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MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STEARNS
AND THE
TOWN OF MUNSON

WHEREAS, Stearns County Land Use and Zoning Ordinance, Number 439 was effective June 20, 2010; and

WHEREAS, Town of Munson has adopted a zoning ordinance, entitled "Munson Township Land Use and Zoning Ordinance Number 4" which is duly recorded in the Office of the Stearns County Recorder; and

WHEREAS, Minnesota Statutes, Section 394.33 provides that after the adoption of official controls for a county by the Board of County Commissioners, "Board", no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official controls adopted by the Board; and

WHEREAS, It has been determined that specified provisions of the Town of Munson's zoning ordinance entitled "Munson Township Land Use and Zoning Ordinance Number 4" are consistent with, as restrictive or more restrictive than Stearns County Land Use and Zoning Ordinance Number 439; and

WHEREAS, the County of Stearns ("County") and Town of Munson ("Town") recognize the importance of cooperating on land use issues in order to: promote and protect the public health, safety, welfare and morals; promote and provide for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses; preserve agricultural land and animal agriculture; conserve natural and scenic areas of the County; conserve natural resources and open space; and provide official controls to implement the goals and policies included in the respective comprehensive plans of the respective units of government; and

WHEREAS, the County and Town desire to enter into a Memorandum of Understanding in order to provide an opportunity to cooperate in administering zoning within the County for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations; and

WHEREAS, County and Town desire to enter into a Memorandum of Understanding to ensure mutual understanding of each party to this Memorandum of their respective duties and responsibilities related to land use issues; and

WHEREAS, the permitting process may involve provisions enforced by the County and provisions enforced by the Town.

✓ MURPHY TROY

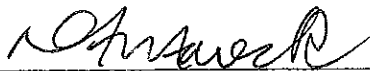
WHEREAS, this Memorandum of Understanding is intended to replace the previous Memorandum of Understanding signed by the Town of Munson and the County Board in 2002.

NOW THEREFORE IT IS AGREED, by the County of Stearns and the Town of Munson that those sections of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance enacted by reference as a part of Munson Township Land Use and Zoning Ordinance Number 4 shall apply within the Town of Munson.

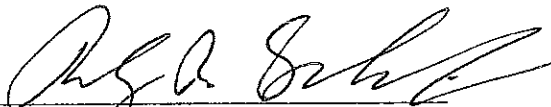
IT IS FURTHER AGREED, by the County of Stearns and the Town of Munson to cooperate in administering their land use controls as set out in the Land Use and Zoning Ordinance

County of Stearns

Date: 1/31/12

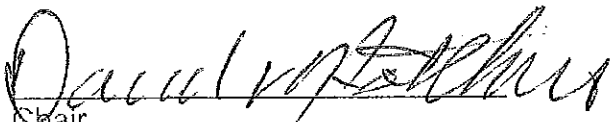
By: 
DeWayne F. Mareck, Chair
Stearns County Board of Commissioners

Date: 1/31/12


Attest: 
Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk
Stearns County Board of Commissioners

Town of Munson

Date: 11-3-11

By: 
Chair

Date: 11-3-11

Attest: 
Clerk

A. Administrative Provisions

1. The Town shall issue all permits for agricultural accessory structures, except animal feedlots, and detached residential accessory structures outside of any Shoreland or Floodplain Overlay District of the Town.
2. The Town shall issue permits for all residential dwellings and alterations and additions thereto, outside of any Shoreland or Floodplain Overlay District of the Town.
3. The Town shall issue all permits for commercial accessory buildings outside of any Shoreland or Floodplain Overlay District of the Town.
4. The Town shall issue conditional use permits for off premise signs.
5. The Town shall conduct public hearings and act on all variances from Township roads and private road easements, including Township roads and private road easements in the Shoreland Overlay District.
6. The Town shall be responsible to assure registration and compliance for the following provisional uses:
 - A. Bed and Breakfast Inns
 - B. Cemeteries
 - C. Government administrative and Service Buildings
 - D. Home Extended Businesses
 - E. Home Occupations
 - F. Outdoor Recreational Facilities.
7. The Town shall issue Interim Use Permits for the following interim uses:
 - A. One temporary single family dwelling unit that is to be located in the existing farmyard to house farm labor, consisting of either individual(s) or a family.
 - B. Mining
 - C. Concrete (ready mix) or asphalt mixing facility
8. The Town shall conduct public hearings and issue both the site permit and conditional use permit for Agriculturally Oriented Businesses and Limited Rural Businesses outside the Shoreland or Floodplain Overlay District.

9. The Town shall conduct public hearings and act on all variance applications for agricultural accessory structures and detached residential accessory structures outside of any Shoreland District of the Town.
10. The Town shall conduct site inspections for each permit issued for the structures noted in sub-items 1 through 9 and provide the County with copies of permits and inspection reports for any permit issued therefore on a monthly basis.
11. The Town shall not issue permits for additions to existing residential structures that involve the addition of a bathroom or bedroom until the sewage treatment system has first been certified.
12. The Town shall not act on any variance application within the Shoreland Overlay District unless the sewage system has first been certified.
13. The County shall conduct public hearings and act on all variance applications for setbacks from County Roads.
14. The County shall issue all permits and grant all variances not specifically enumerated in sub-items 1 through 13 herein. Additionally, the County shall administer and enforce all provisions of Stearns County Ordinance Number 439; or successor ordinances that are not specifically administered or enforced by the Town through this memorandum of understanding.

B. Respective Duties and Responsibilities

1. The Town shall provide the County with written notice of any public hearing regarding a conditional use permit, interim use permit or variance and a copy of the conditional use permit, interim use permit or variance application at least 7 days prior to the public hearing.
2. The County shall provide the Town with written notice of any public hearings regarding a conditional use permit, interim use permit, rezoning request or variance and a copy of the conditional use permit, interim use permit, rezoning request or variance application at least 7 days prior to the public hearing.
3. The Town shall provide the County with copies of variances, conditional use permits, or interim use permits granted pursuant to

Munson Township Land Use and Zoning Ordinance Number 4 and the related findings of fact at the time the applicable document is recorded with the County Recorder.

4. The County shall provide the Town with copies of all construction site permits, variances, conditional use permits or interim use permits granted pursuant to Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance, including related findings of fact, on a monthly basis.
5. The Town shall provide the County with copies of all construction site permits, along with the inspection report, issued pursuant to Munson Township Land Use and Zoning Ordinance Number 4; or successor ordinance on a monthly basis.
6. The Town shall provide the County with copies of all Provisional Uses registered by the Town on a monthly basis.
7. The County shall provide the Town with copies of all Provisional Uses registered by the County on a monthly basis.
8. The Town shall notify the County of all proposed ordinance changes prior to holding a public hearing.
9. The County shall notify the Town of all proposed ordinance changes prior to holding a public hearing.
10. If an ordinance change or rezoning occurs, the County and Town shall review this memorandum of understanding for potential changes.

