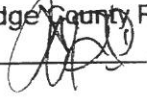


Scanned

A 181442  
COUNTY RECORDER  
DODGE COUNTY, MN

Certified, filed and/or recorded  
on 04/02/2009 at 10:00 AM

Return to: PETERS & PETERS PLC  
Receipt #: 42327

Sue A. Alberts  
Dodge County Recorder  
by , Deputy

# RIPLEY TOWNSHIP ZONING ORDINANCE

Adopted: December 5, 2005  
Amended: March 12, 2009

**The Town Board of Ripley Township hereby ordains:** The Ripley Town Board adopts this Zoning Ordinance for the purposes of promoting the health, safety and public welfare in Ripley Township, Dodge County, Minnesota and for providing for the enforcement, administration and imposing penalties for the violation of this Ordinance. As to land uses not addressed in consistent or more restrictive way by this Zoning Ordinance, the Ripley Town Planning Commission and the Ripley Town Board feel that the Dodge County Zoning Ordinance, as administered and enforced by Dodge County, provides adequate protection of Ripley residents so that other Township land use regulations are not necessary at the time of adoption of this amended Ordinance. The vision for Ripley Township is to be a sustainable community that encourages sustainable development.

**RIPLEY TOWNSHIP ZONING ORDINANCE  
TABLE OF CONTENTS**

**ARTICLE I – GENERAL PROVISIONS**

DIVISION 10: GENERAL ORDINANCE PROVISIONS

Section 10-010	Title and Application
Section 10-020	Intent and Purpose
Section 10-030	Definitions
Section 10-040	Standard Requirements
Section 10-050	Separability
Section 10-060	Vested Rights

**ARTICLE II - ZONING DISTRICT AND REGULATIONS**

DIVISION 20: ZONING DISTRICT

Section 20-010	Ag/Residential District
Section 20-020	Purposes
Section 20-030	Permitted Uses
Section 20-040	Conditional Uses
Section 20-050	Prohibited Uses
Section 20-060	Animal Feedlot Requirements

**ARTICLE III – ADMINISTRATION**

DIVISION 30: ADMINISTRATION

Section 30-010	Zoning Administrator
Section 30-020	Planning Commission
Section 30-030	The Board of Adjustment and Appeals
Section 30-040	Variances and Appeals
Section 30-050	Conditional Use Permits
Section 30-060	Amendments
Section 30-070	Reserved for Future Use
Section 30-080	Public Notice and Hearing Requirements
Section 30-090	Enforcement and Penalties
Section 30-100	Fees
Section 30-110	Adoption, Amendment and Effective Date

## ARTICLE I – GENERAL PROVISIONS

### DIVISION 10: GENERAL ORDINANCE PROVISIONS

#### Section 10-010 Title and Application

This Ordinance shall be referred to as the Ripley Township Zoning Ordinance. This is an ordinance regulating the use of all land in the Township of Ripley for purposes identified herein for regulation in a manner consistent with or more restrictive than those regulations of Dodge County. The Township is responsible for administration and enforcement of this Township Ordinance and believes that Dodge County is responsible for administration and enforcement of the Dodge County Zoning Ordinance, as amended from time to time. This Ordinance does not regulate all land uses in the Township, as the Township understands that Dodge County will continue to administer and enforce the Dodge County Zoning Ordinance, building, subdivision, on-site septic regulations, floodplain, and/or shoreland regulation in Dodge County. This Ordinance was initially adopted on December 5, 2005 and was amended on March 12, 2009, effective on that date.

#### Section 10-020 Intent and Purpose:

The Town Board adopts this Ordinance pursuant to the provisions of Minnesota Statutes, Chapter 462, including Sections 462.351 - 462.364, for the following purposes:

1. Protecting the public health, safety, and general welfare of the Township;
2. To guide the future growth and development of the Township;
3. Protecting and preserving the natural environment of the Township;
4. To protect and promote the value of land throughout the Township;
5. To bring about the gradual conformity of the uses of land and buildings throughout the Township through the zoning plan set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings;
6. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the Township;
7. To establish official controls that are consistent with or more restrictive than the official controls of Dodge County; and
8. To preserve and enhance the quality and the economic and natural environmental values of the Township, and provide for the wise utilization of these land resources.

