

West Lakeland Town Code

Adopted May 8, 2017

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1 General Provisions

1.1 Adoption of Town of West Lakeland Code of Ordinances

The Town Board of Town of West Lakeland does ordain:

- 1.1.1 **Adoption of Code.** This ordinance consisting of chapter 1 through 18 inclusive is a codification and revision of the ordinances and is hereby adopted as a single, original and comprehensive ordinance to be known as the Town Code of West Lakeland.
- 1.1.2 **Repeal of Ordinances.** Appendix A to the Town Code of West Lakeland is a listing of all ordinances of the Town that are hereby repealed. Appendix B to the Town Code of West Lakeland is a listing of all ordinances that are special or limited in nature and application, and are continued in force, but not set forth in the Town Code.
- 1.1.3 **Subsequent Ordinances.** Ordinances passed after the effective date of the Town Code shall be passed as amendments or additions to the Town Code. These amendments or additions to the Town Code shall be incorporated into that Town Code as a subsequent revision. It is the intention of the Board that the Town Code shall be kept up to date by the insertion of revised or additional pages. Chronological Number of subsequent ordinances will continue.
- 1.1.4 **Abrogation and Greater Restrictions.** This code is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances separate from the code, or permits previously adopted or issued. In the event of conflicting provisions within the code, the more restrictive provision shall apply.

1.2 Rules of Construction

- 1.2.1 **General.** Words and phrases shall be constructed in their plain ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
 - 1.2.1.1 **Masculine, Feminine or Neuter.** Unless the context clearly requires otherwise, the use of masculine, feminine or neuter gender shall include other genders.
 - 1.2.1.2 **Singular or Plural.** Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.
 - 1.2.1.3 **Past, Present and Future.** Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.
 - 1.2.1.4 **Joint Authority.** Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.
 - 1.2.1.5 **Computation of Time.** The time within which an act shall be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, such day shall be excluded.

- 1.2.1.6 Conjunctions.** The word “or” and “and” may be read interchangeably in situations where the context requires it.
- 1.2.2 Deputies.** Whenever the Town Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.
- 1.2.3 Repeals.** The repeal of a provision which repeals a prior provision does not revive the prior provision, unless the intent to do so is clearly stated. The repeal of any provision shall not be construed to abate, annul or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent is clearly stated.
- 1.2.4 Minnesota Rule of Construction to Apply.** Unless clearly in conflict with the provisions of this code, or otherwise clearly inapplicable, rules of construction established for the state of Minnesota by statutes or case law shall apply in the construction of this code.

1.3 Authority and Purpose

- 1.3.1 Authority.** These regulations are adopted under the authority granted by Minnesota Statutes 462.354.
- 1.3.2 Purpose.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- 1.3.3 Intent.** It is the intent of these ordinances to preserve and protect the rural character, natural landscape, and natural and scenic beauty of the township and to provide for the compatibility of different land uses and the most appropriate use of land. This intent will be executed by these ordinances to regulate and restrict the use of all structures, lands, and waters and regulate lot coverage, size, and location of structures so as to: lessen congestion in and promote safety and efficiency of streets and highways; foster public safety and convenience in travel and transportation; secure safety from fire, flooding, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration by limiting population distribution and density; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; regulate alterations of natural vegetation and topography; prevent environmental pollution and protect surface and ground waters from contamination; reduce construction site erosion; avoid construction problems resulting from high groundwater; facilitate the use of solar energy devices and other innovative development techniques; provide for orderly, economic, and safe removal and processing of sand, gravel, rock, soil, and other material; implement the community’s comprehensive plan or plan components. To this end, it is further intended to provide for the administration and enforcement of these ordinances and provide penalties for its violation.

1.4 Severability

1.4.1 If any chapter, section, sentence, clauses or other part of the Town Code of West Lakeland shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of the Town Code. It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

1.4.1.1 If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment

1.4.1.2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

1.5 Publication and Effective Date

1.5.1 Effective Date. Regulations contained in this chapter shall become effective after their publication according to law.

1.5.2 Publication. This ordinance, the Town Code of West Lakeland, together with such indexes, supplements, appendices or other material as the town may designate, shall be published in book form and a substantial quantity of copies shall be printed and available at the offices of the town clerk for general distribution to the public at a reasonable cost. The Town Code shall become operative and effective as soon as the town clerk shall publish a notice for two (2) successive weeks in the official newspaper of the town of West Lakeland stating that printed copies of the municipal code are available at the office of the town clerk for general distribution.

2 Administration

2.1 Zoning Administration

2.1.1 The town zoning administrator is designated as the administrative and enforcement officer for the provisions of this ordinance. The duties of the zoning administrator shall be assigned by the town board to one person or shared between more than one person in the township. The town board has ultimate authority to appoint themselves or any other person in the township. The duty of the zoning administrator shall be to interpret all permits required by this ordinance and to issue, after on-site inspections, all permits required by this ordinance. The zoning administrator shall further:

- Review all matters pertaining to applications and enforcement of this zoning ordinance
- Conduct inspections of structures and use of land to determine compliance with the terms of this zoning ordinance.
- Review all subdivisions created in this township.
- Maintain permanent and current records as required by this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications.
- Receive, file, and forward all applications for appeals, variances, conditional uses, or any and all other matters to the designated official bodies.
- Notify in writing, persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- Initiate, with the advice and consent of the township attorney and the township board, any appropriate legal actions or proceedings against a violator as provided for in this zoning ordinance.
- Recommend to the township board appropriate fees for applications, permits, or other matters processed under this zoning ordinance.
- Collect fees, as set by the township board, for all applications, permits, or other matters covered under the provisions of this zoning ordinance.
- Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this ordinance.
- Attend all meetings of the town planning commission and zoning board of appeals, and town board meetings, when requested.

2.2 Board of Adjustment

2.2.1 The board shall consist of the Township Board which shall have all the powers and duties of the zoning administrator. The Town Board will appoint 3 member panel consisting of members of the planning commission in an advisory capacity to the Town Board to hear zoning issues and appeals.

2.2.2 Election of officers and rules of proceeding. The board of adjustment shall select a chairperson and vice-chairperson from its members and shall appoint a recording secretary, who need not be a member of the board. Subject to such

limitations as may be imposed by the township board, the board of adjustment may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a record of its proceedings which shall include minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

- 2.2.3 Meetings and quorum.** The meeting of the board of adjustment shall be held at the call of the zoning administrator. A majority of the board shall constitute a quorum and a majority vote of that quorum is sufficient to conduct business and take action. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by a majority vote of all members, except the member being challenged. In the event that the disqualification of a member due to conflict of interest results in less than a quorum of the board for a meeting, no further action can be taken on that matter before the board.

2.3 Variances

- 2.3.1** The Town Board shall have the exclusive power to order the issuance of variances from the terms of any official control, including restrictions placed upon nonconformities.
- 2.3.2 Hearing.** Upon receipt of an application that contains all required information, the town board shall establish a time for hearing thereon by the board. From the date the clerk receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved. The Town Board may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 subd. 3.
- 2.3.3 Notice.** Notice of time, place, and purpose of the public hearing shall be given by publication in the official township newspaper at least ten (10) days before the hearing. Written notice of all public hearings shall be sent to all owners of property of record within One quarter (1/4) mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners. In all cases, written notice shall also be given to the members of the township board prior to the hearing. Defects in the notice shall not invalidate any proceedings provided a bonafide attempt to comply with this section has been made. Where applicable, no less than twenty (20) days prior to the public hearing, the clerk shall send notice and copies of application forms to the following for review and comment: Washington County, Minnesota Department of Natural Resources, and appropriate watershed district or management organization.
- 2.3.4 Board findings.** The Town Board shall make written findings in any case of an appeal or application for a variance and shall state therein the reasons for its decision. The order issued shall include the legal description of the land involved. A copy of any such order bearing the notation of the filing date shall

be immediately mailed to the appellant or applicant. A certified copy of any order issued by the board upon any application for a variance shall be filed with the county recorder or registrar of titles for record. Upon granting the variance the applicant must act upon confines of the granted variance within one year or it is rendered invalid. Within the area governed by the master plan for the lower St. Croix River, before any variance decision under this zoning ordinance becomes final, the clerk shall forward the decision to the Commissioner of Natural Resources. The Commissioner of Natural Resources shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers Act in a manner specified by the Department of Natural Resources.

2.3.5 Administrative appeals. An appeal from any decision may be taken by any aggrieved party within thirty (30) days from the date of such decision by filing a written notice of appeal to the Board of Adjustment. The notice shall state: The particular order, requirement, decision or determination from which the appeal is taken; the name and address of the appellant; the grounds for appeal; and the relief requested by the appellant. The Board of Adjustment may recommend to reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

2.3.6 Zoning Variances. A variance is the modification or variation of the zoning regulations where it is determined that, the strict enforcement of the zoning ordinance would cause practical difficulties. An application for a variance shall be filed with the clerk. The application shall be accompanied by development plans showing such information as the board may require for purposes of this ordinance. If the application does not contain all required information, the clerk shall send notice within ten (10) days of receipt of the request, telling the applicant what information is missing.

2.3.7 No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Variances shall only be permitted when they are in harmony with the general purpose and intent of the zoning ordinance in cases when there are practical difficulties 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 plan. Practical difficulties as used in connection with the granting of a variance means that the property owner proposed to use the property in a reasonable manner not permitted by an official control. The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic conditions alone do not constitute practical difficulties. The Town Board may consider the inability to use solar energy systems as a practical difficulty in the granting of a variance. Variances shall be granted for earth sheltered construction as defined in Minnesota Statute 216c.06, Subd. 2, when in harmony with this zoning ordinance. Where, in the opinion of the board, a variance will result in a

material adverse effect on the environment, the applicant will be requested by the board to demonstrate the nature and extent of that effect.

- 2.3.8** The Town Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No application for the same variance as ruled upon by the board shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request. All decisions by the board shall be final, except that anyone aggrieved by decision shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the Washington County District Court on questions of law and fact. In order to preserve their right to appeal, a non-party must notify the board within seven (7) days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision in order to preserve their right to appeal or it is deemed waived.

2.4 Planning Commission

- 2.4.1 Formation and Purpose.** A Planning Commission for the Township of West Lakeland, Washington County, Minnesota, is hereby established. The purpose of the commission shall be to provide plans and procedures for the orderly development of the Township of West Lakeland. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the Town Board.
- 2.4.2 Composition.** The Commission shall consist of a minimum of seven (7) regular members, appointed by the town board for 3-year terms. To be eligible for membership on the Commission, an individual must be a registered voter in the Township of West Lakeland. Vacancies shall be filled by appointment for the remainder of unexpired terms. If any member fails to attend two regular meetings during the fiscal year without an approved excuse, his/her appointment shall be automatically terminated. The recording secretary shall then notify the town board so that another appointment may be made. Any or all members may be removed by a majority vote of said town board. The members of the town board shall be non-voting, ex-officio members of the commission. All members shall serve without compensation except the chairman, who shall receive compensation as determined from time to time by majority vote of the Town Board.
- 2.4.3 Organization.** Officers of the Planning Commission shall be the Chairman, Vice-Chairman and Recording Secretary. These officers shall be elected annually by the members of the commission at the organizational meeting to be held at the first meeting in March. The Planning Commission may elect what other officers may be necessary and may give the Chairman the authority to appoint committees if such appointments might become necessary.
- 2.4.4 Meetings and records.** The Commission shall hold at least one regular meeting open to the public each month, unless no business is before the commission. It shall adopt rules pertaining to order of business and program of

work and shall keep a public record of its recommendations, transactions and findings. Additional meetings may be called by the Chairman of the Commission. For any meeting, a simple majority of the membership shall constitute a quorum. A two-thirds vote of the members present shall be required to decide a question. Special public hearings, with notification in the official township newspaper, may be called by the commission.

2.4.5 Duties of the Commission. It shall be the duty of the Planning Commission to prepare and recommend a comprehensive land use plan for the physical development of the township, including the use of property, the density of population, proposed public buildings, street arrangements, public utility services, parks, playgrounds and other similar developments. Such plan may be prepared in sections and shall be maintained and amended from time to time as development progresses. The commission shall make recommendations and take advisory action on matters as required by other township ordinances, such as: application for the rezoning of land, subdivisions and applications for special permits. The commission shall also make studies, investigations, and recommendations on matters of which the town board requests an opinion from the commission. The commission shall conduct such public hearings and make recommendations as requested by the town board. Said recommendations shall then be acted upon within a reasonable length of time by the town board. The township planning commission shall have the duties of making reports and recommendations related to the planning and development of the township to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The commission and its members, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the planning commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

2.5 Reimbursement of Expenses

Reimbursement for supplies will be submitted to the Town Board for approval.

2.6 Conditional Uses

2.6.1 Application

2.6.1.1 Whenever this Ordinance requires a Conditional Use Permit, an application in writing shall be filed with the Township Board.

2.6.1.2 The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Township Board.

2.6.1.3 The scale of maps submitted shall be at least 1 inch to 200 feet. Maps for sites less than fifty (50) acres shall be at least 1 inch to 100 feet. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should

they be approved, shall be filed with the Zoning Administrator within sixty (60) days of such approval.

2.6.1.4 Certificate of Survey shall include site plan drawn to scale showing the following information:

- Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
- Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas, and any other proposed improvements.

2.6.1.5 Submittal shall include, if appropriate, Landscape Plan with the following information: Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition, and ground cover; Grading and Drainage Plan; Soil Conditions; Building Floor Plan; Building Elevations; General Location Map; Principal land uses within 200 feet of the property; Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership; Type of business or activity and proposed number of employees; Sanitary sewer, septic, and water plan (areas without public sewer or water).

2.6.2 Notice and Hearing Procedure

2.6.2.1 Upon receipt of an application that contains all required information, the Township Board shall refer the matter to the Township Planning Commission and establish a time for hearing on the application. From the date the Township Board receives the application containing all required information, the Township Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided however that the Town Board may extend this time by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.

2.6.2.2 Notice of the time, place, and purpose of all public hearings shall be given by publication in a newspaper of general circulation in the Township at least 10 days before the hearing.

2.6.2.3 Notice shall also be mailed to each of the owners of all property located within one quarter mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners.