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1-4-12

OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

FILED
JAN - 4 2012
RANDY R. SCHREIFELS
COUNTY AUDITOR

Document: A1359094

Certified, Filed, and/or Recorded on

January 04, 2012 4:15 PM

DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



MUNSON TOWNSHIP LAND USE AND ZONING ORDINANCE

Ordinance Number 4

✓ Munson Twp

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**MUNSON TOWNSHIP
LAND USE AND ZONING ORDINANCE
NUMBER 4**

THE BOARD OF SUPERVISORS OF THE TOWN OF MUNSON ORDAINS:

SECTION 1 PURPOSE, AUTHORITY AND JURISDICTION

1.1 Title

This Ordinance shall be known, cited, and referred to as the "Munson Township Land Use and Zoning Ordinance". When referred to herein, it shall be known as "this Ordinance".

1.2 Statement of Purpose

This Ordinance is adopted for the purpose of:

- A. Protecting and promoting the public health, safety, welfare and morals.
- B. Promoting and providing for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses.
- C. Preserving agricultural land and animal agriculture.
- D. Conserving natural and scenic areas of the Township.
- E. Conserving natural resources and open space.
- F. Providing official controls to implement the goals and policies included in the Munson Township Comprehensive Plan and/or the Stearns County Comprehensive Plan.

1.3 Statutory Authorization

This Ordinance is adopted pursuant to Minnesota Statutes, chapter 462 and such other statutes, rules, and laws which may apply. In the event the provisions of Chapter 462 are in conflict or are inconsistent as applied to the terms of this Ordinance, the provisions of Chapter 462 shall prevail. The expressed intent of this Ordinance is to remain consistent with the restrictions contained in Minnesota Statutes, Section 394.33, subdivision 1. To the extent the provisions of this Ordinance are less restrictive than the provision of the Stearns County zoning, shoreland, or subdivision regulations, or such other regulations as may apply, the more restrictive provisions shall apply and be controlling. Additionally, any ambiguities in the application of this Ordinance or processing of requests under this Ordinance shall be resolved by referring to how the matter would be decided if it were being processed under the County's zoning ordinance. However, the Town Board shall have the final authority to interpret and resolve any ambiguities regarding this Ordinance.

1.4 Jurisdiction

This Ordinance shall apply to all areas in Munson Township, Minnesota:

- A. Except areas within the incorporated limits of any city, however organized, except as provided by law; and

B. Except as otherwise provided by law.

1.5 County Regulations

The County administers and enforces the following regulations within the Township:

- A. Subdivision Regulations (see Section 1.6 of this Ordinance)
- B. Shoreland Regulations
- C. Floodplain Regulations
- D. Individual Sewage Treatment System Regulations
- E. Feedlot Regulations
- F. Wetland Conservation Act
- G. Stormwater Regulations

Anyone proposing to engage in any activity that may be subject to one or more of these regulations must contact the County.

1.6 Plats

All plats proposed to be located in the Township must be reviewed by, and receive the approval of, the Town Board in accordance with Minn. Stat. § 505.09, subd. 1a. The developer is required to enter into a developers agreement with the Township to address the issues identified by the Town Board associated with the particular proposed plat including, but not limited to, construction of public improvements, financial security requirements, conditions to be satisfied before the Township will maintain the roads dedicated within the plat, and reimbursement of the Township's costs.

1.7 State Building Code

The Town Board has adopted the State Building Code and has a building official to assist in the administration of the Code within the Township. Refer to Section 4.20 of this Ordinance.

SECTION 2 GENERAL PROVISIONS

2.1 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

2.2 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.3 Interpretation

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

- B. Words and phrases used in this Ordinance shall be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning shall be interpreted and understood in accordance with such meaning.
- C. It is the intent of the Town Board that the rules and cannons of construction, presumptions and miscellaneous provisions related to statutory construction contained in Minnesota Statutes, Chapter 645 apply to this Ordinance and that all questions of meaning, construction and interpretation of this Ordinance be resolved by application of the rules contained in Chapter 645.
- D. This Ordinance adopts by reference various sections of the Stearns County Ordinance. The provisions adopted by reference shall be read as referencing and applying to the Township and the administrative bodies it has established unless the context clearly indicates otherwise.
- E. References to State Statutes and to the Stearns County Ordinance shall include any amendments, as well as any successor provisions, that may be adopted thereto.

2.4 Compliance

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

SECTION 3 DEFINITIONS

3.1 Adoption by Reference

That *Section 3 of Stearns County Ordinance Number 439; or successor ordinance*, is hereby adopted by reference with the following additions:

- “Agricultural Land” shall have the meaning given it in Minn. Stat. § 273.13, subd. 23(c).
- “Town or Township” shall mean Munson Township, Stearns County, Minnesota
- “Town Board” shall mean the Town Board of Munson Township, Stearns County, Minnesota

SECTION 4 ADMINISTRATION

4.1 Purpose

The following sections outline the major zoning procedures for implementation of the Zoning Ordinance. This Ordinance shall be administered pursuant to Minnesota Statutes, chapter 462 and such other law as may apply, and consistent with the provisions contained herein.

4.2 Zoning Administrator

The Town Board shall appoint a Zoning Administrator who shall serve at the pleasure of the Town Board.

4.2.1 Duties. The Zoning Administrator shall:

- A. Enforce and administer the provisions of this Ordinance.

- B. Issue permits and maintain records thereof.
- C. Receive and forward to the Township Planning Commission, applications for conditional use permits, subdivision plats, and petitions for ordinance amendments, including rezoning.
- D. Receive and forward applications and petitions for matters to come before the Board of Adjustment.
- E. Maintain the Township zoning map
- F. Conduct inspections to determine compliance with the provisions of this Ordinance.
- G. Serve as an ex-officio member of the Planning Commission.
- H. Assist the public in complying with and understanding their responsibilities and rights under this Ordinance;
- I. Work closely with the staff of the Stearns County Environmental Services Department to remain informed of any proposed changes to the County's ordinance or comprehensive plan which may affect this Ordinance.
- J. Collect all fees required by this Ordinance and deliver same to the Town Treasurer or Clerk for deposit in the Township's account.
- K. File for record with the Stearns County Recorder or Registrar of Titles all documents required to be filed by law.
- L. Perform such other duties as the Town Board may assign from time to time.

4.3 **Building Official**

The Town Board shall appoint a Building Official who shall serve at the pleasure of the Town Board.

