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**STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY**

Dear Local Government Official:

December 2, 1994

It has come to my attention over the past several months that some local government planning and zoning administrators may not be aware of Minnesota's Model Pipeline Setback Ordinance. This ordinance specifies the maximum proximity of new construction and land development to existing pipelines. It is imperative that all local government officials responsible for planning and zoning be familiar with this ordinance, its restrictions and implications.

I have enclosed a copy of the ordinance for your review. This ordinance went into effect in August, 1991, and applies to all Minnesota statutory, or home rule charter cities, towns and counties that have planning and zoning authority and have not adopted their own (more restrictive) setback ordinances. The Minnesota Model Setback Ordinance prohibits "buildings and places of public assembly" from being constructed closer to a pipeline than the boundary of the pipeline easement. Please be aware that a "place of public assembly" is defined as 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, with the days and weeks not necessarily being consecutive. This definition is particularly important when sites for new school buildings and grounds or recreational projects are being planned.

For purposes of this ordinance, pipeline means:

- (1) a pipe with a nominal diameter of six inches or more, that is used to transport hazardous liquids, but does not include pipe used to transport a hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refining storage, or manufacturing facility; or
- (2) pipe operated at a pressure of more than 275 pounds per square inch that carries gas.

Please note that under Subpart 4 of the ordinance, in cases of undue hardship, the opportunity for a variance is discussed. If, at any time, a variance is being considered, we would appreciate being informed and involved in the process from the beginning. This will save time for all parties involved and assure the safest result for the public.

I urge you to become familiar with this ordinance and to pass this knowledge along to your colleagues. If you have any questions about this, please do not hesitate to contact me or Ron Wiest, the Office's Chief Engineer, at (612) 296-9636.

Thank you.

Sincerely,

Charles R. Kenow, Administrator
Enclosure



**CHAPTER 7535
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF PIPELINE SAFETY
MODEL PIPELINE SETBACK ORDINANCE**

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

History: 15 SR 2734

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

History: 15 SR 2734

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.

Statutory Authority: MS S 299J.05

History: 15 SR 2734

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.

Statutory Authority: MS s 299J.05

History: 15 SR 2734

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.

Statutory Authority: MS s 299J.05

History: 15 SR 2734