#### Section 10-030 Definitions:

The following words and terms, whenever they occur in this Ordinance, have the following definitions:

**Adjoining** - To be next to, nearby or sharing an edge or boundary. For purposes of this ordinance, parcels of land split by a road shall be considered adjoining.

**Agriculture** – the use of land for agricultural purposes, including: farming, dairying, pasturage agriculture, horticulture, forestry, animal husbandry, and the necessary accessory structures for packing, treating or storing the produce; provided that, however, the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

**Agricultural Structures** – structures customary and incidental to farming and the raising of animals, including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

**Animal Feedlot** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots. Two or more new animal feedlots under common ownership or operation are considered to be a single animal feedlot if they adjoin each other or if they use a common area or system for the utilization of waste.

**Animal Unit (AU)** – A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For the purposes of this definition, the Township intends to follow the definitions of the Dodge County Feedlot Program Rules as amended from time to time by Dodge County.

**Conditional Use** – a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

**Enabling Entity** – This is defined as a natural person that functions in much the same role as a parent or relative would in assisting a beginning or young farmer by owning some of the adjoining land while the beginning or young farmer rents, leases, or runs livestock facilities on this or adjacent contiguous land.

**Explosives** – Explosives are further defined under Minnesota Statutes 299F.19 under classes that are enumerated 1, 2, 3 and 4.

**Discontinuance** - In the event that a legal nonconforming use of any structure or structure and land is discontinued for a period of one (1) year or more, the use of the same shall cease being a legal nonconforming use and shall thereafter conform to the requirements of this Ordinance.

**Hardship** – used in connection with the granting of a variance; the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the Ordinance.

**Illegal nonconforming use** - An illegal nonconforming use exists where a parcel of land violates the current zoning regulations and also violated the regulations that previously existed at the time the use commenced.

**Legal nonconforming use** - A legal nonconforming use exists where a parcel of land violates, but is exempt from, the requirements of current zoning regulations due to improvements made by an owner prior to/before the adoption of the current zoning regulations so that the nonconforming use lawfully existed before the enactment of the current zoning ordinance. See also, Nonconformity.

**New Animal Feedlot** - An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five (5) years or more.

**Nonconformity** – Defined as provided for in Minn.Stat. Sec. 462.357, Subd. 1e, as amended. The lawful use or occupation of land or premises existing at the time of the adoption of this Zoning Ordinance, or any amendments thereto, that does not conform to the requirements of this Zoning Ordinance.

**Rebuild/reconstruction** – Rebuilding or reconstruction of a structure or improvement exists where a legal nonconforming structure, improvement or use is destroyed to an extent greater than fifty percent (50%) of the replacement value of the structure or improvement and the land owner(s) wishes to rebuild or reconstruct. The landowner(s) shall only rebuild or reconstruct the structure or improvement destroyed to such an extent by complying with the requirements of this Ordinance, including the conditional use permit or variance requirements, if applicable.

**Residence** - A building or other shelter in which people live or have lived for more than 20 days within the last 24 months. A residential building principally used for residential accommodation having a permanently installed kitchen and bathroom facilities and occupied for human habitation, but not including rooms in hotels, tents, or trailer coaches.

**Setback** – the minimum horizontal distance between a structure, well or sewage disposal system and another element such as street or highway right-of-way, side property lot line, etc.

**Temporary Stockpiles** – as relating to the storage of manure shall be construed as being less than 300 days and non-recurring in nature.

**Variance** – any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical or not feasible in the circumstances.

**Section 10-040: Standard Requirements:**

The following standards shall apply unless otherwise noted in this Ordinance.