4.3.1 **Duties.** The Building Official shall:

- A. Enforce and administer the provisions of the State Building Code adopted by the Town.
- B. Devote as much time as necessary for the proper performance of his official duties.
- C. Receive applications required by this Ordinance, issue permits and supervise or perform all office work incidental to this position.
- D. Examine the premises for which permits have been requested prior to the issuance of such permit and satisfy that said premises can be used for the purpose for which a permit is requested in accordance with all of the provisions of this Ordinance, and all other rules, regulations and town ordinances.
- E. Make necessary inspection to see that the provisions of law are complied with and that construction is prosecuted safely.
- F. Enforce all laws relating to the construction, alteration, moving, demolition, raising or lowering, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for in other ordinances or regulatory measures.
- G. Remove illegal or unsafe conditions, secure necessary safeguards during construction, and/or require adequate exit facilities in buildings and structures, and issue notices or orders as may be necessary.

4.4 Planning Commission

4.4.1 Establishment of Planning Commission. The Town Board has established the Munson Township Planning Commission, which is hereby reaffirmed by the adoption of this Ordinance.

4.4.2 Powers and Duties. The Planning Commission shall have the following duties:

- A. Conduct the public hearings required or provided for under this Ordinance.
- B. Develop findings of facts and make recommendations to the Town Board on matters coming before it for consideration.
- C. Periodically review and make recommendations regarding proposed amendments to the Township Comprehensive Plan and this Ordinance.
- D. Perform such other duties as may be provided in law, this Ordinance, or as directed by the Town Board.

4.4.3 Conflict of Interest. Any planning commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a commission member from acting thereon, shall be decided by majority vote of all commission members present except the member who is being challenged.

4.5 Board of Adjustment and Appeals

4.5.1 Establishment of the Board of Adjustment and Appeals. The Town Board shall act as the Board of Adjustment and Appeals ("Board of Adjustment").

4.5.2 Powers and Duties. The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this Ordinance.
 1. Actions of the Planning Commission and the Town Board shall not be appealable to the Board of Adjustment.
 2. An appeal from any order requirement, decision or determination of any administrative official relating to this Ordinance shall be taken within 14 days after receipt of notice of the order, requirement, decision or determination by filing a notice of appeal.
 3. The notice of appeal shall be in writing and shall specify the grounds thereof.
 4. The administrative fee established by the Town Board shall be paid to the Zoning Administrator at the time of filing the notice of appeal.
 5. The Board of Adjustment will make its order deciding the matter within a reasonable time after the hearing and provide a copy of the order to the applicant by mail.
 6. Decisions of the Board of Adjustment are final.
- B. To hear and order the issuance or denial of variance requests.

C. The Board of Adjustment shall have such other powers and duties as are assigned to it by law or the Town Board.

- 4.5.3 Applications.** Applicants for variance shall be made to the Board of Adjustment on forms provided by the Zoning Administrator by filing such application and paying the filing fee to the Zoning Administrator. The Zoning Administrator shall fix a reasonable time for the hearing on the application and give notice to owners of record within 500 feet of the affected property.
- 4.5.4 Findings of Fact.** Separate written findings of fact shall be made by the Board of Adjustment for each variance granted or denied and for each appellate decision made.
- 4.5.6 Review by Planning Commission.** The Board of Adjustment shall take no final action on an appeal or petition brought to it until it has afforded the Planning Commission a reasonable opportunity to review and report to the Board of Adjustment on the matter.

4.6 Fees

- 4.6.1 Permit Fee.** Any person submitting an application, requesting any inspection, or seeking any other permit, permission, approval, or action under this Ordinance shall pay the applicable fee as established by the Town Board. Those seeking a permit or permission after having commenced the use or work for which the permit or permission is being sought will be subject to enforcement action and shall be required to pay a separate fee as established by the Town Board.
- 4.6.2 Administrative Fee.** Any person submitting an application for a site permit, conditional use permit, interim use permit, zoning amendment, variance or an appeal must also submit an administrative fee deposit established by the Town Board and an agreement, on the form provided by the Township, to reimburse the Township for its costs to process the application including, but not limited to, all engineering, planning, legal, administrative and inspection expenses. Notwithstanding any fee deposit schedule established by the Township, the Zoning Administrator is authorized to require a larger deposit in an amount not to exceed fifty percent (50%) of the scheduled amount if the Zoning Administrator determines the scheduled amount will not be sufficient to process the particular request to which the application relates. Payment of the administrative fee deposit and execution of the fee agreement shall be required prior to the application being considered filed, complete, and subject to processing. All deposits shall be a credit against the obligation of the applicant as set forth in the agreement. As the Township processes the application, the Zoning Administrator shall from time to time review the adequacy of the deposit with the Town Clerk and shall require the applicant to submit such supplemental deposit as the Zoning Administrator deems necessary to reimburse the Township for all expenses. If the applicant does not submit the supplemental deposit required by this section within a reasonable period of time after notification by the Zoning Administrator, the Township may suspend processing the application until the deficiency is corrected or deny the application. Upon termination of the application, by approval, denial, withdrawal, or any other means, all expenses incurred by the Township shall be immediately

payable by the applicant. Any deposit in excess of the Township's expenses shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all expenses and fees are paid in full. In the event that payment of expenses and fees are not made within a reasonable time after demand, the Township may take action to collect the unpaid expenses and fees. The administrative fee imposed under this section shall constitute a service charge for a governmental service provided by the Township and is collectable by certifying the unpaid amount to the county auditor before October 15 to be collected together with property taxes on the subject property or other property owned by the applicant as provided for Minnesota Statutes, section 366.012. Alternatively, the Town Board may file a lien on the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, or take such other action as it deems appropriate to collect the unpaid expenses.

4.7 Site Permit Required

- 4.7.1 Scope.** No person shall erect, alter, move or place any building or structure without first obtaining a site permit from the Township and no excavation for the placement of footings, foundations, slabs, posts, basements, walls or other parts for such a building or structure shall occur until a site permit has been obtained.
- 4.7.2 Application.** Requests for a site permit shall be filed with the Zoning Administrator on an application form approved by the Township. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking areas and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.
- 4.7.3 Issuance of Permit.** The Zoning Administrator shall issue the site permit only when the plans comply with this Ordinance, the provisions of the State Building Code as adopted by the Town, and other applicable laws, regulations and ordinances. The Zoning Administrator may deny a permit for the construction of any building upon grounds which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building pursuant to this Ordinance.
- 4.7.4 Normal Maintenance.** No site permit shall be required for normal maintenance activities.
- 4.7.5 Completion of Work.** A site permit shall expire and will be considered null and void in one (1) year of its date of issuance if construction has not begun unless an application for an extension has been submitted and approved by the Zoning Administrator. If construction begins within one (1) year it must be completed within one additional year or it shall expire and will be considered null and void unless an application for an extension has been submitted and approved by the Zoning Administrator. For the purposes of this paragraph, site preparation, land clearing or the installation of utilities shall not constitute construction.

