

**FRIDLEY CITY CODE**  
**CHAPTER 130. CLANDESTINE DRUG LAB AND CHEMICAL DUMP SITES**  
(Ref. 1189)

**130.01. General Provisions.**

1. Purpose and Intent. The purpose of this Ordinance is to reduce public exposure to health risks where law enforcement officers or fire officials have determined that hazardous chemicals from a suspected clandestine drug lab site or associated dump site may exist. The City Council finds that such sites may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site, now and in the future.

Based upon professional reports, assessments, testing and investigations, the City Council finds that such hazardous chemicals can condense, penetrate, and contaminate on the land, surfaces, furnishings, buildings, and equipment in or near structures or other locations where such sites exist. The Council finds that these conditions present health and safety risks to residents, occupants and visitors through fire, explosion, skin and respiratory exposure and related dangers. The Council further finds that such sites present health and safety risks to occupied residences, buildings and structures and to the general housing stock of the community.

2. Interpretation and Application. In their interpretation and application, the provisions of this Ordinance shall be construed to protect the public health, safety and welfare.

Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

Should any court of competent jurisdiction declare any section or subpart of this Ordinance to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the provision declared invalid.

3. Fees. Fees for the administration of this Ordinance may be established and amended periodically by ordinance of the City Council.

4. Definitions. For the purpose of this Ordinance, the following terms or words shall be interpreted as follows:

- A. Building Official shall mean the City of Fridley's Chief Building Official or his/her designee.
- B. Child shall mean any person less than 18 years of age.
- C. Chemical dumpsite shall mean any place or area where chemicals or other waste materials used in a clandestine drug lab has been located.

- D. City shall mean the City of Fridley.
- E. Clandestine drug lab shall mean the unlawful manufacture or attempt to manufacture controlled substances.
- F. Clandestine drug lab site shall mean any place or area where law enforcement or fire officials have determined that conditions associated with the operation of an unlawful clandestine drug lab exist. A clandestine drug lab site may include motor vehicles, trailers, boats or other movable property, dwellings, accessory buildings, accessory structures, commercial structures, multi- family structures, a chemical dump site or any land.
- G. Controlled substance shall mean a drug, substance or immediate precursor in Schedules I through V of Minn. Stat. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- H. Environmental testing and cleaning firm or contractor shall mean a business or individual with established competence as designated by the State of Minnesota Department of Health specific to the environmental task being performed.
- I. Fire Marshal shall mean the City of Fridley's Fire Marshal or his/her designee.
- J. Hazardous wastes shall mean waste generated, including equipment, from a clandestine drug lab. Such wastes shall be treated, stored, transported or disposed of in a manner consistent with the Minnesota Department of Health, Minnesota Pollution Control, and Anoka County Health Department rules and regulations.
- K. Manufacture, in places other than a pharmacy, shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.
- L. Minnesota Department of Health guidelines shall mean the most current version of standards or guidelines, including but not limited to "Clandestine Drug Labs General Cleanup Guidelines, as promulgated by the State of Minnesota Department of Health for the testing or remediation of clandestine drug lab or chemical dump sites; and which standards or guidelines are hereby incorporated by reference and made a part of this Ordinance.
- M. Owner shall mean any person, firm or corporation who owns, in whole or in part, the land, buildings, structures, motor vehicles, trailers, boats or other movable property associated with a clandestine drug lab site or chemical dumpsite.

- N. Public health nuisance. All dwellings, accessory structures and buildings or adjacent property associated with a clandestine drug lab site are potentially unsafe due to health hazards and are considered a public health nuisance pursuant to Minn. Stat. §463.15, et seq.; § 412.221, et seq.; and 145A.01, et seq.

**130.02. Administration.**

1. Law Enforcement or Fire Department Notice to Other Authorities. Law enforcement authorities or Fire Department officials that identify conditions associated with a clandestine drug lab site or chemical dump site that places neighbors, visiting public, or present and future occupants of the site at risk for exposure to harmful contaminants and other associated conditions, must promptly notify the appropriate municipal, child protection, and public health authorities of the property location, property owner if known, and conditions found.
2. Declaration of Property as a Public Health Nuisance. If law enforcement or fire officials determine the existence of a clandestine drug lab site or chemical dumpsite, the property shall be declared a public health nuisance.
3. Notice of Public Health Nuisance to Concerned Parties. Upon notification by law enforcement or Fire Department authorities, the Building Official or Fire Marshal shall promptly issue a Declaration of Public Health Nuisance for the affected property and post a copy of the Declaration at all entrances to the dwelling, property or site. The Building Official or Fire Marshal issuing said Declaration shall also notify the owner of the property by mail and notify the following parties:
  - A. Occupants of the property;
  - B. Neighbors at potential risk;
  - C. The Fridley Police Department, Fridley Fire Department, Anoka County Community Health and Environmental Services; and
  - D. Other state and local authorities, such as Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health, which are known to have public and environmental protection responsibilities that are applicable to the situation.
  - E. The Building Official or Fire Marshal issuing said Declaration may notify any financial institution with an interest of record of the Declaration of Public Health Nuisance and shall notify such financial institution should the property owner fail to arrange for timely and appropriate assessment and clean up.

