

1 Department of Public Safety

2 Office of Pipeline Safety

3

4 Adopted Permanent Rules Relating to a Model Pipeline Setback

5 Ordinance

6

7 Rules as Adopted

8 7535.0100 DEFINITIONS.

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

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

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

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

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

26 Subp. 6. **Pipeline easement.** "Pipeline easement" means the  
27 existing easement or ~~the negotiated~~ a subsequent easement  
28 resulting from ~~a blanket~~ the negotiation of a change in the  
29 boundaries of the existing easement.

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

34 7535.0200 PURPOSE.

35 The purpose of this chapter is to set out a model ordinance

1 requiring a setback from pipeline sites where residential or  
2 other development may occur.

3 7535.0300 SCOPE.

4 This chapter applies to statutory or home rule charter  
5 cities, towns, and counties that have planning and zoning  
6 authority under Minnesota Statutes, sections 366.10 to 366.19,  
7 394.21 to 394.37, or 462.351 to 462.365, and in which a pipeline  
8 is located.

9 7535.0400 ADOPTION OF SETBACK ORDINANCE.

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

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

17 Subp. 3. **Approval process.** Each jurisdiction shall submit  
18 a copy of its proposed ordinance to the commissioner. The  
19 proposed ordinance must be compared to the definitions and model  
20 setback ordinance in parts 7535.0100 and 7535.0500 to ensure  
21 that the proposed setback meets or exceeds the minimum standards  
22 set out in the model. The commissioner's written decision on  
23 the proposed ordinance will be sent to the jurisdiction within  
24 90 days of receipt. The decision must specify approval of the  
25 ordinance or areas of deficiency and recommended modifications.

26 7535.0500 MODEL SETBACK ORDINANCE.

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

31 Subp. 2. **Applicability.** This ordinance applies to new  
32 residential and other development. It does not apply to  
33 development that has occurred or for which development permits  
34 have been issued before the effective date of this part.

1           Subp. 3. **Setback.** Buildings and places of public assembly  
2 subject to this ordinance ~~must-be-designed-to-accommodate-a~~  
3 ~~setback-from-the-pipeline-equal-to-or-greater-than-the-pipeline~~  
4 ~~easement-boundaries~~ shall not be constructed closer to the  
5 pipeline than the boundary of the pipeline easement.

6           Subp. 4. Variances. Variance procedures adopted by the  
7 local unit of government under Minnesota Statutes, sections  
8 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, shall  
9 apply.