4.8 Variances

The Town Board recognizes there are times when a variation of the provisions of this Ordinance may be necessary if it is determined their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

4.8.1 Criteria for Granting Variances. The following criteria shall be used when considering a variance application:

- A. The variance shall not allow a use that is prohibited in the zoning district in which the subject property is located.
- B. The variance must be in harmony with the general purpose and intent of this Ordinance.
- C. The terms of the variance must be consistent with the comprehensive plan.
- D. The landowner must show that the variance is necessary to alleviate practical difficulties or particular hardship resulting from strict application of the ordinance.
- E. "Hardship" as used in connection with the granting of a variance means:
 1. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance;
 2. The plight of the landowner is due to circumstances unique to the property, not created by the landowner or a previous landowner;
 3. The variance, if granted, will not alter the essential character of the locality.

If the variance request meets all of the conditions cited above, the variance may be granted. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. Access to direct sunlight light in the case of solar energy systems shall constitute grounds for granting a variance.

4.8.2 Procedure.

- A. The person applying for a variance shall complete and submit to the Zoning Administrator a variance application which shall include a statement of the difficulties or particular hardships claimed, along with the filing fee.
- B. The Zoning Administrator shall refer the application along with all related information to the Board of Adjustment.
- C. The Board of Adjustment shall hold a public hearing on the request for variance. Notice of the time, place and purpose of the public hearing shall be according to Minnesota Statutes, section 462.357, subdivision 3.
- D. The applicant(s) or their representative shall appear before the Board of Adjustment at the public hearing in order to present evidence concerning the proposed variance.
- E. The Board of Adjustment may deny the request, approve the request, or approve the request with conditions. The Board of Adjustment shall set out the findings and its decision in writing which shall be made part of

- the record of the proceeding.
- F. The Zoning Administrator or Town Clerk shall give the applicant written notice of the Town Board's action. The written notice shall include the findings of fact.
 - G. If a variance request is denied, a similar variance application shall not be allowed for one (1) year without new evidence related to the variance.
 - H. A variance shall become null and void one (1) year from the date of issuance if no construction has begun unless an extension has been granted. One or more extensions of not more than one (1) additional year may be granted by the Board of Adjustment for good cause. For the purposes of this paragraph, construction shall include the installation of footings, slab foundation, posts, walls or other portions of the building or some other visible improvement to the property.
 - I. An application for variance will not be accepted from anyone who is not an owner of land for which the application is made.
 - J. A certified copy of all variances that are granted by the Town Board shall be filed at the office of the Stearns County Recorder.

4.9 Conditional Use Permits

The Town Board recognizes that certain uses, while generally not suitable in a particular zoning district, may under some circumstances be allowed if conditions are attached. When such circumstances exist, a conditional use permit may be granted and appropriate conditions attached.

4.9.1 Conditional Use Permits Required. A conditional use permit shall be required for:

- A. A proposed use which is designated by this Ordinance as a conditional use within the particular district in which it is to be located; and
- B. The proposed enlargement, structural alteration, modification or addition, or intensification of any use that existed as of the effective date of this Ordinance, has been allowed to continue to exist, and is now designated as a conditional use within the district in which it is located.

4.9.2 Criteria for Granting Conditional Use Permits. In considering a conditional use permit application, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall consider the following where applicable:

- A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- B. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deference to development of vacant land.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- D. The use is reasonably related to the existing land use.

- E. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- F. The use is not in conflict with the Land Use Plan of the Township and County.
- G. The use will not cause traffic hazards or congestion.

4.9.3 Conditions of Approval. In permitting a new conditional use or the amendment of an existing conditional use, the Town may impose, in addition to these standards and requirements specified by this Ordinance, additional conditions which the Town considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space; and
- I. Annual review if deemed appropriate by the Town Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional use permit and all procedures shall apply as if a new conditional use permit was being considered. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission and Town Board, time limits, review dates, and such other information as may be appropriate.

4.9.4 Procedure.

- A. An application for a conditional use permit will not be accepted from anyone who is not an owner of land for which the application is made.
- B. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and filing fee.
- C. The Zoning Administrator shall refer the application to the Planning Commission for review.
- D. The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be as provided by Minnesota Statute, section 462.357, subdivision 3. The Planning Commission shall forward its recommendation to either deny or approve the Conditional Use Permit to the Town Board. The Town Board will take final action on the request.
- E. The applicant(s) or their representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
- F. If the Planning Commission recommends granting the conditional use

permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.

- G. A conditional use permit application to amend an existing conditional use permit shall be administered in the same manner to that required for a new conditional use permit.
- H. No application for a similar conditional use permit shall be resubmitted for a period of one (1) year from the date of any order of denial.
- I. All conditional use permits that are granted by the Town Board shall be recorded at the office of the Stearns County Recorder.

4.9.5 Expiration.

A conditional use permit shall expire and be considered null and void one (1) year from the date of issuance if no construction has begun or if the use has not be established. For the purposes of this paragraph, construction shall include the installation of footings, slab foundation, posts, walls or other portions of the building. Site preparation, land clearing or the installation of utilities shall not constitute construction. The Town Board may grant one or more extensions for not more than one (1) year upon a showing of good cause.

4.9.6 Revocation.

A violation of any condition set forth in a conditional use permit shall be a violation of both the permit and this Ordinance. Failure to correct a violation within thirty(30) days of written notice from the Zoning Administrator shall be grounds to revoke a conditional use permit through the following procedure:

- A. The Zoning Administrator shall give written notice to the permit holder, advising that the conditional use permit may be revoked upon the conclusion of a public hearing. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
- B. The Town Board shall hold a public hearing in the same manner to that required for a new conditional use permit.
- C. Within 30 days of the closing of the public hearing the Town Board shall revoke the conditional use permit, make a finding that a violation does not exist, or modify the conditions of the conditional use permit so that a violation no longer exists.
- D. The Zoning Administrator shall give written notice of the Town Board's decision to the permit holder.

4.10 Interim Use Permits

The purpose of an interim use permit is to conditionally allow a use for a limited period that is neither a permitted or conditional use. An interim use permit shall be required for a proposed use which is designated by this Ordinance as an interim use within the particular district in which it is to be located and as may otherwise be required by this Ordinance.

4.10.1 Criteria For Considering Interim Use Permits.

In granting an interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. The Planning Commission and Town Board shall consider, in addition to the criteria related to conditional use permits, the following:

- A. The proposed use meets the applicable standards set forth for conditional use permits;
- B. The proposed use will terminate upon a date or event that can be identified with certainty;
- C. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- D. The proposed use will be subjected to, by agreement with the owner, any conditions that the Town Board deems appropriate for permission of the proposed use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
- E. The interim use will be a subject to review by the Township upon change of ownership.