2.6.2.4 Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for

review and comment. This shall apply if subject property lies within the jurisdiction of the master plan for the Lower St. Croix River.

2.6.2.5 Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

2.6.3 Criteria for Granting Conditional Use Permit

2.6.3.1 The Township Board may grant a Conditional Use Permit in any District, provided the proposed use is listed as a conditional use for the District and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Township Board shall consider:

- The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands.
- Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
- The effect of the proposed use on utility and school capacities.
- The effect of the proposed use on property values and scenic views in the surrounding area.
- The effect of the proposed use on the Comprehensive Plan.
- The ability of the proposed use to meet the standards of the Zoning Ordinance.
- The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
- The effects of the proposed use on groundwater, surface water, and air quality.
- That the proposed use is allowed with a Conditional Use Permit in the designated Zoning District in which it is proposed.

2.6.3.2 In connection with the issuance of Conditional Use Permits to nonconforming situations, the Township Board may require nonconformities to conform to the regulations contained in the Zoning Ordinance and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.

2.6.3.3 The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

2.6.4 The Town Board may place reasonable conditions on the issuance of any permit or conditional use permit authorized by the preceding sections in order to protect the public health safety and welfare.

2.6.5 Compliance

2.6.5.1 The use shall conform to the applicable sections of this zoning ordinance.

2.6.5.2 In the event a complaint has been received by town officials, a report thereof shall be made to the Town Board by the Town Clerk, and the Town Board may direct the applicant to appear at a public hearing preceded by 10 days mailed notice to show cause why the permit should not be revoked. A permit may be revoked for a violation of this ordinance or any condition imposed at the time of issuance.

2.6.6 Length of Conditional Use. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall be renewed annually. The town board retains the authority to review and evaluate the continuation of the permit based on citizen response or concerns, Renewal notices will be provided fifteen (15) days prior to the review. The conditional use permit will be renewed for so long as the conditions agreed upon are observed, provided that nothing in this Section shall prevent the Township Board from acting or amending the Zoning Ordinance to change the status of conditional uses.

2.6.7 Expiration of Conditional Use Permit

2.6.7.1 A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.

2.6.7.2 Any permit issued pursuant to the provisions of section 17 of this ordinance (animal control) shall be renewed annually unless the Board finds that the conditions of the permit have been violated. No permit shall be transferable.

2.6.8 Revocation

2.6.8.1 A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.

2.6.8.2 Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.

2.6.8.3 Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.

2.6.8.4 The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail to the clerk or the

Township Zoning Administrator by midnight of the tenth working day following service.

- 2.6.8.5** Following the receipt of a request for hearing, the Township Zoning Administrator shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Zoning Ordinance.
- 2.6.9 Records of Conditional Uses**
- 2.6.9.1** A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.
- 2.6.9.2** The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the Township, Board time limits, review dates, and such other information as may be appropriate.
- 2.6.9.3** A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.
- 2.6.10 Amended Conditional Use Permits.** Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.
- 2.6.11 Reapplication.** No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.
- 2.6.12 Phased developments.** In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.
- 2.6.13 Existing uses.** All uses existing at the time of adoption of this zoning ordinance that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require a conditional use permit for the use. Any enlargement, structural alteration, or intensification of use shall require a conditional use permit as provided for above. The township board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 2.

2.7 Certificate of Compliance

- 2.7.1 Issuance.** The zoning administrator shall issue a certificate of compliance in any district for the proposed use listed in chapter two, if the proposed use will not be contrary to the provisions of this zoning ordinance. The certificate shall be granted for a particular use and not for a particular person or firm.
- 2.7.2 Application.** Whenever this Zoning Ordinance requires a Certificate of Compliance, a written application shall be filed with the Zoning Administrator. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.
- 2.7.3 Compliance.** The use shall conform to the regulations specified in this Zoning Ordinance.
- 2.7.4 Issuance and conditions.** If the zoning administrator determines that the use is in compliance with the conditions contained in this zoning ordinance, then the zoning administrator shall issue the certificate. Conditions required by this zoning ordinance shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.
- 2.7.5 Record of certificates of compliance.** A certified copy of any certificate of compliance shall be filed with the county recorder or registrar of titles. The zoning administrator shall maintain a record of all certificates of compliance issued including information on the use, location, and conditions imposed as part of the permit such as time limits, review dates, and such other information as may be appropriate.
- 2.7.6 Appeals to denial of certificates of compliance.** If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the board of appeals. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the zoning administrator.
- 2.7.7 Expiration of Certificates of Compliance.** A Certificate of Compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.
- 2.7.8 Revocation.** A violation of any condition set forth in a Certificate of Compliance shall be a violation of this Zoning Ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the Certificate of Compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 2 of this Ordinance.
- 2.7.9 Existing uses.** All uses existing at the time of adoption of this zoning ordinance that now require a certificate of compliance may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require a certificate of compliance for the use. Any enlargement, structural alteration, or intensification of use shall require a certificate of compliance as provided for above. The zoning

administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the zoning ordinance.

2.8 Environmental Assessment or Impact Statements

- 2.8.1** No use shall be approved prior to Township review to determine compliance with Minnesota Statute Chapter 116c and 116d. And the regulation promulgated hereunder. The following are common projects which would require a mandatory Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive: Development of facility for the extraction or mining of sand, gravel, stone, or other non-metallic minerals which will excavate more than 40 acres of land to a mean depth of 10 feet or more during its excavation.
- 2.8.2** Residential development consisting of 50 or more unattached units in an unsewered area or 100 unattached units in a sewerred unincorporated area; and construction of a new or expansion of an existing industrial, commercial, or institutional facility of 100,000 square feet in an unincorporated area.

2.9 Changes and amendments

- 2.9.1 Initiation.** An amendment to this ordinance may be initiated by the Township Board, the Township Planning Commission, or by petition of the affected property owners.
- 2.9.2 Changes to Zoning Ordinances.** An amendment to the Zoning provisions of this ordinance not initiated by the Township Planning Commission shall be referred to the Township Planning Commission for their study, report, and recommendation, and may not be acted upon by the Township Board until it has received the recommendation of the Township Planning Commission or sixty (60) days have elapsed from the date of the first meeting of the Township Planning Commission following reference of the amendment without a report by the Township Planning Commission.
- 2.9.3 Hearings.** In connection with the adoption by ordinance of any amendment of this ordinance, or any other official control, in addition to any notice required by this ordinance notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes §394.26 and §375.51. No application for an amendment to the Township ordinance or amendment of any other official controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

2.10 Enforcement

- 2.10.1** The violation of any provision of this ordinance or the violation of the conditions or provisions of any permit issued pursuant to this ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment, or both; plus in either case, the cost of prosecution. In the event of a violation or the threatened violation of any provision of this ordinance or any provision or condition of a permit issued pursuant to this

zoning ordinance, the township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

2.10.2 Penalties. Any person, firm, or corporation that fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

2.10.3 Application to Township's Personnel. The failures of any officer or employee of the township to perform any official duty imposed by this ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

3 Permit Fees

3.1 Permit Fees

- 3.1.1** All persons, firms, or corporations performing work which by this ordinance requires the issuance of a permit shall pay a fee for such permit to the town treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits, for which a fee is required, are available from the Township Clerk. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance.
- 3.1.2** Any action requiring a public hearing shall require a fee to cover the cost of the public hearing and attendant publication costs. All fees shall be established by resolution by the town board from time to time as deemed appropriate.
- 3.1.3** A double fee shall be charged if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

3.2 Establishment of Fees

Any owner that causes the town of West Lakeland to expend monies for consultant fees on behalf of or on account of that owner, or associated with a development or proposed development, shall reimburse the town of West Lakeland for the actual consultant fees expended by the town on behalf or on account of said owner.

3.3 Escrow Fund

- 3.3.1 Purpose.** The owner shall deposit with the town of West Lakeland an amount, as determined by the Town Board, necessary to cover the total consultant services associated with the development or proposed development prior to the performance of any such services by West Lakeland's employed consultants.
- 3.3.2 Fund Balance.** If a consultant review is anticipated to span a period of time in excess of ninety (90) days, the owner will only be expected to deposit a sum, as determined by the Town Board, necessary for the town to pay consultant fees for ninety (90) days. The owner will then be expected to maintain the escrow fund at a balance equal to one-third (1/3) of the original amount deposited. The Town of West Lakeland will from time-to-time provide an itemized statement to the owner showing him the town expenditures for consultant services associated with his development together with the current balance in his escrow fund. This statement will be provided if additional funds are required to maintain the established level. The owner shall reimburse the escrow fund for any deficits caused if the amount actually expended or billed to the Town exceeds the escrow balance.
- 3.3.3 Refund.** The Town of West Lakeland shall refund any monies deposited in the escrow fund not expended for consultant fees within ninety (90) days after completion of a consultant's services associated with the development or proposed development. The Town of West Lakeland shall not pay interest on the monies deposited in the escrow fund.

**This replaces all of section 3 in the West Lakeland Township Ordinances.
Approved 11/13/2018**

3 Permit Fees

3.1 Permit Fees

- 3.1.1** All persons, firms, or corporations performing work which by this ordinance requires the issuance of a permit shall pay a fee for such permit to the Township treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits, for which a fee is required, are available from the Township Clerk. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance.
- 3.1.2** Any action requiring a public hearing shall require a fee to cover the cost of the public hearing and attendant publication costs. Fees can be found in the Township fee table.
- 3.1.3** A double fee shall be charged if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

3.2 Establishment of Fees

Any owner that causes the Township of West Lakeland to expend monies for consultant fees on behalf of or on account of that owner, or is associated with a development or proposed development, shall reimburse the Township of West Lakeland for the actual consultant fees and any other expenses incurred by the Township on behalf or on account of said owner. If the base fee is less than the cost incurred by the Township to repair or restore the Township property or infrastructure, costs above the escrow will be the responsibility of the owner. This explicitly includes but is not limited to damage to signs, road surfaces, curb, road edges, spillways and the right-of-way.

3.3 Escrow Fund

- 3.3.1 Purpose.** The owner shall deposit with the Township of West Lakeland an amount, as determined by the Township Board, necessary to cover the total consultant services associated with the development or proposed development prior to the performance of any such services by West Lakeland's employed consultants. The Township shall be entitled to reimburse itself out of said deposit for any cost and expense incurred as a result of the project including but not limited to damage to signs, road surfaces, curb and road edges, spillways and right of way.
- 3.3.2 Fund Balance.** If a consultant review is anticipated to span a period of time in excess of ninety (90) days, the owner will only be expected to deposit a sum, as determined by the Township Board, necessary for the Township to pay consultant fees for ninety (90) days. Upon notification by the Township, the owner is required to restore the escrow fund balance to at least one-third (1/3) of the original amount deposited. With this notice, the Township of West Lakeland will provide an itemized statement to the owner showing the Township expenditures for consultant services and other expenses associated with his project together with the current balance in the fund. The owner shall reimburse the escrow fund for any deficits caused if the amount actually expended or billed to the Township exceeds the escrow balance.

- 3.3.3 Refund.** The Township of West Lakeland shall refund any monies deposited in the escrow fund not expended for consultant fees or repair of Township property within ninety (90) days after completion of the project. The Township of West Lakeland shall not pay interest on the monies deposited in the escrow fund.
- 3.3.4 Appeals to Fees & Escrow.** If the applicant disagrees with the fees charged by the Township he may appeal the decision to the Board of Appeals. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the Zoning Administrator.

4 Zoning Regulations, Zoning Maps, Districts and Uses

4.1 Zoning Regulations

For the purpose of this zoning ordinance, the regulations contained in this chapter shall become effective from the date this revision is adopted and after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

4.2 Zoning Districts

The Township is divided into Districts. Each District has primary uses; uses allowed with a Certificate of Compliance; and uses allowed with a Conditional Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance or a Conditional Use Permit, it is a prohibited use. The boundaries of the districts are as shown on the map published and made part hereof. This map is designated as the official zoning map of the Township. The district boundary lines on this map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this section by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way shall not be affected by such vacation.

4.3 ‘SFE’ Single Family Estate District and Uses

4.3.1 Purpose and Scope. The Single Family Estate District provides residential areas in developing rural areas. The purpose of this District is to provide lots large enough to maintain a semi-rural setting. The following are primary uses in the “SFE” District: Agriculture and Single Family Residential. A Type 1 Home Occupation business is allowed without a permit. Certain other Home Occupations are allowed uses with a Certificate of Compliance.

4.3.2 Uses with a Conditional Use Permit. The following uses are permitted in the “SFE” District after the issuance of a Conditional Use Permit: Agricultural Business – Seasonal; Essential Services - Government Uses, Building, and Storage; Essential Services - Utility Substation; Certain Home Occupations; Cemeteries; Day Care Facility; Golf Course; Place of Worship; Public Recreation Facility; Schools; Horse Training Facility, Private (under 10 horses); Livestock and Livestock Operations (over 11 animal units).

4.4 NC-B' Neighborhood Commercial/Business District and Uses

4.4.1 Purpose and Scope. The purpose of this District is to provide for individual and small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood. The character, appearance, and operation of a neighborhood business area should be compatible with surrounding residential areas. The only allowed primary use in this district is agriculture. There are no uses with a Certificate of Compliance in this District.

4.4.2 Uses with a Conditional Use Permit. The following uses are permitted in the "NC-B" District after the issuance of a Conditional Use Permit: Bakeries; Banks, Savings and Loan Associations and other Financial Institutions; Barber Shops/Beauty Shops; Business Offices; Coffee Shops; Day Care Centers; Drug Stores; Golf Driving Ranges; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Florists; Insurance Sales Offices; Optical Stores; Park and Ride, Plant Nurseries; Self Service Storage Facilities; Transit Stops/Shelters; Places of Worship; Public Recreation Facility; Real Estate Sales; Schools (i.e. Dance, Karate); Soda Fountain and Ice Cream Stores; Small Arts and Crafts stores providing specialty products for sale; Veterinary Clinics; other substantially similar uses in terms of traffic volume, noise, waste generation, parking, lighting, odor, compatibility with surrounding uses and intended to primarily serve Township residents.

4.5 'HC-B' Highway Commercial/Business District and Uses

4.5.1 Purpose and Scope. The purpose of this District is to provide an area for highway oriented commercial businesses that are non-threatening to the environment or the neighborhood. There are no primary uses in Highway Commercial/Business Districts. There are no uses with a Certificate of Compliance in this District.