1. More Restrictive Provisions to Govern. Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the more restrictive regulations shall prevail.
2. Interpretation. The terms of this Ordinance shall be held to the minimum requirements to satisfy the Intent and Purposes of this ordinance.
3. Nonconformities. All lawful uses existing at the time of adoption of this Ordinance shall be permitted to continue in size, nature and location, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
4. Conformity with Ordinance. All new and expanded land uses subject to this Zoning Ordinance shall comply with the requirements of this Ordinance. No building, structure or improvement subject to this Zoning Ordinance shall be erected, constructed, expanded, enlarged, or used for any purpose that is not in conformity with this Ordinance.
5. Discontinuance. In the event of discontinuance of a legal nonconforming use for a period of one (1) year or more, the use shall thereafter conform to the terms of this Ordinance and shall forfeit status as a legal nonconforming use.
6. In the event that any legal nonconforming structure or improvement is destroyed to an extent greater than fifty percent (50%) of the replacement value of the structure or improvement and no building or other permit has been applied for within 180 days of when the property is damaged, any rebuilding or reconstruction of such structure or improvement shall comply with this Ordinance and shall first obtain a building, conditional use permit or variance, if applicable, in which the Township may impose reasonable conditions in order to mitigate any newly created impact on adjacent property.
7. Floodplain areas. All repairs, replacements, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas shall first obtain a conditional use permit under this Ordinance to ensure that the nonconforming use and structure maintains eligibility in the National Flood Insurance Program and does not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

8. All Provisions Have Meaning. No provisions of this Ordinance are mere boilerplate. Courts of competent jurisdiction shall enforce all provisions of this Ordinance with equal force and effect and shall not substitute the Court's judgment as to which terms and conditions are enforceable and which terms and provisions are not enforceable.
9. Consistency with Minn.Stat. Sec. 462.357. In the event of any conflict of any provision of this Ordinance with Minn.Stat. Sec. 462.357, as amended, the statute shall govern and establish minimum standards for purposes of this Ordinance.

**Section 10-050: Separability:**

The several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, use or structure, such judgment shall not affect the application of said provision to any other property, use or structure not specifically included in said judgment.

**Section 10-060: Vested Rights:**

Nothing in this or any referencing ordinance shall be interpreted or construed to give rise to any permanent vested rights. Land uses regulations are deemed to be subject to subsequent amendment, change or modifications as may be necessary to promote the public health, safety and general welfare.

**ARTICLE II – GENERAL ZONING DISTRICT AND REGULATIONS**

**DIVISION 20: ZONING DISTRICT**

**Section 20-010: Ag/Residential District.**

All lands lying within Ripley Township are hereby zoned and determined to be in an agricultural/residential district ("Ag/Residential District"), except for shoreland.

**Section 20-020: Purposes.**

The purposes of the Ag/Residential District include to preserve and promote the use of land for agricultural purposes, farm residences, rural residential uses and such other uses that are compatible with and complementary to such agricultural and residential uses.

**Section 20-030: Permitted Uses.**

The following land uses are allowed without any regulation or review by the Township under this Township Ordinance, including without any building permit from the Township, as such land uses are governed and regulated, if at all, by Dodge County under the Dodge County Zoning Ordinance, as amended from time to time. By enumerating these categories in this section of this Ordinance, Ripley Township intends to establish only those official controls that are consistent with or more restrictive than the official controls of Dodge County, pursuant to the requirements of Minn.Stat. Sec. 394.33:

1. All uses allowed as permitted uses by the Dodge County Zoning Ordinance and not addressed by this Township Ordinance in a consistent or more restrictive fashion, such as residential, home occupation, wildlife preserves or refuges, which shall be allowed and not be regulated with permit requirements by this Ordinance;
2. Agricultural uses, including new or expanded feedlots under 10 animal units; and
- 2 + 3. Essential services or utilities, including transmission and distribution lines and pipelines of public utility companies within existing public rights of way shall be allowed and not be regulated with permit requirements by this Township Ordinance.

**Section 20-040: Conditional Uses Subject to Conditional Use Permit.**

1. The establishment of any earthen manure storage lagoons or basins for any animal feedlots over 500 animal units. There shall be no new earthen manure lagoons or basins for proposed animal confinement operations with a capacity of over 500 animal units, without an approved digester;
2. The establishment of any animal feedlots with a capacity to hold over 10 animal units but less than 1501 animal units;
3. Churches and cemeteries; and
4. Any repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas.