4.10.2 Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The termination date or event stated in the permit;
- B. The interim use permit is revoked using the same procedure set out in the Ordinance for revoking a conditional use permit; or
- C. The use has been discontinued for at least one (1) year.

4.10.3 Conditions of Approval. In permitting a new interim use or the amendment of an existing use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission or Town Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space, and
- I. Annual review if deemed appropriate by the Town Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued, shall require an amended interim use permit and all procedures shall apply as if a new interim use permit was being issued. The Zoning Administrator shall maintain a record of all interim use permits issued including information on the use, location, and conditions imposed by the Planning Commission or Town Board, time limits, review dates, and such other information as may be appropriate.

4.10.4 Procedure.

The application procedure for an interim use permit shall be the same as the application procedure established in this Ordinance for a conditional use permit.

4.11 Provisional Use Permits

The purpose of a provisional use permit is to provide a means for the Township and County to develop a record of certain uses through registration.

4.11.1 Procedure

Requests for a provisional use permit shall be filed with the Zoning Administrator on an application form approved by the Township. Upon verification by the Zoning Administrator that the application is complete and the use to which it relates is classified as requiring a provisional use permit under this Ordinance, the permit shall be deemed issued. The Zoning Administrator shall register the use with the Township and provide the County a copy of the application so the use may be registered in its system.

4.12 Amendments

4.12.1 Comprehensive Plan and Zoning Map Amendments

An amendment to the Township Comprehensive Plan or Zoning Map may be initiated by the Planning Commission, by resolution of the Town Board, or by application of an affected property owner.

- A. An amendment proposed by the Planning Commission shall be forwarded to the Town Board with a recommendation for adoption. If the Town Board determines to pursue the amendment, it shall forward it with any changes it determines is appropriate to the Stearns County Planning Commission with its recommendation for further consideration as provided for in paragraph D of this Section.
- B. An amendment proposed by the Town Board shall be by resolution submitted to the Planning Commission. The Planning Commission shall review the proposed amendment and provide the Town Board with its recommendation within 60 days of the date of the resolution. The Town Board may then forward the recommendation to the Stearns County Planning Commission with its recommendation for further consideration as provided for in paragraph D of this Section.
- C. An application by an affected property owner requesting an amendment shall be submitted to the Zoning Administrator together with the applicable administrative fee. The Zoning Administrator shall forward complete applications to the Planning Commission. The Planning Commission shall review the application and forward it to the Town Board with its recommendation. If the Town Board does not deny the application, it shall forward it to the Stearns County Planning Commission with its recommendation for further consideration as provided for in paragraph D of this Section.
- D. The Town Board delegates to the Stearns County Planning Commission the authority to conduct a hearing on the proposed amendment recommended to it by the Town Board as provided in this Section. Notice of the hearing shall be published at least once in the Township's official newspaper. Upon completion of the public hearing, the Stearns County Planning Commission shall forward the application for final action together with its findings and recommendation of either approval

or non-approval to the Stearns County Board of Commissioners. The Town Board delegates to the Stearns County Board of Commissioners the authority to take final action on the proposed amendment. If adopted, the amendment shall be considered to be enacted by reference as an official change to the Township Comprehensive Plan or Township Zoning Map as is appropriate and the Town shall work cooperatively with the County to implement the amendment as needed.

4.12.2 Application for Change to the Text of this Ordinance

An amendment to the text of this Ordinance may be initiated by the Planning Commission, by resolution of the Town Board, or by application of an affected property owner.

- A. An application for change in the wording of the ordinance shall be consistent with, as restrictive or more restrictive than the language contained in *Stearns County Ordinance Number 439; or successor ordinance*, and shall include the reason for the requested change, the text portion of existing language to be amended and the proposed amended text. Notice shall be sent to Stearns County Environmental Services Department of all proposed text amendments.
- B. An amendment proposed by the Planning Commission shall be forwarded to the Town Board with a recommendation for adoption. If the Town Board determines to pursue the amendment, it shall return the amendment to the Planning Commission with its recommendation for further consideration as provided for in paragraph D of this Section.
- C. An amendment proposed by the Town Board shall be forwarded to the Planning Commission for further consideration as provided for in paragraph D of this Section.
- D. An application by an affected property owner requesting an amendment shall be submitted to the Zoning Administrator together with the applicable administrative fee. The Zoning Administrator shall forward complete applications to the Planning Commission for further consideration as provided for in paragraph D of this Section.
- E. The Planning Commission shall provide notice and hold a public hearing on a proposed amendment as required by Minnesota Statutes, section 462.357, subdivision 3. After the hearing the Planning Commission shall forward its recommendation concerning the amendment to the Town Board for final action.

4.13 Subsurface Sewage Treatment System Permit

In areas without public sewer facilities, no construction site permit, conditional use permit, interim use permit or provisional use permit for any use requiring on site sewage treatment shall be issued until a subsurface sewage treatment system permit has first been issued by Stearns County.

4.14 County Driveway Access Permit

Accesses onto County roads shall require an access permit from Stearns County Public Works Department. This permit shall be issued prior to the issuance of any construction site permit, conditional use permit, interim use permit or provisional use permit when the proposed use involves the installation of a new or additional access onto a County Road. The Public Works Director shall determine the appropriate

location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow.

4.15 Township Driveway Access

No person, firm, corporation or other entity shall construct an approach to a Town road without first obtaining an access permit from the Town Board. An application for a permit shall be filed with the Zoning Administrator who shall forward the application to the Town Board for issuance of a permit. The Town Board may attach such restrictions to the permit as it deems necessary including, but not limited to, the location and width of the access, headwall construction, whether a culvert is required, and the size and type of culvert if one is required. No accesses shall be constructed, altered, or allowed to exist such that it unreasonably interferes with drainage in the area.

4.16 Ditching

No person, firm, corporation or other entity shall engage in any ditching, drain tile, or drainage project which directs water to or results in an outfall into a Town road right-of-way without first obtaining a permit from the Town Board. An application for a permit shall be filed with the Zoning Administrator who shall forward the application to the Town Board for issuance of a permit. The Town Board may attach such restrictions to the permit as it deems necessary.

4.17 Feedlot Permit

No person shall operate a new animal feedlot, or modify or expand an existing animal feedlot without first securing either a Feedlot Construction Site Permit or Conditional Use Permit for such Animal Feedlot from the Stearns County Environmental Services Department. A manure storage facility shall be considered a part of any animal feedlot.

4.18 Sign, Off-Premise (Billboard) Permits and On-Premise Signs

No person shall erect, alter, or relocate an off-premise sign (billboard) sign without first obtaining a conditional use permit from the Town. The regulations and standards for off-premise and on-premise signs set forth in *Section 7.24 of Stearns County Ordinance No. 439; or successor ordinance* are hereby adopted by reference.

