

AN ORDINANCE REGULATING USE AND HANDLING OF TOXIC LIQUIDS

The City Council of the City of Danube, Minnesota, does ordain as follows:

Section 1. -- Dumping of Toxic Liquids Prohibited. No person shall dump or dispose of any toxic liquid on or in the ground within the City.

Section 2. -- Filling and Cleaning of Pesticide Spray Equipment. No person shall fill any toxic liquid spray equipment, including mix or nurse tanks, from any water within the City other than from public water supplies and private wells by means of an overhead fill system which satisfies the requirements of Section 4 of this Ordinance. This does not prohibit the filling of tanks used exclusively for water supply purposes from surface waters provided no pesticides or pesticide containers or other toxic liquids are carried on the tank vehicle. Toxic liquid spray equipment, including pesticide and liquid fertilizer spray equipment, including mix or nurse tanks other than nurse tanks used exclusively for water supply purposes, shall not be cleaned in any surface water within the City. Toxic liquid spray equipment shall also not be filled or cleaned adjacent to any surface water or wells where, because of the slope or other condition of the ground or bank, pesticides or materials contaminated with pesticides could enter or contaminate the surface waters or well as a result of overflow, leakage or other causes, or rising waters could reach the filling or cleaning area and become contaminated as a

result of prior surface contamination or other causes, or where rain water could become contaminated with pesticides and run off unto the ground and contaminate any surface waters or wells.

Section 3. -- Application Equipment. No commercial applicator or person engaged in the rental, sale or furnishing of toxic liquid application equipment may use, furnish, rent or sell such application equipment which is clogged, unclean or in disrepair, or which cannot be properly calibrated.

Section 4. -- Filling of Tanks or Containers with Toxic Liquids. No person shall fill any tank or container with any pesticide, liquid fertilizer or other toxic liquid within the City unless such filling shall be done on a platform built above ground level with an adequate holding tank below such platform designed such that any spillage of such liquid will drain from the platform into the holding tank without any leakage or spillage onto the ground. Such holding tank shall be of adequate size to handle and contain any amount of toxic liquid which may be filled at any one time on the platform.

Section 5. -- Storage of Toxic Liquids. No person shall store or keep any toxic liquid within the City unless such liquid is contained in a secure container which is not subject to leakage and such toxic liquid containers may be stored in the City only in a building or facility which is adequately diked to

prevent any run-off of any spillage or leakage of liquids stored in such building.

Section 6. -- Definitions. "Person" shall mean any corporation, individual, partnership or other entity. "Toxic liquid" shall mean any liquid which, upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through water or food chains is likely to, on the basis of information available to public health agencies, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformities, in such organisms or their offspring.

Section 7. -- Penalties. Any violation of this Ordinance shall be a misdemeanor and each day that a violation of this Ordinance continues shall be a separate violation. Any cost of abatement of a violation of this Ordinance and any costs of clean up and repair, whether on public or private property, caused by a violation of this Ordinance, shall be the responsibility of the owner of the property at which the violation occurs. Such costs of clean up shall include costs of materials used, vehicles and equipment used and labor costs. Such costs as are incurred by the City shall be billed directly to the said owner for payment within thirty (30) days.

Section 8. -- Effective Date. This Ordinance shall take effect and shall be in full force from and after its passage and publication.

Passed and adopted this 9th day of November, 1983.

ATTEST:

Marlene Frank  
Marlene Frank, City Clerk

Melvin Goldhammer  
Melvin Goldhammer, Mayor