**Section 20-050: Prohibited Uses.**

1. New or expanded feedlots with a capacity to hold over 1,500 animal units;
2. New or expanded swine feedlots with a capacity to hold over 1,500 animal units;
3. Open lagoons or storage structures for liquid animal manure over 500 animal units without a digester;
4. The establishment of any adult use or adult entertainment facilities within 2 miles of any residence;
5. The establishment of any industrial facility for storage of hazardous waste, biomedical waste or demolition waste;
6. The opening of any new gravel pit or rock quarry for commercial purposes;
7. The establishment of any commercial motorized racetracks, casinos or racinos with a seating capacity, whether by permanent structure or by temporary (including bench or chair seating), of greater than 200 people;



8. The establishment of any storage container, storage facility, facility for the manufacture of, or facility for the redesign of any type of class 4 explosives closer than 1000 feet to any residence or other buildings;
9. The establishment of any facility for the manufacture or storage of class 1,2, or 3 explosives closer than 1 mile to any residence or other building;
10. The establishment or rehabilitation of any multi-unit housing facilities with a total capacity of over 10 bedrooms at the facility; and
11. Commercial, greater than 10 employees

**Section 20-060: Animal Feedlot Requirements.**

1. The following shall be considered as minimum requirements for setbacks of feedlots. The setback for feedlots shall be 500 feet minimum setback increasing at the rate of one-half foot per animal unit over 500 animal units within a neighboring residence, feedlot, church, governmental building or other public gathering place. This distance may be reduced with a signed waiver from the neighboring resident or property owner. This setback is reciprocal for purposes of Minn. Stat. Sec. 462.357. New residences must be setback the same distance on the same conditions as the setback for new feedlots, unless the new residence is built to replace an existing residence. The Township may grant a variance from this requirement under section 462.358, subd. 6.
2. The following shall be considered as minimum requirements for setbacks of swine feedlots. The setback for swine feedlots shall be 500 feet minimum setback increasing at the rate of one-half foot per animal unit of 500 to 999 animal units, ¼ mile (1,320 feet) 1,000 to 1,500 animal units, within a neighboring residence, feedlot, church, governmental building or other public gathering place. This distance may be reduced with a signed waiver from the neighboring resident or property owner. This setback is reciprocal for purposes of Minn. Stat. Sec. 462.357. New residences must be setback the same distance on the same conditions as the setback for new feedlots, unless the new residence is built to replace an existing residence. The Township may grant a variance from this requirement under section 462.358, subd. 6.
3. The following shall be considered as minimum requirements for setbacks of temporary stockpiles of manure; no temporary stockpiles of manure shall be located within 700 feet from a neighboring residence, feedlot, church, governmental building or other public gathering place.
4. All other setbacks, including wells, frontage, side and any others not specifically mentioned in this ordinance shall comply with the Dodge County zoning ordinance.
5. Minimum acreage requirements Minimum acreage for all feedlots shall be as follows:

- a. 10 to 100 animal units = 7.5 acres; and
- b. 101 to 1500 animal units = 10 acres plus each additional animal unit over 100 adds an additional 1/10<sup>th</sup> of an acre to a maximum requirement of 150 acres.

This acreage shall be owned by the operator, an immediate family member, or any person deemed to be an “enabling entity” by the Ripley Township Board of Appeals as a “conditional variance” under section 30-040 with the conditional nature described under section (C).

- 7. Management/Ownership on Site. Feedlots shall have an owner/manager living on the premises.
- 8. New or expanded feedlots over 500 animal units shall use the best available control technology (BACT) for odor control.
- 9. Neighbor Notification. Proposers of new or expanded feedlots over 500 animal units shall notify in writing each property owner and resident located within two miles of the proposed new or expanded feedlot within five (5) days of submitting a completed application to the Township.
- 10. Abandonment of Manure Storage Structure. All manure storage structures must be properly closed within six months of abandonment, permit revocation or other permanent cessation of livestock production at the facility. Closure must comply with applicable standards established by the Minnesota Pollution Control Agency. In the event that the storage structure is not properly closed within six months, the Township may remove any remaining structure and assess the costs against the property in the same manner as in enforcement of this Ordinance.
- 11. Manure application. Feedlot owners, managers and commercial manure pumpers and haulers shall remove and transport liquid manure from the manure storage structure for land application via umbilical hose system or other method approved by the Town Board in writing as part of a conditional use permit or variance that protects township roads from damage.
- 12. All feedlots shall comply with all terms and conditions of the applicable Dodge County ordinance provisions and the applicable requirements of the Minnesota Pollution Control Agency, including the Minnesota Feedlot Program Rules, Chapter 7020, as amended.