4.19 Essential Service, Transmission Service, and Utility Substation Permits

The regulations and standards for essential service, transmission service, and utility substations set forth in *Section 7.11 of the Stearns County Ordinance No. 439; or successor ordinance* are hereby adopted by reference.

4.20 Compliance

4.20.1 Construction

No structure shall be erected, moved or altered unless in conformity with the standards set forth in this Ordinance.

4.20.2 State Building Code

The Minnesota State Building Code, Minnesota Statutes, Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations, established, adopted and published from time to time, with the exception of the optional chapters, unless specifically adopted herein, is hereby adopted by reference, and

is hereby incorporated in this Ordinance as if fully set out herein.

- A. The application, administration and enforcement of this Ordinance shall be in accordance with the Minnesota State Building Code.
- B. The State Building Code enforcement agency of the Town shall be the Building Official.
- C. Permit fees shall be assessed for work governed by this Ordinance in accordance with Minnesota Statutes §16B.62, Subdivision 1 and the fee schedule adopted by the Town. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Ordinance in accordance with Minnesota Statutes §16B.70.
- D. Permits heretofore issued for construction already undertaken but not completed shall remain in full force and effect.
- E. Every permit issued hereunder shall expire and become null and void if the building or work so authorized is not commenced within 120 days from the date of issuance of said permit or if the building or work authorized is suspended or abandoned for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and such suspension or abandonment has not exceeded 120 days. If suspension or abandonment has exceeded 120 days, in order to renew action on a permit the permit holder shall pay a new full permit fee. If a permit holder applies for an extension of time to complete work under an existing and valid permit, the Building Official may extend the time for a period not exceeding 180 days upon showing that circumstances beyond the control of the permit holder have prevented action from being taken. No permit shall be extended more than once.
- F. Whenever it becomes necessary for any inspector to re-inspect any work which has been found faulty during the first inspection, a re-inspection fee shall be paid by the permit holder.
- G. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the Township or cause the same to be done contrary to or in violation of any of the provisions of this Ordinance.
- H. The various provisions of this Ordinance shall be severable, and if any part or provision shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof.
- I. The apparent silence of this Ordinance as to any detail concerning the method of performing any of the work described herein or any of the materials to be used in connection with that work shall be regarded as meaning that only the best general practice is to prevail and that all materials and workmanship are to be of the type and character which shall provide the best final result in any construction. In any cases where this code omits specific reference to any work or material which may in fairness be implied, the permit holder shall perform such work and furnish such material that the work will be complete according to good practice and in the interest of the public.

4.20.3 Use

No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with the standards set forth in this Ordinance.

4.20.4 Compliance with Approved Plans

Construction and use shall be in accordance with the application, plans, permit, and any applicable variance. Permits, conditional use permits, interim use permits, variances, or other approvals issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance.

4.21 Abatement Orders

4.21.1 Abatement Orders

A abatement order shall be issued by the Zoning Administrator when the Township refuses to issue a permit or a variance for a project that was started or completed prior to consideration of the application. A abatement order may also be issued by the Zoning Administrator to correct or abate any violation of the provisions of this Ordinance. The abatement order shall be delivered personally or by certified mail to the landowner and specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Department.
- B. The action on the part of the property owner required to eliminate or resolve the violation.
- C. Advise the landowner that the failure to comply with the abatement order is a violation of this Ordinance.
- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

4.22 Stop Work Order

The Zoning Administrator may issue a written stop work order if he or she determines that construction, excavation or any other activity regulated by this Ordinance is taking place without authorization by the Township. This order shall detail the violations, the remedies necessary to correct the violations and the time frame allowed in which the property owner is to correct the violations. The order shall also indicate that the property owner has ten (10) business days from the receipt of the stop work order to appeal to the Board of Adjustment. Upon receipt of a stop work order, the person conducting the construction, excavation or other activity regulated by this Ordinance shall immediately cease the activity until authorization for such activity is granted by the Township. Each day that a violation continues shall constitute a separate offense.

4.23 Intergovernmental Communication

To facilitate the joint Township/County permitting process, the following, when issued or granted by the Township, shall be submitted to Stearns County Environmental Services:

- A. A copy of all construction site permits.
- B. A copy of all interim use permits.
- C. A copy of all conditional use permits.
- D. A copy of all variances.
- E. A copy of all off premise sign permits.
- F. A copy of all amendments to the text of this Ordinance.
- G. A copy of all public hearing notices regarding variances, conditional use permits and interim uses a minimum of seven (7) days prior to the public hearing.

SECTION 5 NONCONFORMITIES

That *Section 5 of Stearns County Ordinance Number 439; or successor Ordinance*, is hereby adopted by reference.

SECTION 6 PERFORMANCE STANDARDS

That *Section 6 of Stearns County Ordinance Number 439; or successor Ordinance*, is hereby adopted by reference except for the following:

Section 6.7.6 Animal Unit Density Requirements

That Section 6.7.6 is amended by adding following:

- F. In the event an animal feedlot is to be located within a two mile radius of a city, the maximum number of allowable animal units shall be 750 animal units.
- G. No animal feedlot within 1-1/2 miles of any residence, well, lake, stream, river, creek, or wetland may have more than 800 animal units.

Section 6.30 Keeping of Animals

That Section 6.30 is amended by adding the following:

- D. **Running at Large Prohibited.**
No dog or cat shall be permitted to run at large, off the owner's or custodian's premises, within the limits of the Township. This restriction does not prohibit the appearance of any dog or cat upon roads or public property when the dog or cat is on a leash and is kept under control of the person charged with its care.
- E. **Dog or Cat Nuisances.**
The owner or custodian of any dog or cat shall prevent the dog or cat from committing in the Township any act which constitutes a nuisance. It is a nuisance for any dog or cat to habitually or frequently bark or cry at night, to frequent school grounds, parks, or public beaches, to chase vehicles, to molest or annoy any person away from the property of its owner or custodian, or to damage, defile, or destroy public or private property. Habitual or frequent barking or crying shall be defined as barking or crying for repeated intervals of at least five minutes with less than one minute interruption. Failure of the owner or custodian of a dog or cat to prevent the dog or cat from committing such a nuisance is a violation of this Ordinance and the Town pound master may impound the animal as provided in this Ordinance.

F. Confinement of Certain Dogs and Cats.

Every female dog or cat in heat shall be confined in a building or other secure enclosure in such a manner that it cannot come into contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, the Township may cause the dog or cat to be spayed prior to being transferred to a new owner.

