required to operate or maintain pipeline systems.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subp. 4. **Other development.** "Other development" means commercial, industrial, or agricultural development when it results in the construction of a building or place of public assembly.

Subp. 5. **Pipeline.** "Pipeline" has the meaning given it in Minnesota Statutes, section 299J.02, subdivision 11.

Subp. 6. **Pipeline easement.** "Pipeline easement" means the existing easement or a subsequent easement resulting from the negotiation of a change in the boundaries of the existing easement.

Subp. 7. **Place of public assembly.** "Place of public assembly" means a site that is occupied by 20 or more persons on at least five days a week for ten weeks in any 12-month period. The days and weeks need not be consecutive.

Statutory Authority: *MS s 299J.05*

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7535.0200 PURPOSE.

The purpose of this chapter is to set out a model ordinance requiring a setback from pipeline sites where residential or other development may occur.

Statutory Authority: *MS s 299J.05*

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7535.0300 SCOPE.

This chapter applies to statutory or home rule charter cities, towns, and counties that have planning and zoning authority under Minnesota Statutes, sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, and in which a pipeline is located.

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7535.0400 ADOPTION OF SETBACK ORDINANCE.

Subpart 1. **Deadline.** By August 1, 1991, each jurisdiction described in part 7535.0300 shall adopt an approved setback ordinance that meets or exceeds the minimum standards set out in this chapter.

Subp. 2. **Application.** The model setback ordinance must be applied to any jurisdiction that has not adopted an approved setback ordinance by August 1, 1991.

Subp. 3. **Approval process.** Each jurisdiction shall submit a copy of its proposed ordinance to the commissioner. The proposed ordinance must be compared to the definitions and model setback ordinance in parts 7535.0100 and 7535.0500 to ensure that the proposed setback meets or exceeds the minimum standards set out in the model. The commissioner's written decision on the proposed ordinance will be sent to the jurisdiction within 90 days of receipt. The decision must specify approval of the ordinance or areas of deficiency and recommended modifications.

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7535.0500 MODEL SETBACK ORDINANCE.

Subpart 1. **Purpose.** The purpose of a model setback ordinance set out in this part is to increase public safety by requiring that new development be set back from pipeline locations.

Subp. 2. **Applicability.** This ordinance applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before July 1, 1991.

Subp. 3. **Setback.** Buildings and places of public assembly subject to this ordinance shall not be constructed closer to the pipeline than the boundary of the pipeline easement.

Subp. 4. **Variations.** Variance procedures adopted by the local unit of government under Minnesota Statutes, sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, shall apply.

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