### **ARTICLE III -ADMINISTRATION**

#### **DIVISION 30 ADMINISTRATION**

**Section 30-010:                      Zoning Administrator**

The entire Town Board shall be responsible for administration and enforcement of these

regulations or may appoint a zoning administrator. The Town Board or zoning administrator, if one be appointed, shall perform the following duties:

1. Enforce and administer the provisions of this Ordinance;
2. Maintain permanent and current records of this ordinance, including but not limited to maps, amendments, variances and conditional uses;
3. Receive, file, and forward, along with recommendations, all applications for appeals;
4. Ensure compliance with Minn.Stat. Sec. 15.99;
5. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided for; and,
6. Serve as ex-officio, non-voting member of the Planning Commission.
7. Compensation, if any, shall be set by the township board.

**Section 30-020: Planning Commission**

There is hereby created a Planning Commission consisting of one officer of the Ripley Town Board and two (2) other legal voting residents of the township. The members of the Planning Commission shall be appointed by the Town Board consistent with the bylaws as adopted by the Ripley Town Board. The Planning Commission now in existence shall continue as presently constituted.

- A. The Planning Commission may elect a Chairperson, Vice-Chairperson and Secretary/Treasurer from among its members. It may adopt rules or bylaws for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Planning Commission may cause all such records of its proceedings, findings and determinations to be filed at the Ripley Township office.
- B. The Planning Commission shall be advisory in nature, and shall serve at the pleasure of the Town Board. In this advisory role the Planning Commission shall:
  1. Assist the Town Board in the formulation of goals, policies and programs for the future development of Ripley Township;
  2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies; and
  3. Review applications for conditional use permits, variances and Ordinance amendments, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Town Board.

**Section 30-030 The Board of Adjustment and Appeals**

There is hereby created a Board of Adjustments and Appeals of one officer of the Ripley Town Board (albeit not the same officer that is on the Planning Commission) and two (2) other legal voting residents of the township. The members of the Board of Adjustments and Appeals shall be appointed by the Town Board consistent with the bylaws as adopted

by the Ripley Town Board. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance.

- A. The Board of Adjustment and Appeals shall elect a Chairperson and Vice-Chairperson from among its members. It may adopt rules or bylaws, for the transaction of its business and shall keep a permanent record of its proceedings, findings and determinations. The Board of Adjustment and Appeals shall cause all such records of its proceedings, findings and determinations to be filed at the Ripley Township Hall.
- B. The meeting of the Board of Adjustment and Appeals shall be held as specified in the rules or bylaws, and at other such times as the Chairperson of the Board shall deem necessary and appropriate.
- C. The Board of Adjustment and Appeals shall have the exclusive power concerning the following:
  - 1. To grant variances from the strict enforcement of standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in Section 30-040 of this Ordinance;
  - 2. To hear and decide any appeal from an order, requirement, decision or determination made by the Zoning Administrator, if any; and
  - 3. All decisions by the Board of Adjustment and Appeals in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Planning Commission shall have the right to appeal to the Dodge County District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment and Appeals.

**Section 30-040**

**Variances and Appeals**

- A. The Ripley Board of Adjustment and Appeals shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. Chapter 462. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases where there is a particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive or land use plan. The Planning Commission may notify the Dodge County Environmental and Zoning office and shall consider the criteria set forth below when hearing and making recommendation upon a variance request:
  - 1. Has the applicant demonstrated a hardship? (Hardship means the property

cannot be put to a reasonable use under conditions allowed by the Zoning Ordinance. Economic considerations alone do not constitute a hardship.