4.5.2 Uses with a Conditional Use Permit. The following uses are permitted in the "HC-B" District after the issuance of a Conditional Use Permit: Balloon Ports –Commercial; Convenience Food Store; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Medical/Dental Clinics; Mining/Extraction-Related Industries; Motor Vehicle Service Stations (Automobile)/Parts; Car Wash; Physical Fitness Center; Plant Nursery/Sales; Restaurants; Self Service Storage Facilities; Drive-through Restaurants; Veterinary Clinic; Wireless Communication Facility

4.6 Conservancy District and Uses

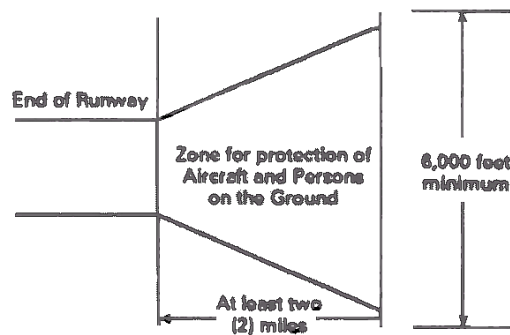
4.6.1 Purpose and Scope. The Conservancy District is established to provide special regulatory protection for those areas that either contain a valuable natural resource or other similar resource or to foster, preserve, and promote sensitive development in these areas. Land within this District may be unsuitable for agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics.

- 4.6.2 Land Uses in the Conservancy District.** The following are primary uses in the Conservancy District: hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited; harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating; silviculture, including the planting, thinning, and harvesting of timber, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected; Construction and maintenance of fences; existing agricultural uses that do not involve extension of cultivated areas, extension of or creation of new drainage systems, and do not substantially disturb or impair the natural fauna, flora, topography, or water regimen; ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use; or the maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- 4.6.3 Uses with a Certificate of Compliance.** The following uses are permitted in the Conservancy District after the issuance of a Certificate of Compliance: Agriculture.
- 4.6.4 Uses with a Conditional Use Permit.** Uses with a conditional use permit include passive recreational uses.

4.7 Airport Overlay District

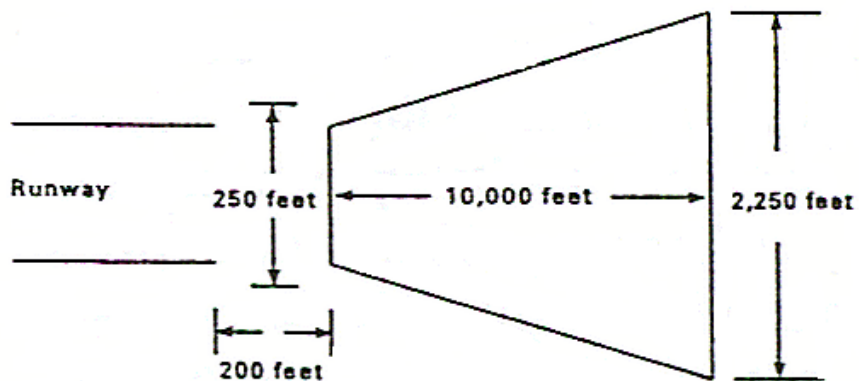
- 4.7.1 Applicability.** The Airport Zoning District applies to private or publicly owned and operated airfields and adjacent areas. The specific regulations in this District are in addition to, rather than in lieu of, regulations imposed by any other zoning classification for the same land.
- 4.7.2 Airport Zones.** The following zones are hereby established within the Airport Overlay District:
- 4.7.2.1 Qualified Land Use Zone.** Uses shall not be permitted within this zone which might result in an assembly of persons, manufacturing or storage of materials which explode on contact, and the storage of flammable liquid above ground. Land uses allowed include those primary uses, accessory uses, uses permitted with a Certificate of Compliance and uses permitted with a Conditional Use Permit in the underlying Zoning District. Prohibited uses shall include educational, institutional, amusement, and recreation. No use may be permitted in such a manner as to create electrical interference with radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport to otherwise endanger the landing, take-off or maneuvering of aircraft.

Fan-Shaped 2 Mile Area Starting at End of Runway



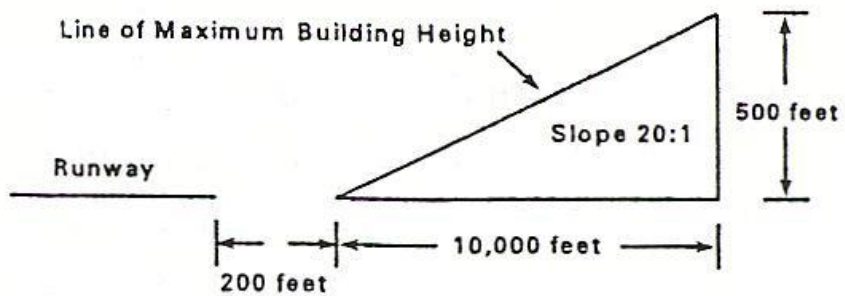
- 4.7.2.2 Airport Zone.** Except as otherwise provided in this Zoning Ordinance, and except as required necessary and incidental to airport operations or recommended by or on accordance with the rules of the federal Aviation Agency, no structure shall be constructed, altered or maintained, and no trees shall be allowed to grow so as to project above the landing area or any of the airport's referenced imaginary surfaces described below:
- 4.7.2.2.1 Horizontal Surface.** A circular plane, one hundred fifty (150) feet above the established airport elevation, with a radius from the airport reference point of five thousand (5,000) feet.
- 4.7.2.2.2 Conical Surface.** A surface extending from the periphery of the horizontal surface outward and upward at a slope of twenty to one (20 to 1) for the horizontal distance of seven thousand (7,000) feet and to the elevation above the airport elevation of five hundred (500) feet.
- 4.7.2.2.3 Primary Surface.** A surface longitudinally centered on a runway and extending in length two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile of a primary surface, including extensions, coincides with the elevation of the centerline of the runway, or the extensions, as appropriate. The width of a primary surface is two hundred fifty (250) feet.
- 4.7.2.2.4 Approach Surface.** A surface longitudinally centered on the extended centerline of the runway, beginning at the end of the primary surface, with slopes and dimensions as follows: The surface begins two hundred fifty (250) feet wide at the end of the primary surface and extends outward and upward at a slope of twenty to one (20 to 1), expanding to a width of two thousand two hundred fifty (2,250) feet at a horizontal distance ten thousand (10,000) feet.
- 4.7.2.3 Airport landing area.** The airport landing area is defined as the approach area by, width, slope, horizontal surface and conical surface.

Approach Surface Plan View



Approach Surface Elevation:

All height limitations are computed from the established airport elevation.



This amendment replaces section 4.3.2 in the current West Lakeland Township Ordinances. (Approved 05/14/2018)

4.3.2 Uses with a Conditional Use Permit. The following uses are permitted in the “SFE” District after the issuance of a Conditional Use Permit: Agricultural Business – Seasonal; Essential Services - Government Uses, Building, and Storage; Essential Services - Utility Substation; Certain Home Occupations; Cemeteries; Day Care Facility; Community Residence (up to 10 patients); Golf Course; Place of Worship; Public Recreation Facility; Schools; Horse Training Facility, Private (under 10 horses); Livestock and Livestock Operations (over 11 animal units).

Section 4.3.3 shall be added to the current West Lakeland Township Ordinances.

4.3.3 Rental of dwelling, structure, or premises in SFE District:

Intent of ordinance: to limit disruption by, and frequency of rentals within our neighborhoods, while preserving the township's quiet, rural, residential character and promoting a sense of community and neighborhood within the SFE District.

4.3.3.1 Short Term Rental Definitions:

Rental: Any transactional exchange of value, including rental or lease payments, bartering, sharing, trading, or any form of compensation.

Short Term Rental Period: 180 days or less; consecutive, overlapped, or aggregate.

Bedroom Definition: For the purposes of this section, a bedroom is a recognized sleeping quarters by the UBC, to include a closet and egress.

4.3.3.2 Short Term or Vacation Rentals Prohibited.

It is prohibited to rent, lease, sublease, or offer for rent or lease any dwelling unit, part of a dwelling unit, guest house, guest room or lodging room, structure, or premises for lodging or events for a period of 180 days or less.

Rentals, leases, or offers to individuals, parties, corporations or any other entities may not be overlapped or aggregated to meet the 180 day requirement.

The premises can not be rented out for more than 2 rentals per rolling year.

4.3.3.3 Rentals for periods longer than 180 days:

- Rentals, leases, or offers for over 180 days must be in compliance with all Town ordinances.
- Rentals, leases, or offers for less than 1 year are limited to a minimum length of 180 days. Overlapping or aggregating of rental periods is prohibited. (For example, the next rental period cannot start until 180 days has lapsed since the start of the previous rental.)
- The number of people allowed to reside in the rental is no more than 2x the number of bedrooms plus 1 person.
- During the rental or offered period, the number of allowed persons on the premises cannot exceed 2x the number of bedrooms plus one person.

**TOWN OF WEST LAKELAND
WASHINGTON COUNTY, MINNESOTA**

Be it ordained by the Town Board of the Town of West Lakeland that the following sections be adopted as amendments/additions to the Code of Ordinances for West Lakeland Township.

4.4.1 Purpose and Scope. The purpose of this District is to provide for individual and small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood. The character, appearance, and operation of a neighborhood business area should be compatible with surrounding residential areas. The only allowed primary uses in this district are agriculture and Residential single-family housing in compliance with the performance standards of Section 4.3. There are no uses with a Certificate of Compliance in this District.

4.5.1 Purpose and Scope. The purpose of this District is to provide an area for highway oriented commercial businesses that are non-threatening to the environment or the neighborhood. The only allowed primary uses in this district are agriculture and Residential single-family housing in compliance with the performance standards of Section 4.3. There are no uses with a Certificate of Compliance in this District.

4.5.2 Uses with a Conditional Use Permit. The uses specified as allowed in the Neighborhood Commercial zone with a conditional use permit as specified in section 4.4.2 are allowed with a conditional use permit. In addition, The following uses are permitted in the “HC-B” District after the issuance of a Conditional Use Permit: Balloon Ports –Commercial; Convenience Food Store; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Medical/Dental Clinics; Mining/Extraction-Related Industries; Motor Vehicle Service Stations (Automobile)/Parts; Car Wash; Physical Fitness Center; Plant Nursery/Sales; Restaurants; Self Service Storage Facilities; Drive-through Restaurants; Veterinary Clinic; Wireless Communication Facility.

Adopted on February 8, 2021

/s/ Daniel Kylo, Chairman

ATTEST:

/s/ Carrie Seifert, Clerk

**TOWN OF WEST LAKELAND
WASHINGTON COUNTY, MINNESOTA**

Be it ordained by the Town Board of the Town of West Lakeland that the following sections be adopted as amendments/additions to the Code of Ordinances for West Lakeland Township.

4.7. Airport Overlay District

4.7.1 Applicability. The Airport Overlay District applies to West Lakeland Township Zoning Districts, including Single Family Estate, Neighborhood Commercial/Business, Highway Commercial/Business, Conservancy, and Agriculture, that are located within the Airspace Zone or Safety Zone of private or publicly owned and operated airfields in adjacent areas. Uses of land within the Airport Overlay District are subject to the Lake Elmo Airport Zoning Ordinance as adopted by the Lake Elmo Airport Joint Zoning Board as well as Federal and State regulations pertaining to the use of land adjacent to airports.

Adopted on June 7, 2021

/s/ Daniel Kylo, Chairman

ATTEST:

/s/ Carrie Seifert, Clerk

5 Density and Lot Requirements

5.1 General

This section regulates the development of land located in the "SFE", and "C", Conservancy Districts. This chapter does not apply to land located in the Shoreland Overlay District and Lower St. Croix River Bluffland and Shoreland Management District. The development of land within these districts shall be determined in accordance with Shoreland Management Regulations and Lower St. Croix River Bluffland and Shoreland Management Regulations of Washington County Regulations, which are hereby adopted by reference.

5.2 Density

5.2.1 Density in districts

5.2.1.1 In the "SFE" Single Family Estate District, the density of residential dwelling units shall not exceed 16 dwelling units per 40 acres or quarter-quarter section with a minimum lot size of 2.5 acres.

5.2.1.2 In the "C" Conservancy District, the density of residential dwelling units shall not exceed two (2) dwelling units per forty (40) acres or quarter-quarter section.

5.2.2 Development agreement. From and after the effective date of this Ordinance, parcels subdivided shall be restricted by a development agreement specifying that further subdivision of parcels being created is subject to the regulations contained in the West Lakeland Township Zoning Ordinance. The development agreement must be executed by the West Lakeland Township Board and may not be amended without the approval of the West Lakeland Township Board.

5.2.3 Conveyance of land. Prior to recording, a conveyance of land which is less than the whole as charged on the tax lists and found to be in violation of this Section will be returned to the applicant and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Minnesota Statute §394.37.

5.3 Lot Requirements

5.3.1 In the "SFE" Single Family Estates District, the following lot requirements must be met.

Minimum Lot Size	2.5 Acres
Minimum Frontage on a Public Road	160 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear	50 feet
Maximum Building Height	35 feet

5.3.2 The following lot requirements must be met in the "C" Conservancy District.

Minimum Lot Size	20 Acres
Minimum Frontage on Public Roads	300 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear	50 feet
Maximum Building Height	35 feet

5.3.3 The following lot requirements must be met in the Neighborhood Commercial/Business District and the Highway Commercial/Business District.

Minimum Lot Size	5 Acres
Minimum Frontage on All Public Roads	160 feet
Maximum Impervious Surface	40%
Minimum Building Setback	
Front	40 feet
Side	20 feet
Side Adjacent to Residential Development	100 feet
Rear	100 feet
Maximum Building Height	35 feet or 2 stories Whichever is less
All roofs must be pitched not less than 4 in 12	

This replaces Section 5.3.1 and 5.3.2 in the West Lakeland Township Ordinances. Approved 11/13/2018

5.3.1 In the "SFE" Single Family Estates District, the following lot requirements must be met.

Minimum Lot Size	2.5 Acres
Minimum Frontage on a Public Road	160 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear - Residence	50 feet
Rear - Accessory Structure	25 feet
Maximum Building Height	35 feet

5.3.2 The following lot requirements must be met in the "C" Conservancy District.

Minimum Lot Size	20 Acres
Minimum Frontage on Public Roads	300 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear - Residence	50 feet
Rear - Accessory Structure	25 feet
Maximum Building Height	35 feet

6 General Development Standards

6.1 Application

All lots or uses will be subject to these general standards as well as other specific regulations which apply to the lot or the proposed use. All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area. All such operations existing upon the effective date of this code will be grandfathered in.