G. Impoundment.

1. Pound. The Town Board shall designate an animal pound for dogs and cats captured by the Town pound master pursuant to this ordinance. Dogs and cats impounded by the pound master shall be transported and sheltered in accordance with Minn. Stat. § 346.39 to the extent practicable under the circumstances.
2. Impounding Animals. The Town pound master may impound any dog or cat which is found running at large within the Township, which constitutes a nuisance under this Ordinance, or which must be confined as provided in Section 6.30 F. of this Ordinance for having bitten a person. The Town pound master shall give notice of the impoundment to the owner of such dog or cat, if known. In case the owner is unknown, the Town pound master shall post notice at the Town Hall with a picture or description of the animal and indicating that if the dog or cat is not claimed within the applicable reclaiming period it will be sold or otherwise disposed of.
3. Biting animals. Any dog or cat which bites a person and either punctures the skin or requires the services of a doctor shall be confined for a period of at least ten days. During confinement the animal must be securely confined and kept from contact with any other animals. The confinement must be at the Township's pound unless the pound master permits the confinement to be on the premises of the owner or custodian. All confinement and related costs shall be the responsibility of the owner or custodian.
4. Reclaiming. All dogs and cats conveyed to the Township pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days. If the animal is designated a dangerous dog or cat, it shall be kept for seven regular business days. If the animal has been considered maltreated, it shall be kept for ten regular business days. The owner may reclaim the animal during this reclaiming period by complying with the following requirements:
 - (a) Pay a \$25.00 release fee to the Township; and
 - (b) Pay all maintenance and impoundment costs.
5. Unclaimed animals. At the expiration of the reclaiming period, if a dog or cat has not been reclaimed in accordance with the provisions of this ordinance, the Township may let any person claim the animal, or the Township may sell the animal, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains. Any money collected for the sale of unclaimed animals shall be payable to the Township.

H. Forfeiture of Ownership.

The ownership rights of a person owning a dog or cat which has been impounded more than twice in a 12-month period for being a public nuisance, or that has been identified as a dangerous or maltreated animal, may be forfeited to the Township

pursuant to the procedures provided in this section.

1. Notice. The Township shall notify the owner or apparent owner of the dog or cat sought to be forfeited and the Township intends to forfeit the owner's ownership rights. The notice must be in writing and state the reasons for the forfeiture, including a summary of applicable incidents. The notice constitutes an admission of the facts alleged in the notice, and the animal must be forfeited to the Township.
2. Hearing. The owner may request a public hearing before the Town Board within ten days of receiving the notice. The hearing must be held within three weeks after the demand. No formal rules of evidence will apply, but the owner must have the right to present evidence in response to the allegations. The Town Board must determine whether the allegations are true and whether the animal must be forfeited to the Township. At the conclusion of the hearing, the Town Board shall issue an order as to the ownership and disposition of the animal.

I. **Dangerous Dogs and Cats.**

It is unlawful for any person's dog or cat to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

1. Dangerous Animal. The Township may designate a dog or cat as dangerous if the animal has done any of the following: without provocation, inflicted substantial bodily harm on a human being on public or private property; kill a domestic animal without provocation while off the owner's property; or been found to be potentially dangerous, and after the owner has notice that the animal is potentially dangerous, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
2. Potentially Dangerous Animal. The Township may designate a dog or cat as potentially dangerous if any of the following exist: when unprovoked, inflicts bites on humans or domestic animals on public or private property; when unprovoked, chases or approaches a person, including a person on a bicycle, upon the roads, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
3. Procedure. Before making a designation, the Town Board shall provide written notice to the owner, or apparent owner, of its intent to consider making the designation and indicating the owner has a right to request a hearing before the Town Board decides the designation. The Township may order the destruction of any dog or cat designated as dangerous or potentially dangerous. If the Town Board determines not to order the destruction of a dangerous or potentially dangerous dog, the owner must register the dog in accordance with Minn. Stats. §§ 347.50 to 347.56.

SECTION 7 GENERAL DEVELOPMENT STANDARDS

That Section 7 of Stearns County Ordinance Number 439; or successor Ordinance, is hereby adopted by reference, except for the following which shall be added and apply notwithstanding any provision to the contrary in Stearns County Ordinance Number 439:

Section 7.12 Fences

Section 7.12.1 is amended by adding the following:

- D. Except for line fences constructed pursuant to Minnesota Statutes, chapter 344, fences constructed to enclose any lot or tract of land shall be located in such a way that the entire fence shall be on the property of the builder thereof. Posts and framework shall be placed within the property line of the owner and the actual fencing material such as wire, lumber, pickets, etc. shall be placed on the side of the fence which faces the street or the adjacent property.

Section 7.17 Mining

Section 7.17.4 G is amended to read as follows:

- G. **Hours of Operation.** All hours of operation shall be set in the Interim Use Permit as approved by the Board. Operation of heavy equipment is permitted from 6:00 a.m. thru 10:00 p.m. only, excluding farm equipment operated for agricultural related purposes.

Section 7.17.5 is amended by adding the following

- E. All mining sites shall be restored with 4 inches of top soil at no greater than a 6:1 slope, when it is mined out.

Section "7.17.6 Additional Requirements" is added to read as follows:

In addition to requirements contained in Section 7.17, the following shall also apply:

1. No foreign material shall be brought into any gravel pit that does not pertain to mining or recycling of mined material.
2. Top soil shall be stored on site and shall not be removed.

Section 7.22 Residential Dwelling Unit

Section 7.22 is amended by adding the following:

7.22.4 The minimum size of all single or multi-family dwellings shall be 20 feet in width and 20 feet in length except that any single family or multi-family dwelling less than 20 feet in width and 20 feet in length shall only be allowed as an interim use.

7.22.5 All residential dwelling units shall be setback 50 feet from agricultural land.

Section "7.33 Campers" is added to read as follows:

The following regulations relating to campers shall apply within the Township:

- A. "Camper" shall have the same meaning given recreational vehicle in Minnesota Statutes, section 168.011, subdivision 25.
- B. An application for a camper permit must be on the form prescribed by the Town Board and must, at a minimum, contain the following information and be accompanied by the applicable permit fee: the name and place of residence of the applicant; the name of the owner of

the camper; specifically identify the camper; identify the lot or parcel on which the camper will be placed; identify the location within the lot or parcel where the camper will be located; and explain the reasons for requesting the permit.

- C. One camper may be stored outside on property between November 1st and April 1st, but only on the same property as the owner's primary residence. One additional camper may be stored outside upon obtaining a camper permit from the Zoning Administrator as provided in Paragraph B of this Section, except the permit may extend for a period of up to six months. This provision does not restrict the storing of campers inside a structure meeting the Township's applicable building requirements and the State Building Code.
- D. The removal of the wheels, except for temporary purposes of repair or for changing, or other action to attach the camper to the ground by means of posts, piers or other foundation shall subject said camper to the requirements of this Ordinance regarding structures so far as such provisions are reasonably applicable to such a structure.
- E. It shall be the duty of the Zoning Administrator of the Township to administer and enforce the provisions of this Ordinance. Actions to enforce this Ordinance may be taken against the owner of the property, the owner of the camper, or both.