2. Are there exceptional circumstances unique to this property, which were not created by the landowner?
3. Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance?
4. Can the variance be granted without altering the essential character of the surrounding area?

B. The Planning Commission must make an affirmative finding on all of the four criteria listed above in order to make a recommendation to the Board of Adjustment and Appeals to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

C. The Planning Commission may impose conditions upon a variance that relate to the purposes and objectives of this Ordinance. If conditions are imposed, the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the Township may pursue the enforcement remedies set forth in Section 30-090 herein.

D. Procedure for applying for a Variance:

1. An applicant desiring a variance shall fill out and submit to the Ripley Township Board or Zoning Administrator a completed Variance Request form, copies of which will be made available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission. The application shall be accompanied by information as is necessary to educate the residents about the project, including but not limited to:
  - a. A map or aerial photo showing all existing homes, as well as all proposed and existing buildings, driveways, access roads, parking spaces, and loading areas within  $\frac{1}{4}$  mile (1,320 feet) of property boundary of the affected property;
  - b. A map or aerial photo indicating location and dimensions of the facility, lakes, ponds, water courses, wetlands, drainage ditches, roads, wells (including abandoned wells), contour and surface water drainage within  $\frac{1}{4}$  mile (1,320 feet) of the facility;
  - c. A site plan drawn to scale showing the location of all proposed landscaping, windbreaks, and screening plans, if applicable, as well as all approaches from public roads, and the existing and

proposed buildings and manure storage areas and their square footage;

- d. A copy of any applications for permits made to any federal, state or local authority for the same project;
  - e. The plan for the manner in which negative impacts to neighbors will be controlled or mitigated;
  - f. The names and addresses of all owners and managers of the facility. This includes the names and addresses of all individual owners of any corporation, cooperative, partnership, limited liability company, etc.;
  - g. Certification from the County that all property taxes have been paid;
  - h. Such other information as is deemed necessary and reasonable by the Town Board to adequately review the request; and
  - i. Written assurances that any damage to bridges and roads by heavy loads will be repaired by the applicant/permit holder.
2. The Zoning Administrator or, if none appointed, the Township Board of Supervisors, shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
  3. The Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.
  4. The Planning Commission will forward their recommendation to the Board of Adjustment and Appeals within thirty (30) days after receiving the application. If it recommends the variance, the Planning Commission may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
  5. The Board of Adjustment and Appeals will act upon the request within 30 days of receipt from the Planning Commission.
  6. An application for a variance shall not be resubmitted for a period of twelve months following denial.
  7. Variances shall be recorded in the office of the Dodge County Recorder.

E. Procedure for filing an Appeal:

1. An appeal of an administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Board or Zoning Administrator an Application for Appeal, which will be available from the Zoning Administrator. The appropriate fee shall be paid in order

for the application to receive consideration by the Board of Adjustment and Appeals. Such appeal shall be heard by the Board of Adjustment and Appeals within sixty (60) days of the date that such complete application is submitted.

**Section 30-050      Conditional Use Permits.**

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the Town Board of Supervisors or Zoning Administrator and upon review and recommendation of the Planning Commission, and approval and issuance of a Conditional Use Permit by the Ripley Town Board of Supervisors. The applicant for a conditional use permit shall fill out and submit to the Zoning Administrator or, if none appointed, to the Town Board of Supervisors, an Application for Conditional Use Permit, which application shall contain all information required of a variance application. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Zoning Administrator or, if none appointed, by the Town Board of Supervisors and the Planning Commission prior to consideration of the permit.

A. In considering the granting of any conditional use permit throughout the Township, the Planning Commission and Town Board shall evaluate the effect of the proposed use upon:

1. The maintenance of the public health, safety and welfare;
2. The location of the site with respect to existing and proposed access roads;
3. Its compatibility with adjacent land uses;
4. Its compatibility with the intent of the zoning district in which such use is proposed; and
5. Its compatibility with the objectives of this Ordinance.

B. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

1. Increased setbacks;
2. Periods and/or hours of operation;
3. Type of construction;
4. Deed restrictions;
5. Landscaping and vegetative screening; and
6. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

C. An applicant for a Conditional Use Permit may be required to furnish the

Planning Commission, in addition to the information required for the building or other permit or variance, the following:

1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
  2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
  3. Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
  4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations;
  5. A description of all land uses located within ¼ mile (1,320 feet) of the boundary of the affected property; and
  6. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.
- D. The Planning Commission and the Town Board of Supervisors, in evaluating each conditional use application, may notify the Dodge County Environmental and Zoning office and may request the Dodge County Soil and Water Conservation District or Natural Resources Conservation Service to make available expert assistance to assist in the evaluation and consideration of such application.
- E. Procedure for applying for a Conditional Use Permit:
1. An applicant desiring a conditional use permit shall fill out and submit to the Ripley Township Board or Zoning Administrator a completed Conditional Use Permit Application form, copies of which will be available from the Township. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
  2. The Board or Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
  3. The Planning Commission shall hold a public hearing in accordance with Minn.Stat. Ch. 462, the provisions of this Ordinance and other applicable laws, if any, governing notices and public hearing.
  4. The Planning Commission will forward their recommendation to the Town Board within thirty (30) days after receiving the application. If it recommends the conditional use permit, the Planning Commission may impose conditions it considers necessary to protect the public health, safety and welfare.
  5. The Town Board will act upon the request within 30 days of receipt from the Planning Commission. If it grants the conditional use permit the Town Board may impose conditions (including time limits) it



considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

6. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of conditional use permits may be granted at the discretion of the Town Board.
7. An application for a conditional use permit shall not be resubmitted for a period of twelve months following denial.
8. Conditional Use Permits issued shall be recorded in the office of the Dodge County Recorder as per Minnesota statutes.

#### **Section 30-060                      Amendments.**

The Town Board may adopt amendments to the zoning ordinance. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community or changes in conditions of the Township. The procedure for amendments to this Ordinance shall be as follows:

- A. An amendment may be initiated by a property owner, the Planning Commission or the Town Board. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form. Such application shall be filled out and submitted to the Town Board or Zoning Administrator together with the appropriate fee.
- B. The applicant shall appear before the Planning Commission to answer any questions that Planning Commission members may have concerning the amendment request.
- C. A public hearing on the amendment request shall be conducted by the Planning Commission within thirty (30) days following such initial meeting. The public hearing shall be conducted in accordance with Minn.Stat. Ch. 462. The Township may give written notice to the Dodge County Environmental and Zoning office of the public hearing and may request comments and suggestions on an amendment.
- D. The Planning Commission shall make its recommendation to the Town Board after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the Town Board.
- E. The Town Board shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted. The applicant shall

be notified in writing of the action of the Town Board.

- F. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. Amendments adopted by the Town Board shall be recorded in the office of the Dodge County Recorder as per Minnesota statutes.

**Section 30-070                      Reserved for Future Use**

**Section 30-080                      Public Notice and Hearing Requirements.**

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, and requests for amendments shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Ripley Township and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, and Conditional Use Permits, all property owners within two miles of the property or ten (10) surrounding property owners of record, whichever includes the most property owners, must be notified; In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all record owners of property within one mile must be notified.
- B. The Environmental Services Office of Dodge County may be sent a notice of all public hearings.

**Section 30-090                      Enforcement and Penalties.**

- A. The Town Board, Zoning Administrator or an authorized Township representative enforces this Zoning Ordinance and shall conduct Zoning Ordinance compliance inspections prior to the issuance of a conditional use permit or variance and during the course of construction of activities under conditional use permit or variance. No person shall hinder or otherwise interfere with the Town Board, Zoning Administrator or authorized Township representative in the performance of their duties and responsibilities. Refusal to allow reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
- B. In the event of violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies including prosecution under Section 30-090(C) of this Ordinance, may institute appropriate actions or proceedings to

prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Ripley Township Attorney to institute such action after approval and authority for such action has been granted by the Ripley Town Board.