6.2 Commercial Certificate of Compliance or Conditional Use Permit

All applicants for a Certificate of Compliance or Conditional Use Permit in the Commercial Districts must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards. All applicants must demonstrate that a sewage treatment system can be installed in accordance with the Washington County Individual Sewage Treatment System Regulations. Water usage of any proposed use must conform to the long term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building, or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

6.3 Building Sites

Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington Conservation District.

6.4 Setback Restrictions

6.4.1 Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements: flues, eaves, and awnings up to three (3) feet in width; steps, chimneys, sidewalks, and stoops up to three (3) feet in width; exposed wheelchair ramps, bay windows, and doors up to three (3) feet in width.

6.4.2 Corner Lots. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of one and one half (1-1/2) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.

6.4.3 Setbacks along Arterials. The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way, whichever is greater, along roads designated as "Arterials" in the West Lakeland Township Comprehensive Plan.

6.4.4 Unclassified Water Bodies. All lots having frontage on or containing an unclassified water body as defined in the Washington County Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six.

6.5 Building Size Restrictions

6.5.1 Minimum Width and Foundations. In all Districts where single family dwellings are permitted, the following standards shall apply for single family dwellings. The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion. All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift, and sliding in compliance with the Minnesota State Building Code.

6.5.2 No residential building hereafter erected nor any building now erected and not now used for residential purposes shall be used for residence purposes unless it complies with the following requirements: It shall be a structure of at least 800 square feet on a single level for the first or main living floor when it is a two-story or split-level residence. Any other floor used for living shall have at least 400 square feet, which shall include second floors and the smaller of any split-level area. Where there is only one living floor, any residence shall contain at least 1010 square feet. There shall be at least three livable rooms. No room except the bath shall be less than seven (7) feet wide.

6.6 Building Code Restrictions

6.6.1 All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Individual Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.

6.6.2 Buildable Land. All new parcels created, which are not served by public sanitary sewer, must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as land with a slope less than 25 percent; and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any 100 year floodplain, drainage way, or drainage easement.

6.6.3 The Town of West Lakeland has adopted and enforces the International Building Code (IBC) standards except as those standards are modified by other provisions of these ordinances.

- 6.6.4 Structural Footing Requirements.** All structural footings shall have a minimum of 2 reinforcing rods, each ½” in diameter, placed to provide a minimum of 3" concrete cover. The requirement for this reinforcement may be waived by the town building official upon submittal of an engineered system providing calculations in accordance with the building code.
- 6.6.5 Permits required for certain footings.** A building permit shall be required for any structure, whether new construction, repair, remodeling or addition where frost footings are required at 42" or more regardless of whether a permit would otherwise be required by the town code.

6.7 Limitations on Structures

- 6.7.1** There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.
- 6.7.2 Certain Dwelling Units Prohibited.** No cellar, garage, recreational vehicle or trailer, mobile home, basement with unfinished exterior above, or accessory building shall be used at any time as a dwelling unit except as specifically authorized herein. Where an existing occupied residence on the property has been destroyed by fire, tornado, or other natural disaster the owner of the property shall be allowed to temporarily use a trailer or mobile home as living quarters provided that a building permit is applied for within six months of the placement of the trailer or mobile home on the property and that such trailer is removed within three months of issuance of a Certificate of Occupancy for the new residence. All other provisions of the West Lakeland Code including, but not limited to, those regarding sanitation, utilities and setbacks shall apply to any temporary residence allowed by this section.
- 6.7.3 Occupancy of a Single Family Residential Dwelling.** No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.
- 6.7.4** No structure shall exceed the maximum height permitted for the Zoning District in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height, wind generators and home - use antennas. Any such structures greater than the maximum height permitted shall be subject to Conditional Use Permits in the "SFE" District. Wireless Communication Facilities are regulated in accordance to section 8.14 of this Ordinance.
- 6.7.5** Structures must be set back a minimum of 50' from an underground pipeline easement.
- 6.7.6 Temporary Family Health Care Dwellings**
- 6.7.6.1 Purpose.** On May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minnesota Statute §462.3593, which permit and regulate temporary family health care dwellings. Subdivision 9 of Minnesota Statute §462.3593 allows municipalities to “opt out” of those regulations.
- 6.7.6.2 Opt Out of Minnesota Statute §462.3593.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, West Lakeland Township opts-out of the requirements of Minnesota Statute §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

6.8 Nonconforming Uses, Structures, and Lots

6.8.1 Nonconforming Situations. Within the Districts established by this Zoning Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Zoning Ordinance, an existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the regulations contained in this Zoning Ordinance. It is the intent of this Zoning Ordinance to regulate such nonconforming situations in such a way that they can continue, but will ultimately be phased out by prohibiting their enlargement, expansion, or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

6.8.2 Nonconforming Use. Any use legally existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions. The Township Board may require that a Conditional Use Permit be issued for the nonconforming use.

6.8.2.1 No such use shall be expanded, enlarged, or altered, including any increase in the volume, intensity, frequency, or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.

6.8.2.2 A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This one use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in the Washington County Mining Regulations and this Zoning Ordinance.

6.8.2.3 A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Zoning Ordinance.

6.8.2.4 If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance.

6.8.2.5 All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.

6.8.3 Nonconforming Structure. Any structure existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:

6.8.3.1 No such structure shall be expanded, enlarged, or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered, or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the

District in which the structure is located: This enlargement, alteration, or expansion itself does not violate any other provisions of this Zoning Ordinance, other than the provision that made the structure nonconforming in the first place; and Long-term sewage disposal needs can be met.

- 6.8.3.2** A nonconforming structure except a non-conforming dwelling unit used as the primary residence, which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired, or replaced, except in conformity with this Zoning Ordinance. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Zoning Ordinance the term "Appraised Value" shall mean the market value of the structure as determined by the current records of the County Assessor for the year in which damage was done.
- 6.8.3.3** Nothing in this Zoning Ordinance shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
- 6.8.3.4** All construction projects for which a valid building permit was granted before the effective date of this Zoning Ordinance may be completed although the structure would not meet newly established standards of this Zoning Ordinance.
- 6.8.4 Nonconforming Lots**

 - 6.8.4.1** Any separate lot or parcel created in accordance with the applicable Subdivision Regulations and of record in the Washington County Recorder's Office on or before the effective date of this Zoning Ordinance may be used for the legal use for which it is zoned, provided the following provisions can be met.

 - 6.8.4.1.1** It has a minimum of eighty (80) percent of the required frontage on an improved public road or on a private road approved by the Township. To be considered an approved private road, the Township Board of Supervisors must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road.
 - 6.8.4.1.2** An on-site waste disposal system can be installed in accordance with Washington County Individual Sewage Treatment System Regulations.
 - 6.8.4.1.3** All other requirements of this Zoning Ordinance can be met.
 - 6.8.4.2** If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Zoning Ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land meeting the full requirements of this Zoning Ordinance.

- 6.8.4.3** A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Zoning Ordinance. A nonconforming parcel shall not be reduced in size.
- 6.8.4.4** Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered, or expanded without a variance provided that the enlargement, alteration, or expansion meets all other standards of this Zoning Ordinance and long term sewage disposal needs can be met.
- 6.8.5** **Lots Fronting on More Than One Street, Public road Easement or Right of Way.** Lots which front on more than one street, public road easement or right of way shall be considered as fronting on all such streets, public road easements or right of ways. No building hereafter erected shall be set back less than 50 feet from any such street, public road easement or right of way.

6.9 Accessory Structures

- 6.9.1** **Purpose.** The purpose of these standards is to regulate the size, use and location of accessory buildings.
- 6.9.2** **Required Permits.** A building permit is required for all accessory structures except agricultural buildings on a farm as defined in Minnesota Statute §16B.61. A Certificate of Compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size. Solar installations will not be considered accessory structures.
- 6.9.3** **General Performance Standards for Accessory Structures.** These performance standards will apply to accessory structures in all districts.
- 6.9.3.1** No accessory structure shall be constructed, nor shall construction of an accessory building be commenced, on a lot prior to completion of construction of the principal residence on the lot. Completion of construction of the principal residence shall mean that a certificate of occupancy has been issued for the principal residence.
- 6.9.3.2** An accessory building shall be any building which is not physically attached to the main residence on the property. The size of the accessory building shall not exceed 1,000 square feet on lots less than 2.5 acres; 2000 square feet on lots of 2.5 acres but less than 5 acres; 2500 square feet on lots of 5 acres but less than 20 acres. On lots of less than 7 acres a “lean to” covering not more than 700 square feet may be added to the accessory building and on lots of 7 acres or more a “lean to” covering not more than 1000 additional square feet may be added to the accessory building.
- 6.9.3.3** On parcels 2.5 acres and greater but less than 20 acres a maximum of two accessory structures are allowed. On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural buildings or structures. For all parcels, one single story shed of 120 square feet or less is permitted in addition to the allowed accessory structures. All accessory structures shall be limited to one story in height.

6.9.4 The accessory structures shall have a front yard setback equal to or greater than the setback of the main residence from the right-of-way.

6.9.5 "SFE" Residential Districts Additional Performance Standards. The following additional standards apply to all land within these districts.

6.9.5.1 On parcels less than 2.5 acres, one accessory structure is allowed. On parcels greater than 2.5 acres and less than 20 acres, a maximum of two accessory structures are allowed, however the total square footage of all accessory structures shall not exceed 2000 square feet for parcels of 2.5 to 5 acres or 2500 square feet for parcels greater than 5 acres but less than 20 acres. On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural buildings. One single story shed of 120 square feet or less is permitted in addition to the accessory structures. All accessory structures shall be limited to one story in height. The permitted sizes of accessory structures are as follows:

Lot Area	Total Square Footage
Parcels less than 1 acre	720 sq. ft.
1 acre - 2.49 acres	1,000 sq. ft.
2.5 acres – 5.0 acres	2,000 sq. ft.
5.01 acres – 20 acres	2,500 sq. ft.

6.9.5.2 All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures.

6.9.5.3 Land may be subdivided with a minor subdivision into parcels of no less than 5 acres and retain the existing number and square footage of accessory structures on the site if they were part of the farmstead as existed in January 1, 2001, subject to the following conditions: There shall be no additional accessory buildings constructed on the property; and If any existing accessory buildings become "Hazardous Buildings", they shall be repaired or removed by the owner.

6.9.6 Accessory Structures to House Domestic Farm Animals. Accessory structures used to shelter domestic farm animals must meet the following requirements.

6.9.6.1 All domestic farm animal structures, feedlots, and manure storage sites shall be setback as follows:

Natural/Man- Made Features	Horizontal Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet

(d) Any body of seasonal or year round surface water	200 feet
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Said structure, feedlot, or manure storage shall not be placed on slopes which exceed thirteen percent (13%).

6.9.6.2 Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

6.9.6.3 No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

6.9.7 Neighborhood Commercial/Business, Highway Commercial/Business District. The following additional standards shall apply to accessory structures in these districts:

6.9.7.1 One accessory structure is allowed on a parcel in these Districts provided it is used for storage related to the principal use of the property.

6.9.7.2 No separate business is allowed in the accessory structure. The accessory structure must be placed to the rear of the principal building and conform to applicable setback requirements and lot coverage standards.

6.10 Traffic Control

6.10.1 Traffic control at commercial sites. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of commercial, business, and industrial areas in all cases shall be forward moving with no backing into streets.

6.10.2 Designation of Certain Roadways

6.10.2.1 Intent. The Town Board finds that it is in the public interest to prohibit or restrict certain trucks and commercial traffic on certain town roads in order to promote safety on the town roads, to protect the town roads from unreasonable damage, to promote use of the weigh station on Interstate 94 and in order to keep certain roads from becoming a nuisance to adjoining property by reason of noise or pollution from certain traffic.

6.10.2.2 Prohibition of Certain Trucks and Commercial Traffic. That part of 22nd Street within the town lying between Stagecoach Trail and State Highway 95 is hereby designated a restricted route. No trucks or other vehicles over 5 tons per axle weight shall be allowed to travel on or across said restricted route. Signs describing the restricted route shall be placed at each end of the route. Farm vehicles, shall be exempt from this restriction. Commercial vehicles delivering goods or services to residences or businesses located within a five mile radius of the intersection of 22nd Street and Stagecoach trail shall be exempt from this restriction.

- 6.10.2.3 Penalty.** The driver of any vehicle with an axle weight in excess of the allowed axle weight which travels on any portion of the restricted route shall be guilty of a misdemeanor and subject to the maximum penalties allowed under state law for misdemeanor offenses in addition to any civil penalties which may be imposed by law.
- 6.10.3 Street Restrictions**
- 6.10.3.1 Vacated Streets.** Whenever any street, alley, easement, or public way is vacated by official action, the Zoning District abutting the centerline of the said vacated area shall not be affected by such proceedings.
- 6.10.3.2 Access Drives, Access, and Service Roads.** Access drives onto County roads shall require an access permit from the Washington County Public Works Department. This permit shall be issued prior to the issuance of any building permits. The County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- 6.10.4 Private Roads.** Private roads are not allowed in any new subdivisions created after the effective date of this Zoning Ordinance.

This amendment replaces section 6.7.3 in the current West Lakeland Township Ordinances.

6.7.3 Occupancy of a Single Family Residential Dwelling. No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption. A community residence serving up to 10 individuals and appropriate staff shall be allowed with a conditional use permit.

7 Building Permits

7.1 Application for Permits

7.1.1 Permits required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the town of West Lakeland or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building official. Plans, submitted for checking, for which no permit is issued, and on which no action is taken by the applicant for 90 days, shall be returned to the last known address of the applicant. For the applicant to renew action on said plans, a payment of another fee shall be required.