- F. The Building Official or Fire Marshal issuing said Declaration may notify the insurance company with a policy known to be applicable to the subject property and shall notify such insurance company should the property owner fail to arrange for timely and appropriate assessment and clean up.
  - G. The Building Official or Fire Marshal issuing said Declaration may cause a certified copy of the Declaration of Public Health Nuisance to be filed with the Office of the Anoka County Recorder or Registrar of Titles. Upon abatement of the nuisance as required herein, the Building Official or Fire Marshal issuing said Declaration shall cause a notice of successful abatement or removal of Declaration of Public Health Nuisance to be so recorded.
4. Property Owner's Responsibility to Act - Order for Abatement. The Building Official or Fire Marshal shall also issue an order to the owner to abate the public health nuisance, including the following:
- A. That the owner, tenant, occupants or other persons in possession of the premises shall immediately vacate those portions of the property, including building and structure interiors, or dump site, which may place such persons at risk. No person shall reside in or occupy any premises or property subject to an order for abatement until such time as the Building Official or Fire Marshal has determined that the contamination has been reduced to an acceptable level and that the cleaning was conducted in accordance with Minnesota Department of Health guidelines.
  - B. Promptly contract with appropriate environmental testing and cleaning firms to conduct an on-site assessment, complete clean-up and remediation testing and follow-up testing, and determine that the property risks are sufficiently reduced in accordance with Minnesota Department of Health guidelines. The property owner shall notify the City of actions taken and reach an agreement with the City on the clean-up schedule. The City shall consider practical limitations and the availability of environmental or other contractors in approving the schedule for clean-up.
  - C. Provide written documentation of the clean-up process, including a signed, written statement that the contamination has been reduced to an acceptable level and that the clean-up was conducted in accordance with Minnesota Department of Health guidelines.
5. Property Owner's Responsibility for Costs. The property owner shall be responsible for all costs of assessment, testing, abatement or clean-up of the site, including contractor's fees and public costs for services that were performed in association with a clandestine drug lab site or chemical dump site clean-up. The Building Official or Fire Marshal shall prepare and provide to the property owner a Statement of Itemized Public Costs which shall be due and payable upon receipt. Public costs may include, but are not limited to:

- A. Posting of the site;
- B. Notification of affected parties;
- C. Expenses related to the recovery of costs, including the assessment process;
- D. Laboratory fees;
- E. Clean-up services, including septic systems;
- F. Administrative fees;
- G. Emergency response costs;
- H. Other associated costs; and
- I. Any legal costs including attorney fees related to the nuisance abatement.

6. Recovery of Public Costs

- A. If, after service of notification of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean-up, the Building Official or Fire Marshal is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
- B. If the City is unable to locate the property owner within ten (10) days of the Declaration of Public Health Nuisance, the City is authorized to proceed in a prompt manner to initiate the on-site assessment and clean-up.
- C. The City may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Minnesota Statutes Chapter 463. In cases involving motor vehicles, trailers, boats or other movable property, the City may abate the nuisance by disposal of the property.
- D. If the City abates the public health nuisance, or otherwise incurs public costs, in addition to any other legal remedy, the City shall be entitled to recover all public costs. The City may recover costs by civil action against the person or persons who own the property or by assessing such costs as a special tax against the property in the manner as taxes and special assessments are certified and collected pursuant to Minn. Stat. § 429.101.

- E. Nothing herein shall limit the authority of the City to enforce this ordinance or seek any other legal remedy to abate the nuisance through declaratory action, injunction, nuisance declaration or otherwise.

7. Authority to Modify or Remove Declaration of Public Health Nuisance.

- A. The Building Official or Fire Marshal is authorized to modify the Declaration conditions or remove the Declaration of Public Health Nuisance.
- B. Such modifications or removal of the Declaration shall only occur after documentation from a qualified environmental or cleaning firm stating that the health and safety risks, including those to neighbors and potential dwelling occupants, are sufficiently abated or corrected in accordance with Minnesota Department of Health guidelines.

**130.03. City Council Review.**

The owner of the property or any party with a legal interest in the property who has been issued a Declaration of Public Health Nuisance, an Order for Abatement, or a Statement of Public Costs may appeal the Declaration of Public Health Nuisance, the Order for Abatement or the Statement of Public Costs to the City Council. The appeal shall be in writing filed with the City Clerk and Anoka County Community Health and Environmental Services, specifying the grounds for the appeal and the relief requested. The appeal must be filed within ten days of the issuance of the item from which appeal is taken. The City Council shall hear the appeal at the next available City Council meeting. Upon review, the City Council may affirm, modify or reverse the action taken. The filing of an appeal shall suspend the terms of the Declaration of Public Health Nuisance, Order for Abatement, or Statement of Public Costs, whichever is applicable. However, in the instance of an appeal from an Order for Abatement, the appeal shall not suspend that part of the order prohibiting occupancy of the property.

**130.04. Violations and Penalties.**

Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minn. Stat. § 609.02, Subd. 3.