- C. This Ordinance is enforced with the imposition of civil and/or criminal penalties provided for under Minnesota law. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- D. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines as provided in Minnesota Statute Sec. 609.03. Each day that the violation continues shall constitute a separate offense.
- E. Any person damaged as a result of a violation of this Ordinance may pursue appropriate legal remedies in District Court, including but not limited to an injunction, mandamus and administrative remedies in addition to the prosecution of the misdemeanor.
- F. A violation of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity. In the event any land is used or is proposed to be used in such a manner as to be in violation of this Ordinance or in the event any building, structure, alteration thereof or part thereof, is, or is proposed to be used or erected in violation of this Ordinance, the Town Board or Zoning Administrator may issue cease and desist orders to halt the progress of any on-going violation. Once a cease and desist order has been issued, the activity shall not be resumed until the violation is corrected and the cease and desist order is lifted. In addition, the Town Board or Zoning Administrator may institute an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, correct, abate or remove such unlawful use, construction, reconstruction, alteration or maintenance.

**Section 30-100**

**Fees.**

- A. In order to defray the administrative costs associated with the processing of applications for conditional use permits, variance requests, amendments, and appeals, a schedule of permit fees shall be adopted by the Ripley Town Board. The schedule of fees shall be posted at the Ripley Town Hall, and may be altered or amended by resolution of the Ripley Town Board.
- B. In the event of a violation of this Ordinance, any costs of enforcement, including administrative expense and legal expense incurred in the enforcement proceedings, may be assessed against the party found to have violated the

ordinance. Within 45 days after the conclusion of a civil or criminal case, Ripley Township may certify the costs of enforcement for assessment against the violator's property where the violator has either been found to have violated this Ordinance by the Court or has admitted the violation. The Town Clerk shall prepare a bill for the amount certified and mail a copy by certified mail to the violator's last known address or the violator's address of record with the Dodge County Auditor's Office. If the total amount of the bill is not paid within thirty days of receipt of mailing, Ripley Township may certify the bill as any other special assessment. The violator may appeal the certification of the costs of enforcement to the Ripley Township Board of Adjustment by filing an objection to the assessment within fifteen days upon receipt of notice of the certification. The appeal must include a detailed explanation for the objection.

- C. Any person making application for a permit after the commencement of work requiring a permit shall be charged a double permit fee. The Planning Commission, Board of Adjustment or the Zoning Administrator may require correction and/or restoration of the concerned property to its original state in the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit.

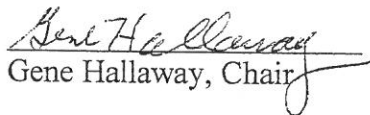
**Section 30-110**

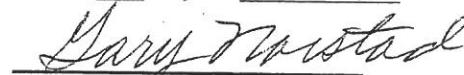
**Adoption, Amended and Effective Date.**

This Ripley Township Zoning Ordinance was initially adopted on December 5, 2005.

- A. **Public Hearing Date for Amendment: February 3, 2009.**

Adopted by the Ripley Town Board of Supervisors on this 12 day of March 2009.

  
Gene Hallaway, Chair

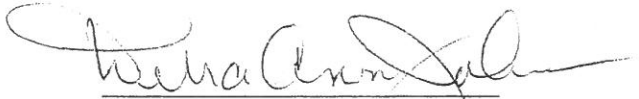
  
Attest: Gary Norstad  
Ripley Town Clerk

- B. **Effective Date:** 3-13 -, 2009

The foregoing instrument was acknowledged before me this 13 day of March, 2009, by Gene Hallaway, Chair of the Ripley Township Board.

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF DODGE )

Subscribed and sworn to before me this 13 day of March, 2009.


  
Notary Public



The foregoing instrument was acknowledged before me this 13 day of March, 2009, by Gary Norstad, Clerk of Ripley Township.

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF DODGE )

Subscribed and sworn to before me this 13 day of March, 2009.

  
Notary Public



This instrument was drafted by:

Peters & Peters, PLC  
James P. Peters #177623  
460 Franklin St. N., #100  
P.O. Box 313  
Glenwood, MN 56334  
(320) 634-3778