7.1.2 Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- 7.1.2.1** Identify and describe the work to be covered by the permit for which application is made;
- 7.1.2.2** Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- 7.1.2.3** Describe the proposed location of water supply, sanitary facilities and proposed disposal of surface water;
- 7.1.2.4** Show the use or occupancy of all parts of the building;
- 7.1.2.5** Be accompanied by plans and specifications as required in Subsection 7.1.3 of this Section;
- 7.1.2.6** State the valuation of the proposed work;
- 7.1.2.7** Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;
- 7.1.2.8** Give such other information as reasonably may be required by the Building Official.

7.1.3 Plans and Specifications. With each application for a building permit and when required by the building official for enforcement of any provisions of said building code, three sets of plans and specifications shall be submitted. The building official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

7.1.4 Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the building code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan showing the

location of the proposed building and every existing building on the property. In lieu of detailed specifications, the building official may approve references on the plans to a specific section or part of said building code or other ordinances or laws.

7.2 Issuance

- 7.2.1** The application, plans and specifications filed by an applicant for a permit shall be checked by the building official. Such plans may be reviewed by other departments of the municipality to check compliance with the law and ordinances under their jurisdiction. If the building official is satisfied that the work described in an application for a permit and the plans filed therewith conform to the requirements of said building code and other pertinent laws and ordinances, and the fee has been paid, he shall issue a permit to the applicant. The permit is issued subject to the approval of the Town Board.
- 7.2.2** When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications “APPROVED”. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans.
- 7.2.3** If a permit is not issued, a written statement shall be furnished the applicant stating the reasons for refusal to issue the permit.

7.3 Retention of Plans

One set of approved plans, specifications, and computation shall be retained by the Building Official for a period of not less than 90 days from the date of the completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

7.4 Work within Public Right-of-Way

A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, boulevards, drainage, etc., which is proposed to be done within the public right-of-way. These permits shall be issued by a designated town employee after application for the work has been approved by the town engineer.

7.5 Validity

- 7.5.1** The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of said Building Code. No permit presuming to give authority to violate or cancel the provisions of said Building Code shall be valid, except insofar as the work or use which it authorizes is lawful.
- 7.5.2** The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of said Building Code or of any other ordinance of the municipality.

7.6 Expiration and Completion of Permits

- 7.6.1 Expiration.** All permits issued shall expire one hundred eighty (180) days after the date thereof and all fees forfeited unless the work contemplated and authorized thereby is in actual progress.
- 7.6.2 Time for Completion.** The exteriors of all structures shall be completed within one hundred eighty (180) days of the date of issuance of a permit and completion shall be understood to mean the surfacing with finished material such as brick, stucco, shingles, or wood. Surfacing with tarpaper roll roofing or any other paper or brick imitation material shall not be considered as completing the exterior. Any structure with such a temporary exterior at the time of the passage of this ordinance shall be considered a partially completed home for the purposes of allowance of a permit to persons who are now occupying such a dwelling to allow them to continue such occupancy for not more than one year from the date of enactment.
- 7.6.3 Suspension or Revocation.** The building official may, in writing, suspend or revoke a permit issued under provisions of said building code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of said building code.

7.7 Moving Buildings

- 7.7.1** Buildings or structures moved from one location to another shall comply with the provisions of the Building Code for new buildings when moved to a new location.
- 7.7.2** Where the Building Official or his authorized agent is called upon to inspect a building or structure outside the boundaries of the Town of West Lakeland to determine whether such building or structure may be moved into said Town he shall be paid an additional fee and mileage as approved from time to time by resolution of the town board.
- 7.7.3** No building or structure shall be hereafter moved into or moved within the limits of West Lakeland Township except under the following conditions:
- 7.7.3.1** Any person, firm, corporation, co-partnership or any other entity desiring to move a building or a structure within the limits of West Lakeland Township shall first apply for a permit from the Clerk of the Township and shall pay a fee of between \$50.00 to \$200.00 as determined from time to time by resolution of the Town Board.
- 7.7.3.2** Each such building or structure must be so constructed as to be in compliance with all codes and ordinances of West Lakeland Township in effect at the time of the issuance of the permit and must be in good repair and condition.
- 7.7.3.3** At the time of the filing of the application for a permit to move any building or structure as herein contemplated, the applicant shall file an application with the Town Clerk, which among other things, shall list the age, type of construction, height, accurate outside measurements, the number of rooms and descriptions thereof of the structure proposed to be

moved, and the address and location where the building or structure may be personally inspected by the Township Building Inspector and a Town Board member. After such inspection, if, in the opinion of the Building Inspector and Town Board member, the building or structure does not meet the conditions as outlined in section 7.7.3.2 above no permit shall be issued, provided however, that if the building or structure can be in the judgment of the Town Board remodeled, altered and/or reconditioned so as to comply with the requirements of the West Lakeland Township Building Code, the Town Board may issue a permit conditioned on the requirements as set forth by the report and as may be necessary to obtain compliance. When such a conditional permit is issued it shall be a further requirement that the applicant shall at the time of the issuance of said permit sign a statement acknowledging acceptance of said conditions and further shall post a performance bond in the sum of one and one half (1 ½) times the cost as estimated by the Town Board of guaranteeing compliance with said conditions. All permits shall be for the duration of one (1) year from the date of issuance. Any moving, remodeling, alteration or reconditioning of any building or structure must be completed within that period and in the case of a conditional permit, said performance bond shall remain in full force and effect until all conditions are fully complied with. The bond shall authorize the required work to be completed by the Town Board upon failure of the work to be done by the owner.

- 7.7.4** The applicant shall notify all owners of other property lying within 500 feet of the outside dimensions of the lot or tract on which the building and/or structure are to be moved of the move.
- 7.7.5** A building permit such as is required under the Town Building Code for any other construction in West Lakeland Township and the payment of fees based on the value of the structure after any required improvements and installation costs shall be required in addition to the permit to move the building or structure into and within the limits of West Lakeland Township

8 Performance Standards

8.1 General Intent

The performance standards established in this chapter are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

8.2 Performance Standards for Commercial Buildings

8.2.1 Purpose and Intent. It is the purpose and intent of these performance standards to ensure commercial buildings constructed within the Township are of a high quality exterior appearance, consistent with the intent of the Township to convey a rural, small town character. The Township finds that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the Township as to the relative quality and rural character of those respective accent materials. The standards of this subdivision shall be applicable to all structures and buildings constructed in the Township, on and after the effective date of this Section.

8.2.1.1 Architectural and Site Plan Submittals. New building proposals shall include architectural and site plans prepared by a registered architect and shall show the following as a minimum: Elevations of all sides of the buildings; Type and color of exterior building materials; typical general floor plans; Dimensions of all structures; Location of trash containers, heating, cooling, and ventilation equipment and systems.

8.2.1.2 Applicability - Structure Additions and Renovation. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing of any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure. Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this subdivision.

8.2.2 Performance Standards - Primary Exterior Surfacing. The Primary Exterior Surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or veneer brick or stone shall not qualify as complying with this performance standard. Primary Exterior Surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this subdivision. Windows and glass doors shall be considered a

primary surface, but the sum area of such glass shall be deducted from the wall area for purposes of the 70% Primary / 30% Accent formulas of this Section. Doors of any type or material, except glass, shall not be considered a primary exterior surface. Each wall of the structure shall be calculated separately; and individually comply with the 70 / 30 formula.

8.2.3 Performance Standard - Exterior Surfacing Accents. Not more than 30% of the exterior wall surfacing, as defined by section 8.2.2 above, may be of the following listed Accent Materials, but no single Accent Material, except natural wood, may comprise more than 20% of the total of all Accent Materials; and no combustible materials shall be used: Wood Siding; Cement Fiber Board; Standing Seam Metal; Architectural Metal; Stucco; Poured in Place Concrete (excluding "tilt-up" panels); Architect Metal Panels or Sheets; Porcelain or Ceramic Tile.

8.2.4 Performance Standard - Accessory Structures. All accessory structures shall comply with the Exterior Surfacing requirements specified by in this section.

8.2.5 Performance Standard - HVAC Units and Exterior Appurtenances. All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the Public with the primary exterior materials used on the principal structure.

8.2.6 Performance Standard - Visible Roofing Materials. Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, asphalt shingles or slate.

8.3 Performance Standards for Exterior storage along major highways and county roads

8.3.1 Applicability. These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District and in all Districts to all property with frontage on a major highway or county road or within 1/4 mile of the major highway or county road.

8.3.2 In all Districts, unless allowed by a permit granted under another section of the ordinances all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and county roads, except for the following: recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off street parking of licensed and operable passenger automobiles and pickup trucks.

8.3.3 In Neighborhood Commercial/Business and Highway Commercial/Business Districts, exterior storage of useable personal property along county roads may be permitted by Conditional Use Permit provided any such property is so stored for purposes relating to a use of the property permitted by this Zoning Ordinance and will not be contrary to the intent and purpose of this Zoning Ordinance.

8.4 Performance Standards for Exterior Lighting

- 8.4.1 Exemptions.** The standards of this Section shall not apply to the following: Temporary Holiday Lighting. This Zoning Ordinance does not prohibit the use of temporary outdoor lighting used during customary holiday seasons. This Zoning Ordinance does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions, airport lighting required for the safe operations of airplanes, emergency lighting by police, fire, and rescue authorities.
- 8.4.2 Nonconforming Uses.** Whenever an outdoor light fixture that existed on the effective date of this Zoning Ordinance is replaced by a new outdoor light fixture, the new fixture must meet the standards of this Zoning Ordinance.
- 8.4.3 Method of Measuring Light Intensity.** The lighting intensity produced by a light source shall be measured after dark with the light meter held horizontally 6” above ground with the meter or probe facing the light source unobstructed. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings is the illumination intensity produced by the light source.
- 8.4.4 Performance Standards in “SFE” District**
- 8.4.4.1 Arrangement.** In Residential District, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from the adjoining residential property or from the public street.
- 8.4.4.2 Shielding.** The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 8.4.4.3. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way except when enclosed in decorative light fixtures.
- 8.4.4.3 Intensity.** No light source or combination thereof which cast light on a public street shall exceed one (1) foot-candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot-candles as measured at the property line.
- 8.4.5 Performance Standards in Neighborhood Commercial/Business and Highway Commercial/Business Districts**
- 8.4.5.1 Arrangement.** Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining property or from the public street.
- 8.4.5.2 Shielding.** The luminaire shall contain a cutoff which directs and cuts off the light at an angle of 90 degrees or less. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy-five (75) degrees.
- 8.4.5.3 Intensity.** No light source or combination thereof which cast light on a public street shall produce more than one (1) foot-candle at the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property produce more than four tenths (0.4) foot-candles as measured at the property line.

- 8.4.5.4 Height.** The maximum height above the ground grade permitted for light sources mounted on a pole is 20' except by Conditional Use Permit. A light source mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.
- 8.4.5.5 Location.** The light source of an outdoor light fixture shall be setback a minimum of 10' from a street right-of-way and 5 feet from an interior side or rear lot line.
- 8.4.5.6 Hours.** The use of outdoor lighting for parking lots serving Neighborhood Commercial and Highway Commercial businesses is restricted according to the following: Outdoor lighting which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting. For those businesses which offer services after dark, outdoor lighting may be utilized during the night time hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off within one (1) hour after closing except for security lighting.
- 8.4.6 Performance Standards for Outdoor Recreation**
- 8.4.6.1** Outdoor recreational uses such as, but not limited to, baseball fields, football fields, tennis courts, and soccer fields, have special requirements for night time lighting. Due to these unique circumstances, a Conditional Use Permit shall be required for all new outdoor lighting fixtures which do not meet the regulations stated above.
- 8.4.6.2** No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM, unless the lighting fixtures conform to this Zoning Ordinance.
- 8.4.6.3** Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements specified for the SFE district, stated in Section 8.4.4.3.
- 8.4.7 Prohibitions.** The following outdoor light fixtures are prohibited within West Lakeland Township: Search lights shall not be used; Flashing lights; Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property.
- 8.4.8 Submission of Plans.** The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this Zoning Ordinance. The submission shall contain the following in addition to other required data for the specific permit.
- 8.4.8.1** Plans indicating the location on the premises, and the type of illuminating device, fixtures, lamps, supports, reflectors, and other devices. This plan must include a photometric plan of the site showing the effect of the luminaries on surrounding properties. This plan will be prepared by a certified landscape architect, professional engineer, or lighting designer.

- 8.4.8.2 Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).
- 8.4.8.3 Photometric data, such as that furnished by manufacturers or similar showing the candle power distribution characteristics of the luminaries.

8.5 Performance Standard for Fences

- 8.5.1 **Applicability.** These standards shall apply in the Shoreland Overlay District, St. Croix River Overlay District and on those properties which have frontage on a major highway or county road.
- 8.5.2 **General Standards.** Fences are permitted in accordance with the following regulations:
 - 8.5.2.1 Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited. . Fences which exceed six (6) feet in height are permitted provided a building permit is received.
 - 8.5.2.2 That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 - 8.5.2.3 No fence shall be constructed on public rights-of-way. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
 - 8.5.2.4 Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line. Fences may be placed along a property line provided no physical damage of any kind results to abutting property. Fences on or within three (3) feet of the property line shall require a Certificate of Compliance.
 - 8.5.2.5 On properties located in the Shoreland Overlay District or St. Croix River District that either have lake or river frontage, fences must comply with the following standards: A Certificate of Compliance is required prior to the construction of any fence on these properties. Within the nonbuildable setback, fences shall be allowed along the side lot lines, but shall not exceed six (6) feet in height from the finished ground grade. Within the buildable area of the property, fences shall have a maximum height of six (6) feet from the finished ground grade.
 - 8.5.2.6 Fences are permitted along a property line abutting a road right-of-way in accordance with the following: On properties that are being used for agriculture, a fence may be constructed up to six (6) feet in height provided the fence is a wire strand or wood rail fence. On properties where the primary use is residential, commercial, or industrial, fences shall not exceed four (4) feet in height. Fences within the nonbuildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.

8.6 Performance Standards for Parking

8.6.1 Surfacing and drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area, subject to the stormwater management performance standards in Section 9 of the Township ordinances. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures up to and including four (4) units; all other uses shall utilize asphalt, concrete, or a reasonable substitute surface as approved by the Township Engineer. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the Township.