Section "7.34 Unlicensed Vehicles and Trailers" is added to read as follows:

The placing of non-functioning railroad coaches, street cars, unlicensed buses, construction trailers, unlicensed trailers, etc. on any property in the Township, improved or unimproved, will not be permitted. Except that construction trailers may be parked on construction sites during construction on duly authorized construction equipment storage areas.

Section "7.35 Sludge and Trash" is added to read as follows:

No city or commercial sewage/sludge shall be deposited or spread on land within 1 ½ mile of any residential dwelling unit, well, lake, stream, river, creek, or wetland.

No noisome material, trash, or other items including, but not limited to, vehicles or personal property shall be deposited, left, or abandoned on Township right of way. Failure to remove such material upon order of the Town Board shall constitute a violation of this Ordinance. In addition to the penalties prescribed herein, or otherwise available under law, the Township may charge the owner of the material for the cost of removing the same.

SECTION 8 GENERAL ZONING DISTRICT RULES OF APPLICATION

8.1 Establishment of Zoning Districts

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

PRIMARY DISTRICTS

A-160	Agricultural District A-160
A-80	Agricultural District A-80
A-40	Agricultural District A-40
T-20	Transitional District T-20 (Closed)
R-20	Residential District R-20 (Closed)
R-10	Residential District R-10
R-5	Residential District R-5
RT	Rural Townsite
R-1	Residential District R-1
C	Commercial District
I	Industrial District
EE	Educational/Ecclesiastical District
SR	Scenic River District
RMH	Residential Manufactured Home District
UE	Urban Expansion District

OVERLAY DISTRICTS

CD	Conservation Design
AP	Airport

8.2 Official Zoning Map

The locations and boundaries of the primary districts established by this Ordinance are set forth on the zoning maps which are hereby incorporated by reference as though a part of this Ordinance. It shall be the responsibility of the County to maintain and update the zoning maps and any amendments thereto.

8.3 District Regulations

8.3.1 Application of Standards

Unless specified otherwise in this Ordinance, when one or more zoning district standards are in conflict the more restrictive standard shall apply.

8.3.2 Appeal of District Boundary

Appeals from any determination of the exact location of district boundary lines shall be heard by the Stearns County Board of Adjustment.

8.3.3 Closed Districts

No request for rezoning into closed districts shall be allowed. The R-20 and T-20 are closed districts.

8.3.4 Prohibited Uses

Whenever, in any zoning district, a use is neither specifically permitted nor prohibited, the use shall be prohibited.

8.3.5 Zoning Upon Detachment

Any tract of land that is part of a statutory or charter city shall be zoned A-40 District if said tract of land is detached and becomes part of an adjoining township at any time on or after the effective date of this Ordinance.

SECTION 9 PRIMARY DISTRICT PROVISIONS

That *Section 9 of Stearns County Ordinance Number 439; or successor ordinance*, is hereby adopted by reference, except for the following:

9.1 Agricultural District A-160 (A-160 District)

9.1.6 Interim Uses

That Section 9.1.6 H is hereby added to read as follows:

H. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.2 Agricultural District A-80 (A-80 District)

9.2.6 Interim Uses

That Section 9.2.6 H is hereby added to read as follows:

H. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.3 Agricultural District A-40 (A-40 District)

9.3.6 Interim Uses

That Section 9.3.6 H is hereby added to read as follows:

H. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.5 Residential District R-20 (R-20 District)

9.5.6 Interim Uses

That Section 9.5.6 D is hereby added to read as follows:

D. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.6 Residential District R-10 (R-10 District)

9.6.6 Interim Uses

That Section 9.6.6 D is hereby added to read as follows:

D. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.7 Residential District R-5 (R-5 District)

9.7.6 Interim Uses

That Section 9.7.6 D is hereby added to read as follows:

D. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

9.9 Residential District R-1 (R-1 District)

9.9.6 Interim Uses

That Section 9.9.6 C is hereby added to read as follows:

- C. Single family dwelling unit less than twenty (20) feet in width or twenty (20) feet in length.

SECTION 10 OVERLAY DISTRICT REGULATIONS

10.3 Conservation Design Overlay District

That *Section 10.3, Conservation Design Overlay District of Stearns County Ordinance Number 439, or successor Ordinance* is hereby adopted by reference.

10.4 Airport Overlay District

That *Section 10.4, Airport Overlay District of Stearns County Ordinance Number 439, or successor Ordinance* is hereby adopted by reference.

SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

That *Section 11 of Stearns County Ordinance Number 439; or successor ordinance*, is hereby adopted by reference.

SECTION 12 ENFORCEMENT

12.1 Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or failures to comply with abatement orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense.

12.2 In the event off a violation or a threatened violation of this ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.

SECTION 13 FEES

13.1 Any person submitting an application under this Ordinance shall pay the applicable application fee as established by the Town Board. The person shall also pay an administrative fee deposit in the amount determined by the Town Board and sign an agreement on a form provided by the Township agreeing to reimburse the Township for its costs, including all engineering, planning, legal, administrative and inspection expenses, incurred by the Township in processing the application. Payment of the application fee, payment of the administrative fee deposit, and execution of the reimbursement agreement shall be required prior to an application being considered

filed, complete, and subject to processing.

13.2 As the Township processes the application, the Town Clerk shall deduct the expenses incurred by the Township from the administrative fee deposit. If the Town Clerk determines, after consulting with the Zoning Administrator, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Zoning Administrator shall require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the Township for all of its expenses. If the applicant fails to submit the supplemental deposit within a reasonable time, the Township may suspend processing the application until the deficiency is corrected or deny the application.

13.3 Upon the termination of the application, by approval, denial, withdrawal, or any other means, all expenses incurred by the Township shall be immediately payable by the applicant. Any deposit in excess of the Township's expenses shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees are paid in full. In the event that payment of expenses is not made within a reasonable time after demand, the Town Board or Zoning Administrator may file a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67 or take such other action as may be deemed appropriate to obtain full reimbursement the Township's expenses, including the costs of collection.

SECTION 14 EFFECTIVE DATE

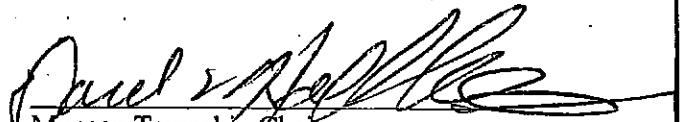
This Ordinance shall be in full force and effect upon publication.

SECTION 15 REPEALER


The Munson Township Land Use and Zoning Ordinance Number 3, as presently enacted, is hereby repealed. The repeal of the Township's previous zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

Adopted this 3rd day of November, 2011.

BY THE TOWN BOARD


Munson Township Chair

Attest:


Munson Township Clerk

This instrument drafted by:
Stearns County Environmental Services
705 Courthouse Square
St. Cloud MN 56303