8.6.2 General Provisions

8.6.2.1 Existing off-street parking spaces and loading spaces upon the effective date of this Zoning Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

8.6.2.2 Unless allowed by a permit granted under another section of the ordinances, no motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading, or rendering service.

8.6.2.3 A parking space shall not be less than nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).

8.6.2.4 Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and trucks not to exceed twelve thousand pounds (12,000) gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby businesses or manufacturing establishments.

8.6.2.5 Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.

8.6.2.6 Off-street parking spaces required shall be as follows. Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator.

Place of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity.
Offices	One (1) space for each two hundred (200) square feet of gross floor space.
Hotel, Motel	One (1) space per unit, plus one (1) space per employee.
Schools, Elementary & Junior High	Three spaces for each classroom
Schools, High School through College	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.
Community Residence	One (1) space for each bed plus one (1) space for each three (3) employees other than doctors.
Health Club	One (1) space for each 200 feet of floor area.
Motor Vehicle Service Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
Medical or Dental Clinic	Six (6) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns, or Night Clubs	One (1) space for each two and one half (2-1/2) seats, based on capacity design.
Funeral Homes	Eight (8) spaces for each one thousand (1,000) square feet of gross floor area.
Furniture Store, Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each one thousand (1,000) square feet of gross floor area. Open sales lots shall provide two (2) spaces for each five thousand (5,000) square feet of lot area, but not less than three (3) spaces.
Uses Not Specifically Noted	As determined by the Zoning Administrator.

8.6.3 Location. All accessory off-street parking facilities required herein shall be located as follows:

8.6.3.1 Spaces accessory to dwellings shall be on the same lot as the principal use served. Spaces accessory to uses located in Neighborhood Commercial/Business District and Highway Commercial/Business District shall be on the same lot as the principal building. Parking as required by the Americans with Disabilities Act (ADA) for the handicapped shall be provided. Spaces accessory to commercial/industrial use shall be setback ten (10) feet from any street right-of-way or any property line.

- 8.6.3.2** Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any "District" (except residential Districts) in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.
- 8.6.3.3** When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- 8.6.4 Design and maintenance of off-street parking areas in neighborhood commercial/business and highway commercial/business districts**
- 8.6.4.1** Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than twenty-four (24) feet in width. Driveway access shall be so located so as to cause the least interference with traffic movement.
- 8.6.4.2** When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- 8.6.4.3** Any lighting used to illuminate an off-street parking area shall be in accordance with Section 8.4 of this Zoning Ordinance.
- 8.6.4.4** All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten (10) feet from the side property line.
- 8.6.4.5** When a required off-street parking space for six (6) or more cars is located adjacent to a residential District, a fence or screening, not less than four (4) feet in height, shall be erected along the residential District property line.
- 8.6.4.6** It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.
- 8.6.4.7** All off-street parking spaces shall have access from driveways and not directly from the public street.
- 8.6.4.8** No parking space shall be closer than ten (10) feet to any building.
- 8.6.4.9** Fire access lanes shall be provided as required by the building or fire code.

8.7 Performance Standards for Screening

- 8.7.1 Applicability.** These standards apply to Neighborhood Commercial/Business and Highway Commercial/Business uses and other non-residential uses.
- 8.7.2 Required.** Screening shall be required when:
- 8.7.2.1** Any non-residential commercial off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of a residential use.
 - 8.7.2.2** Where a driveway to a non-residential parking area of more than six (6) parking spaces is within (15) feet of a residential use.
 - 8.7.2.3** Where any commercial or business use (structure, parking, or storage) is adjacent to property zoned for residential use, that business shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or parking lot is across the street from a residential zone, but not on the side of a business considered to be the front.
- 8.7.3** All exterior storage in commercial areas shall be screened. The exceptions are (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; and (3) merchandise located on service pump islands.
- 8.7.4** The screening required in this Section shall consist of earth mounds, berms, or ground forms; fences and walls, landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

8.8 Performance Standards for Signs

- 8.8.1 Non-Applicability.** The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- 8.8.2 Permit required**
- 8.8.2.1** Except as otherwise provided in this ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit, certificate of compliance, or conditional use permit for the sign has been issued. Application for a sign permit shall be accompanied by the established fee.
 - 8.8.2.2** No permit will be required under this ordinance for the following signs: All signs under ten (10) square feet in area, except those that require a Conditional Use Permit; Real estate sale signs under nine (9) square feet in area; Political signs; and Warning signs which do not exceed nine (9) square feet in area.
 - 8.8.2.3** If the work authorized under a Sign Permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
 - 8.8.2.4** Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this ordinance.

8.8.3 General Standards

- 8.8.3.1** No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- 8.8.3.2** All signs other than public utility warning signs are prohibited within the public right-of-way of any major highway, County road, or Township road. Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.
- 8.8.3.3** Political signs are allowed in any District, on any private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
- 8.8.3.4** Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any major highway or county road. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or county roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this Section.
- 8.8.3.5** Flashing signs shall be prohibited. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are also prohibited.
- 8.8.3.6** Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.
- 8.8.3.7** Real estate development project sales signs may be erected for the purpose of selling or promoting a single family residential project. The plat of the development must be recorded with the Washington County Recorder prior to the erection of a sign. Signs are subject to the following standards.
 - 8.8.3.7.1** Such signs shall not exceed thirty-two (32) square feet in area.
 - 8.8.3.7.2** Only one (1) such sign shall be erected on each County or Township road frontage with a maximum of three (3) such signs per project.
 - 8.8.3.7.3** Such signs shall be removed when the project is eighty percent (80%) completed, sold, or leased.
 - 8.8.3.7.4** Such signs over thirty-two (32) square feet shall only be permitted by a Sign Permit.
 - 8.8.3.7.5** Such signs must be located on the property which is for sale. Off-site development project signs are prohibited.
 - 8.8.3.7.6** One development identification sign shall be allowed for each street entrance to a development or municipality. The sign shall not exceed thirty-two (32) square feet per surface and no sign shall have more than two surfaces. The sign shall not exceed eight (8) feet in height.
- 8.8.3.8** Roof signs are prohibited in all Districts.
- 8.8.3.9** All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside wall of a building or structure to

which the sign is attached. No electrically illuminated signs shall be permitted in a residential or District.

8.8.3.10 Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any District.

8.8.3.11 Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

8.8.3.12 Except for more restrictive parts of this sign section, no sign that exceeds thirty-two (32) square feet in area shall be erected or maintained which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet, and which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park, or historic site, and which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty.

8.8.3.13 Any sign for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice.

8.8.3.14 Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification.

8.8.3.15 Signs for residential construction, garage sales, estate sales or sales of privately owned vehicles or equipment are allowed without permit and shall meet the following conditions:

- Shall only be erected on property with the owner consent;
- Shall not exceed 3 feet in any dimension;
- Shall not be illuminated;
- Shall be at least 10 feet outside of the right of way;
- Shall be removed within 30 days of completion of the activity or 90 days after the sign was erected, whichever occurs first.

8.8.4 Signs in Residential district

8.8.4.1 Identification, real estate sales, development identification, and political signs are the only signs permitted in a residential district.

8.8.4.2 No sign shall be so constructed as to have more than two (2) surfaces.

8.8.4.3 One (1) of each of the permitted type signs, one (1) political sign for each candidate will be permitted.

8.8.4.4 No sign shall exceed thirty-two (32) square feet in size. The top of the display shall not exceed ten (10) feet above grade.

8.8.4.5 Any sign over two (2) square feet shall be set back at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.

8.8.5 Standards for Signs in Commercial Districts

- 8.8.5.1** Advertising signs are allowed only in the Neighborhood Commercial/Business and Highway Commercial/Business Districts. The maximum size of an advertising sign shall not exceed thirty-two (32) square feet. All advertising signs shall require a Conditional Use Permit (CUP).
- 8.8.5.2** Business, political, development identification and real estate sales signs are permitted. Advertising signs are allowed by Conditional Use Permit only.
- 8.8.5.3** Number of each type of sign allowed per lot frontage: One (1) advertising sign on any lot having a frontage of one hundred fifty (150) feet or more provided standard; One (1) real estate sales sign; One (1) political sign for each candidate; and One (1) freestanding business sign (either pedestal or ground sign) and one (1) business sign attached to the building.
- 8.8.5.4** No sign shall exceed thirty-two (32) square feet in area. Each real estate sales sign or political sign shall not exceed thirty-two (32) square feet in area. The top of the sign shall not exceed twenty (20) feet above the average grade. Any sign over six (6) square feet shall be set back at least ten (10) feet from any property line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line.

8.8.6 Signs Required in Conditional Use Permits

- 8.8.6.1** Shopping Centers or buildings containing more than one (1) tenant are allowed one (1) freestanding ground or pedestal sign which may contain the names of all businesses in the project. Individual businesses may be identified by way of signs attached to the building. The total square footage of a sign area may not exceed the limits set forth in the requirement set for that District.
- 8.8.6.2** Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.

8.9 Performance Standards for Driveways

- 8.9.1 Intent.** The Town Board of the Town of West Lakeland finds that due to erosion problems arising from excavation activities with new construction and erosion problems arising from non-bituminous surfaced steep driveways onto public roads, wetlands, and adjoining property, due to inadequate clearance through driveways for emergency vehicles and due to damage to public streets and easements, a public safety and nuisance problem is being created. The Town Board finds that it is in the public interest to require bituminous surfacing of private driveways where the slope of the proposed road exceeds 6% and to require erosion control measures whenever a permit for new construction or remodeling is issued.

- 8.9.2 Security deposit required.** At the time of application for a building permit within the town, the applicant shall provide a security deposit in a form approved by the town attorney to provide for bituminous surfacing of any area of a newly constructed driveway which exceeds 6% slope and to provide for repair of any damaged town roads or easements or cleaning or maintenance of town roads, easements, wetlands, or adjoining property resulting from the construction project and to ensure that the applicant complies with the requirements of section 8.9, to maintain silt fence or a substitute erosion control measure approved by the town engineer in any area where run-off from the construction site exists or will exist as a result of the construction project. The security shall be in the amount of \$3,000.00 or such greater amount as the town board may determine is needed to provide assurances set forth above.
- 8.9.3 Erosion Control Measures.** Prior to commencement of any excavation or construction activity, the property owner shall comply with the erosion, sediment control, and stormwater management regulations as set forth in Section 9 of the West Lakeland Township ordinances.
- 8.9.4 Failure to Comply.** In the event a property owner fails to pave the portions of a driveway exceeding 6% slope within 6 months of issuance of a certificate of occupancy for the new home or substantial completion of a structure or building not requiring a certificate of occupancy, the town may use the security posted by the owner to pave the portion of driveway over 6% slope but only if the owner fails to complete such paving within 30 days after receipt of a written notice from the town demanding that such paving be completed.
- 8.9.4.1** In the event a property owner fails to clean soil or sediment run-off from Town roads, easements, wetlands, or private property or in the event a property owner fails to erect a silt fence or an approved substitute in the manner described in Section 8.9.3 within 48 hours of receipt of a written notice from the Town demanding such performance, the township shall perform such cleanup as required and deduct the cost from the security posted by the Owner.
- 8.9.5 Damage to Public Roads.** When construction activity on property in the Town causes damage to Town roads, easements or wetlands the Town may perform the required repair and pay the cost of such repair from the security posted by the owner.
- 8.9.6 Replenishment of Security.** If the Town uses any portion of the security required by the owner within Section 8.9.2 of the Town Code to perform work, the owner shall replenish the security to its original level within 14 days of receipt of a written notice from the Town demanding that the owner replenish the security.
- 8.9.7 Building Inspector Fees.** The town building inspector shall be entitled to recover a fee for any inspection of an excavation or construction site for which a building permit is required which inspection is caused by run-off of soil or sediment onto town roads, easements, wetlands or adjoining property or the owner's failure to comply with requirements of section 8.9.3. The amount of the fee shall be as determined from time to time by action of the town board.

- 8.9.8 Release of Security.** The security deposit shall be released not later than sixty (60) days after a certificate of occupancy has been issued, sixty (60) days after the building inspector has determined that there is no further likelihood of run-off onto town roads, easements, wetlands or adjoining property and/or that any driveway areas exceeding 6% slope have been paved or one year after issuance of the building permit, whichever is later, except to the extent necessary to make repairs or clean up the township streets or easements from damage or erosion caused by the construction project or needed to pave portions of a driveway required to be paved by this ordinance.
- 8.9.9 Permits.** No driveway shall be constructed in the town unless a permit for such construction has been obtained from the town clerk and the driveway is being constructed to serve as the sole entrance to a single family residence for which a building permit has been obtained. Any driveway which connects to the street in more than one location shall require a permit. Prior to issuance of a permit the applicant may be required to provide information requested by the town to ensure that the proposed driveway will not create a traffic safety hazard, will meet the setback provisions of the town code and will not create an undue burden on neighboring property in terms of noise, dust or drainage. Compliance with this section will not relieve the property owner from the obligation to obtain a permit from Washington County to construct a driveway accessing a county road. The applicant shall pay a fee of \$90.00 for the permit or such other amount as may be determined from time to time by resolution of the Town Board.
- 8.9.10 Driveway Setback.** All driveways constructed within the Town shall be set back a minimum of ten (10) feet from any property line, as measured from the nearest edge of the driveway to the property line. The Town Board may, upon application from a property owner, vary this requirement in accordance with the standards set forth in section 8.9.1 of the Town Code.
- 8.9.11 Safety Specifications.** All driveways within the township which provide access to residences or other structures shall be constructed and maintained to a minimum width of 15' and shall be free from overhanging obstructions, including but not limited to tree limbs, to a minimum height of 14' above the driveway surface.
- 8.9.12 Enforcement of Safety Specifications.** The town building inspector shall not issue a certificate of occupancy for any structure unless it is served by a driveway meeting the safety specifications set forth in the code.
- 8.9.13 Reimbursement for Damage Caused by Non-Conforming Driveways.** In the event that any emergency vehicle is damaged when responding to a call within the township and such damage is caused by a property owner or property owner's agents failure to comply with the specifications set forth in section 8.9.12, the property owner shall reimburse the emergency service provider for the reasonable cost of repair of the vehicle or equipment.

8.10 Performance Standards for Roadways

- 8.10.1** Proposed streets shall conform to the state, county or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by-law.
- 8.10.2** Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.
- 8.10.3** Access shall be given to all lots and portions of the tract in the subdivision and to adjacent un-subdivided parcels unless the topography clearly indicates that such connection are not feasible. Reserved strips and land-locked areas shall not be created.
- 8.10.4** The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
- 8.10.5** Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- 8.10.6** Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
- 8.10.7** Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
- 8.10.8** Whenever a tract to be subdivided adjoins an existing half or Partial Street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- 8.10.9** Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
- 8.10.10** Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.
- 8.10.11** Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8.10.12 The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

8.10.13 Cul-de-Sac Streets

8.10.13.1 For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.

8.10.13.2 Lots with frontage at the end of the cul-de-sac shall have a minimum of one hundred sixty (160) feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.

8.10.13.3 Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.

8.10.13.4 Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length in areas where lots are less than two and one-half (2.5) acres in size.

8.10.13.5 Where lots are two and one half (2.5) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed one quarter (1/4) mile in length.

8.10.13.6 In areas where lots are two and one half (2.5) acres or greater, temporary cul-de-sacs shall not exceed 2,640 feet (½ mile) nor provide access to more than 20 home sites.

8.10.13.7 In areas where lots are less than two and one-half (2.5) acres, temporary cul-de-sacs shall not exceed 800 feet nor provide access to more than 20 home sites.

8.10.13.8 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the Township Engineer to show construction can stay within the right-of-way.

8.10.14 Street Design Standards in Open Space

8.10.14.1 Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

URBAN DESIGN

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width (including shoulders)
Minor Arterial	120 feet (36.6m)	44 feet (13.4m)
Collector	100 feet (30.5m)	44 feet (13.4m)
Local	60 feet (18.3m)	32 feet (9.8m)

RURAL DESIGN

Type of Street	Minimum Right-of Way Width	Minimum Roadway Width	Shoulder Width
Minor Arterial	120 feet (36.6m)	24 feet (12.2m)	8 feet
Collector or Commercial - Industrial Street	100 feet (30.5m)	24 feet (12.2m)	4 feet
Local	60 feet (18.3m)	24 feet (12.2m)	4 feet

- 8.10.14.2** Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- 8.10.14.3** The minimum radius for a cul-de-sac shall be forty-five (45) feet. Islands are not permitted in the middle of roads or within cul-de-sacs.
- 8.10.14.4** Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- 8.10.14.5** Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- 8.10.14.6** When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
- 8.10.14.7** Centerline gradients shall be at least 0.25 percent and grades shall not exceed eight percent (8%).
- 8.10.14.8** Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.
- 8.10.14.9** The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- 8.10.14.10** Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
- 8.10.14.11** Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

8.10.14.12 Trees shall be removed from the right of way.

8.10.15 Street Access Regulations

8.10.15.1 Access of streets within the subdivision to other local streets shall meet all requirements of the local township.

8.10.15.2 Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Washington County Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the Washington County Department of Public Works or the Minnesota Department of Transportation. At the discretion of the County Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County Road or County State Aid Highway. Such lanes shall conform to Minnesota Department of Transportation design standards and all costs shall be borne by the developer.

ACCESS SPACING GUIDELINES

Type of Access	Functional Classification of Highway				
	Principal Arterial	Minor Arterial		Collector	Local
		> 7,500 ADT	< 7,500 ADT		
Private Residential Driveways	No Direct Access	No Direct Access	(2)	(2)	(2)
Commercial Driveways or Non-continuous Commercial Streets	No Direct Access	No Direct Access	1/8 Mile	1/8 Mile	(2)
Non-continuous Residential Streets	No direct access	1/8 Mile with No Median Opening	1/8c Mile	1/8 Mile	(2)
Continuous Local Streets and Collector Streets	1/2 Mile	1/4 Mile	1/4 Mile	1/8 Mile	1/8 Mile
Minor Arterials	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile

1. *Traffic volumes refer to 20 year forecasts.*
2. *Determination based on other criteria (sight distance, speed, traffic volume, etc.).*
3. *Distances shown are minimums.*
4. *“Non-continuous” streets refer to cul-de-sacs or short length streets (less than ½ mile) which do not cross the county Highway in question.*
5. *The type of traffic control, turn lanes and bypass lanes required will be determined based upon the projected traffic volumes on the type of access requested.*
6. *County reserves the right to increase the minimums based on other criteria (sight distance, speed, traffic volume, etc.).*
7. *ADT – Average Daily Traffic*

- 8.10.15.3** Access to Minnesota Trunk Highways, U.S. routes, or Interstate Highways shall be subject to all regulations and permitting procedures of the Minnesota Department of Transportation.
- 8.10.16 Public Utilities**
- 8.10.16.1** Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.
- 8.10.16.2** Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.
- 8.10.17 Easements**
- 8.10.17.1** Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10 foot wide front or side yard easement may be required. These easements shall be dedicated on the final plat.
- 8.10.17.2** Drainage easements shall be provided along each side of the center line of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.
- 8.10.17.3** Utility and drainage easements shall be dedicated for the required use.
- 8.10.18 Street Names and Signs**
- 8.10.18.1** Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name as the existing or platted street. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering system as applicable.
- 8.10.18.2** All street signs shall be provided and installed by the Township at the expense of the subdivider and shall comply with the “Manual of Uniform Traffic Control Devices”.

8.11 Design Standards for Streets

- 8.11.1 Gravel surfaces are prohibited.
- 8.11.2 Streets shall be graded in accordance with a plan approved by the township engineer.
- 8.11.3 An obstacle clear free zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
- 8.11.4 For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:3 (rise over run). The ditch bottom shall be four (4) feet wide unless suitable erosion control can be provided.
- 8.11.5 The design of all pavement shall be in accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. The designed thickness of the pavement shall be in accordance with the standards shown below, but in no case shall there be less than six (6) inches of Class 5 Aggregate Base, two (2) inches of base bituminous and one and a half (1.5) inches of wear course bituminous. More stringent design may be required by the approving engineer.

Classification	Pavement Design; Axle Load
Arterial, Commercial, Collector Street	Nine (9) tons
Local Street	Seven (7) ton minimum

- 8.11.6 To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.
- 8.11.7 Concrete curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent (4%). The construction shall be in accordance with Standard Specification for Highway Construction, MNDOT No. 2531 or 2535.
- 8.11.8 All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then seeded or sodded.

8.12 Performance Standards for Walkways

All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the township engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the township engineer.

8.13 Performance Standards for Wireless Communication Antennas/Towers

- 8.13.1 Required Permits.** The construction of a new tower in excess of 35 feet or the addition of a new antenna on an existing tower or building may be allowed following the issuance of a Conditional Use Permit, if conditions contained in this Zoning Ordinance are met.
- 8.13.2 Nonconformities.** Any existing tower which becomes non-conforming as a result of this Zoning Ordinance may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with a Conditional Use Permit so long as it is of the same type (guyed, self-supporting, or monopole), same height, same marking (lighting and painting), and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, non-conforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement for any other reasons, such replacement tower would need to meet all of the standards of this Zoning Ordinance.
- 8.13.3 Exception.** In any District, a proposed tower 200 feet high or less located within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of such transmission line easement on the same side of the road will not be required to meet the standards of Section 8.14.8, but will be required to meet all other standards. This exception does not apply in the St. Croix River and Shoreland Overlay Districts.
- 8.13.4 Modification.** A modification to any requirement of this Zoning Ordinance Code may be sought by the applicant in accordance with the procedures, but not the standards, set forth in the West Lakeland Township Zoning Ordinance. The criteria for granting a modification under this Section of the Zoning Ordinance shall be: presentation of engineering data demonstrates that personal wireless services cannot be provided by the applicant to a specific area of West Lakeland Township without the modification.
- 8.13.5 Terms of Permit and Revocation.** Towers are permitted with either a Conditional Use Permit or Certificate of Compliance. The Certificate of Compliance or Conditional Use Permit shall remain in effect so long as the conditions contained in the certificate or permit are met. The grounds for revocation of a Certificate of Compliance or Conditional Use Permit shall be based on finding that the permittee has failed to comply with conditions of approval imposed; or the facility has not been properly maintained; or the facility is no longer in use and has not been in use for the previous 12 months.
- 8.13.6 Other Requirements**
- 8.13.6.1** All rules and regulations of the FCC and FAA must be met and complied with.
- 8.13.6.2** In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 120 days. In the event that structure is not removed and the site restored, the Township retains the authority to complete the removal and site restoration and the Township's cost shall be assessed against the property.

8.13.7 Regulation within "SFE" Single Family Estate. The following are permitted with a Certificate of Compliance: Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower; a tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road to a maximum height of 200 feet. The following are permitted with a Conditional Use Permit: A free standing communication tower not exceeding 150 feet in height; Communication antenna attached to an existing structure to tower exceeding 15 feet above the highest point of the structure or tower up to 150 feet.

8.13.8 Prohibitions

- 8.13.8.1** No tower shall be over 300 feet in height or within one mile of another tower regardless of municipal boundaries.
- 8.13.8.2** A proposal for a new wireless service tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing tower; or on a tower that has been permitted by West Lakeland Township (even though it may not yet be constructed); or on a tower whose application for a Certificate of Compliance or Conditional Use Permit is currently pending before West Lakeland Township.
- 8.13.8.3** No tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.
- 8.13.8.4** No tower over 35 feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed park.
- 8.13.8.5** No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and County Roads 15 and 21, unless it can be demonstrated that the tower will be visually inconspicuous as viewed from the road on a year-round basis.
- 8.13.8.6** No tower over 35 feet shall be erected within one-quarter (1/4) mile of the St. Croix River or within one-quarter (1/4) mile of a DNR protected lake or river.
- 8.13.8.7** No tower over 35 feet shall be erected on any property platted for residential purposes.
- 8.13.8.8** No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator.
- 8.13.8.9** Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

8.13.8.10 No antenna or tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights, or other illuminating devices affixed or attached to it unless required by the FAA or FCC.

8.13.8.11 No advertising or identification signs shall be placed on towers or antennas.

8.14.9 Performance Standards

8.14.9.1 On a vacant parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower over 35 feet in height shall be five acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel may be leased provided all standards contained in the town code can be met.

8.14.9.2 Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and the property line. The applicant for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement of the zone in which it is located.

8.14.9.3 A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.

8.14.9.4 The tower location shall provide the maximum amount of screening for off-site views of the facility. The Zoning Administrator reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses or to require the tower to be of a stealth type design. Existing on-site vegetation shall be preserved to the maximum extent practical. Stealth type design may be required when the township finds that such a design would increase compatibility and protect the scenic value of a particular area.

8.14.9.5 The height of the tower shall allow for the co-location of additional antennas as follows: Structures from 100 to 125 feet - a total of two tenants; Structures from 125 to 200 feet - a total of three tenants; and Structures above 200 feet but less than 300 feet - a minimum of four (4) tenants.

8.14.9.6 Structural design, mounting, and installation of the antenna and tower shall be in compliance with manufacturers specifications. The plans shall be approved and certified by a Registered Professional Engineer.

8.14.9.7 In general, self-supporting towers (i.e. those without the use of wires, cables, beams, or other means) are preferred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.

- 8.14.9.8** Associated base equipment must be located within a structure. The base of the tower and any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.
- 8.14.9.9** The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
- 8.14.9.10** Metal towers shall be constructed of, or treated with, corrosive resistant material.
- 8.14.9.11** If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the towers' existing users or no negative structural impact upon the tower. If a dispute arises and as a condition to any permit or Certificate of Compliance, West Lakeland Township, at its discretion, reserves the right to act as its arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.
- 8.14.9.12** Generally, only one communication tower is permitted on a parcel of land. If in the opinion of the West Lakeland Township Board, a particular parcel is well suited for more than one communication tower, and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a Conditional Use Permit. All other standards contained in this Zoning Ordinance must be met.
- 8.14.9.13** All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six (6) foot high chain link fence with a locked gate.
- 8.14.9.14** Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Zoning Ordinance. A copy of the annual inspection report shall be provided to the Zoning Administrator within 60 days of the inspection.
- 8.14.9.15** Township shall be notified in writing of any change in ownership of a wireless communication facility. Any such notice shall be delivered with 60 days of the event. All conditions imposed as part of the original permit approval shall not be affected by a change in ownership.
- 8.14.10 Application for New Tower Construction.** In addition to the submittal requirements required elsewhere in this Zoning Ordinance, applications for Conditional Use Permits or Certificates of Compliance for new towers and antennas shall be accompanied by the following information:
- 8.14.10.1** A report from a qualified and Licensed Professional Engineer which: describes the tower height and design including a cross section and elevation; certifies the tower's compliance with structural and electrical standards; describes the tower's capacity, including the potential number and type of antennas that it can accommodate; describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA; certifies that the applicant will avoid causing destructive interference to co-located, previously established public safety communications; specifies the distance to any DNR protected lake or river, the St. Croix

River, a scenic road and any boundary of a state or county park. The name, address, and telephone number of the owner or owners of the nearest tower or towers shall be submitted along with written documentation showing the applicant has contacted these other tower owners to determine if the new antennas proposed can be added to the existing tower or towers in the area.

- 8.14.10.2** Each application shall include a five year facility plan. The Township will maintain an inventory of all existing and proposed cell site installations and all carriers shall provide the following information in each five year plan. The plan must be updated with each submittal as necessary:
 - 8.14.10.2.1** Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio, or other anticipated communication technology).
 - 8.14.10.2.2** Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the Township for these services by the company.
 - 8.14.10.2.3** Provide a presentation size map of the Township which shows the five year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.
- 8.14.10.3** Information provided as part of the five year facility plan that is a trade secret pursuant to Minnesota Statute §13.37 shall be classified as non-public data.
- 8.14.10.4** Written acknowledgement by the landowner that he/she will abide by all applicable Conditional Use Permit to Certificate of Compliance conditions.
- 8.14.10.5** The Town, at its discretion, may require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.
- 8.14.10.6** The West Lakeland Township Board is explicitly authorized to employ on behalf of the Township, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis. Any proprietary information disclosed to the Township hired expert shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.
- 8.14.11 Application - existing tower/new antenna.** In the event that an application is only to add a new antenna to an existing tower or structure, the requirements as delineated under section 8.14.10 shall not apply.

8.14.12 Exemption for towers. Ham radio towers designed for personal use are exempt from the foregoing regulations if their only use is for the personal enjoyment of the owner. Any commercial use of such tower shall require it to be subject to the foregoing regulations.

8.15 Performance Standards for Wind Energy Conversion Systems

8.15.1 Purpose and Intent. The purpose of this section is to establish regulations for wind energy conversion systems. A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.

8.15.2 Required Permits. A Conditional Use Permit is required for a wind energy conversion system in all zoning districts. Wind Energy Conversion Systems shall comply with all rules and regulations of Federal, State, County, and local agencies.

8.15.3 Number of Systems Allowed

8.15.3.1 If the wind energy conversion system is 20 feet or less in height, it may be located on a parcel 2.5 acres or greater in size, subject to the performance standards in this section.

8.15.3.2 A wind energy conversion system greater than 20 feet in height must be located on a parcel at least ten (10) acres in size subject to the following standards.

8.15.3.3 One wind energy conversion system is permitted on a parcel.

8.15.4 Performance Standards. Wind Energy conversion systems must comply with the following standards:

8.15.4.1 The maximum height of a wind energy conversion system shall be 100 feet. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.

8.15.4.2 No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the wind energy conversion system.

8.15.4.3 The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.

8.15.4.4 No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to the height of the tower.

8.15.4.5 Rotors shall not exceed 26 feet in diameter and shall have a clearance of 30 feet over any tree or structure. Each wind conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 MPH or greater).

8.15.4.6 All State, County, and local noise standards must be met. Applicable electrical permits/inspections must be obtained.

8.15.4.7 To prevent unauthorized climbing, wind energy conversion system towers must comply with one of the following provisions: Tower climbing apparatus shall not be located within 12 feet of the ground or a locked anti-climb device shall be installed on the tower or a protective fence shall be constructed at least 6 feet in height around the tower.

- 8.15.5 The color of the structure shall be either gray or off-white.
- 8.15.6 In the event of permit revocation or if the wind generator is no longer used, the wind generator must be removed and the site restored to its original condition within 120 days.

8.16 Performance Standards for Storage of Vehicles and Personal Property

- 8.16.1 **Exterior Storage Defined.** "Exterior storage" as used herein, means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building.
- 8.16.2 **Prohibited Unless Enclosed.** All personal property shall be stored within a building, except for the following: Laundry drying; Recreational equipment commonly used in residential yards; Construction and landscaping materials and equipment currently (within a period of one year) being used on the premises but for no longer than one year at a time and more than ten (10) feet distant from any property line; Off-street parking of licensed operable passenger automobiles and pick-up trucks and not more than one unlicensed motor vehicle; Boats and trailers if stored in the rear and more than ten (10) feet distant from any property line; Merchandise being displayed for sale in accordance with the provisions of the Zoning Ordinance; Firewood storage for personal use; Farm Equipment, inventory and supplies on parcels exceeding five (5) acres in size where the property is being used for agricultural purposes.
- 8.16.3 **Declaration of Public Nuisance.** The accumulation and storage of used furniture, appliances, equipment, empty cans, bottles, newspapers, magazines, lumber, building materials or other refuse, and unlicensed, abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on private property, is found to invite plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and outside storage of such personal property and vehicles is further found to promote blight and deterioration in the community. It is further found that such personal property and wrecked, junked, unlicensed, abandoned or partially dismantled or inoperative motor vehicles are in the nature of rubbish, litter, and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such property and vehicles on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or any other ordinances of this town or by state law. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a misdemeanor under state law.

8.17 Performance Standards for Solar Energy Systems

- 8.17.1 **Purpose and Intent.** West Lakeland Township finds that it is in the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the

Township supports the use of solar collection systems and the development of solar energy farms. West Lakeland Township also finds that the development of solar energy farms should be balanced with the protection of the public health, safety and welfare. The Township intends the following standards to ensure that solar energy farms can be constructed within West Lakeland Township while also protecting public safety and the natural resources of the Township. Consistent with the West Lakeland Township Comprehensive Plan, it is the intent of the Township with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource and encourage the development and use of solar energy

8.17.2 Applicability. These regulations are for all solar energy systems and solar energy farms on properties and structures under the jurisdiction of the West Lakeland Township Zoning ordinance except that West Lakeland Township requires the owner or operator of solar farms that would generate more than 50 megawatts of power to get approval for such a system from the Minnesota Public Utilities Commission (PUC).

8.17.3 Definitions. The following words, terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.

Community Solar Energy System (Solar Garden): A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.

Ground Mounted Panels. Solar panels mounted to the ground by use of stabilizers or similar apparatus.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

Solar Access. A view of the sun, from any point on the solar collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector. A device, structure or a part of a device or structure that the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). An active solar energy system that collects and/or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of selling generated electricity. A solar farm is the primary land use for the parcel on which it is located.

Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

8.17.4 Types of Solar Energy Systems.

8.17.4.1 Rooftop solar energy systems: accessory to the primary land use, designed to supply energy for the primary use.

8.17.4.1.1 These systems are permitted accessory uses in all districts in which buildings are permitted.

8.17.4.1.2 No Township conditional use permit is required.

8.17.4.1.3 The owner or contractor shall receive a building or mechanical permit before installing a rooftop solar energy system.

8.17.4.2 Ground-mount solar energy systems: accessory to the primary land use, designed to supply energy for the primary use.

8.17.4.2.1 Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.

8.17.4.2.2 Ground-mount systems require a Township conditional use permit and are subject to the accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits.

8.17.4.2.3 The Township does not consider the collector surface of a ground-mount system that is not in a DNR designated Shoreland District as impervious surface. Any collector surface of a ground-mount system foundation that is in a DNR designated Shoreland District and compacted soil or other component of the solar installation that rests on the ground is considered impervious surface.

8.17.4.2.4 The height of a ground-mounted system shall not exceed 10 feet.

8.17.4.2.5 No ground-mounted solar energy system shall cover or encompass more than 10 percent of the total property area or lot size.

8.17.4.3 Community solar energy systems (Solar Gardens): Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar energy system requires a conditional use permit. These systems shall be subject to the following conditions.

8.17.4.3.1 Rooftop community solar energy systems are permitted in all districts in which buildings are permitted.

8.17.4.3.2 Ground-mount community solar energy systems are an accessory use in all districts.

8.17.4.3.3 Prohibitions: The Township prohibits community solar energy systems within:

*Shoreland Management District and Lower St. Croix River Bluffland Management District as designated by the Department of Natural resources (DNR) and the Washington County Zoning Ordinance; Wetlands to the extent required by the Minnesota Wetland Conservation Act;
All Floodplain Districts.*

8.17.4.3.4 Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.

8.17.4.3.5 An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

8.17.4.3.6 All structures must meet the setback, height and coverage limitations for the district in which the system is located.

8.17.4.3.7 Ground-mount systems must meet all required standards for structures in the district in which the system is located.

8.17.4.3.8 Site Plan Required. The owner or operator shall submit to the Township a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the Township.

8.17.4.3.9 Power and communication lines. Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground. The Township Board or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or

other elements of the natural landscape interfere with the ability to bury lines.

8.17.4.3.10 Aviation Protection. For solar gardens located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

8.17.4.3.11 Decommissioning Plan. The Township requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all Township requirements and the requirements of the Washington County Solid Waste Ordinance. The Township also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

8.17.4.4 **Solar farms:** Ground-mount solar energy arrays that are the primary use on the lot or of a property, designed for providing energy to off-site uses or export to the wholesale market. Solar farms require conditional use permits. These types of systems that are not permitted or regulated by the State of Minnesota Public Utilities Commission (PUC) shall be subject to the following conditions.

8.17.4.4.1 Solar farms are a permitted use in the Neighborhood Commercial/Business (NC-B) and Highway Commercial/Business (HC-B) zoning districts.

8.17.4.4.2 Stormwater management and erosion and sediment control shall meet the requirements of the Township and MPCA best management practices.

8.17.4.4.3 Prohibitions: The Township prohibits community solar farms within: *Shoreland Management District and Lower St. Croix River Bluffland Management District as designated by the Department of Natural resources (DNR) and the Washington County Zoning Ordinance; Wetlands to the extent required by the Minnesota Wetland Conservation Act; All Floodplain Districts.*

8.17.4.4.4 Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar

panels meets the accepted professional standards, given local soil and climate conditions.

- 8.17.4.4.5** Other standards and codes. All solar farms shall meet all applicable local, state and federal regulatory standards, including but not by way of limitation the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- 8.17.4.4.6** Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The Township Board or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
- 8.17.4.4.7** Interconnection. The owner or operator of the solar farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.
- 8.17.4.4.8** Site Plan Required. The owner or operator of the solar farm must submit to the Township a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the Township.
- 8.17.4.4.9** The Township allows the installation of small operations, security and equipment buildings on the site of solar farms as permitted accessory uses to the solar farm.
- 8.17.4.4.10** The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access or they must be protected from entry by a six-foot-tall fence. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code.
- 8.17.4.4.11** Aviation Protection. For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- 8.17.4.4.12** Solar farms that have panels that would cover more than 20 acres of land must meet the review and design standards of the Public Utilities Commission (PUC) for Solar Farms.
- 8.17.4.4.13** Decommissioning Plan. The Township requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the

equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all Township requirements and the requirements of the Washington County Solid Waste Ordinance. The Township also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

8.17.5 Additional Standards. In addition to the standards allowed above, all solar energy systems shall meet the following standards.

- 8.17.5.1** The owners or operators of electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- 8.17.5.2** Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- 8.17.5.3** All solar energy systems shall meet the standards of the Minnesota and National Electric Code.
- 8.17.5.4** All rooftop solar systems shall meet the standards of the Minnesota Building Code.
- 8.17.5.5** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening of the solar array, reducing use of the reflector system or other remedies that limit glare.
- 8.17.5.6** Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
- 8.17.5.7** Commercial rooftop systems shall be placed to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
- 8.17.5.8** Setbacks. All equipment and structures shall meet the setback and coverage limitations for the zoning district in which the system is located.

8.17.5.9 Aesthetic Conditions. The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways to the maximum extent possible while still allowing the system to achieve efficient performance.

9 Erosion, Water management and Land Alteration

9.1 Statutory Authorization

- 9.1.1** This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes §§ 103B, 103D, and 462; Minnesota Rules Parts 6120.2500 to 6120.3900; and Minnesota Rules Chapters 8410 and 8420.
- 9.1.2** This ordinance is intended to meet the construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 CFR 122.26(b)(14)(x) and (b)(15), respectively.
- 9.1.3** This ordinance is intended to meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes § 115.03 subd. 5c.

9.2 Purpose

- 9.2.1** The purpose of this ordinance is to establish regulatory requirements for land development and land disturbing activities that minimize the threats to public health, safety, public and private property, and natural resources within the Township from construction site erosion and post-construction stormwater runoff. Specifically, the ordinance establishes regulatory requirements that:
 - 9.2.1.1** Meet MIDS performance standards;
 - 9.2.1.2** Assist in meeting NPDES/SDS Construction Stormwater General Permit requirements;
 - 9.2.1.3** Assist in meeting Total Maximum Daily Load (TMDL) plan wasteload allocations for impaired waters through quantification of load reductions;
 - 9.2.1.4** Assist in meeting policies and performance standards of the Middle St. Croix Water Management Organization (MSCWMO) and Valley Branch Watershed District (VBWD);
 - 9.2.1.5** Protect life and property from dangers associated with flooding;
 - 9.2.1.6** Protect public and private property and natural resources from damage resulting from stormwater runoff and erosion;
 - 9.2.1.7** Ensure the annual stormwater runoff rates and volumes from post development site conditions mimic and/or reduce the annual runoff rates and volumes from predevelopment site conditions;
 - 9.2.1.8** Ensure site design minimizes the generation of stormwater runoff and maximizes pervious areas for stormwater treatment within the context of the allowable use;
 - 9.2.1.9** Provide a single, consistent set of performance goals that apply to all developments;
 - 9.2.1.10** Protect water quality from pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants;
 - 9.2.1.11** Promote infiltration and groundwater recharge;
 - 9.2.1.12** Provide vegetated corridors (buffers) to protect water resources from development;

- 9.2.1.13 Protect functional values of all types of natural waterbodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds); and
- 9.2.1.14 Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems.

9.3 Scope

Land shall not be developed for any use without providing stormwater management measures and erosion and sediment control measures that control or manage stormwater runoff from such developments.

9.4 Greater Restrictions

- 9.4.1 All stormwater management and erosion and sediment control activities shall comply with all applicable requirements of the relevant Watershed Management Organization or Watershed District. In the case of conflict between provisions of this ordinance and other stormwater regulations, the strictest provisions shall apply to land development and/or land disturbing activities.
- 9.4.2 The provisions of this ordinance are not intended 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.

9.5 Severability

The provisions of this ordinance are severable, and if any provision, or application of any provision of this ordinance to any circumstance, is held invalid, the remainder of this ordinance and its application to other circumstances is not affected thereby.

9.6 Stormwater Management Permit

- 9.6.1 **Permit required.** Unless otherwise exempted by Section 9.8, an approved Stormwater Management Permit shall be required prior to any proposed land development activity that meets any of the criteria in 9.6.1.1 to 9.6.1.5, immediately below. All stormwater management permits shall include an Erosion and Sediment Control Plan (ESC Plan) or a Stormwater Pollution Prevention Plan (SWPPP).
 - 9.6.1.1 Any project that creates or fully reconstruct 6,000 square feet or more of impervious surface;
 - 9.6.1.2 All major subdivisions or minor subdivisions that are part of a common plan of development;
 - 9.6.1.3 Projects within the St. Croix Riverway that add 500 square feet or greater of additional impervious surface;
 - 9.6.1.4 Any project requiring a variance from the current local impervious surface zoning requirements for the property; or
 - 9.6.1.5 Any land development activity, regardless of size, that the Town determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

9.7 Erosion and Sediment Control Plan

9.7.1 Plan Required. Unless otherwise exempted by this ordinance in Section 9.8, an Erosion and Sediment Control Plan shall be required as part of any Grading and Filling Permit or Building Permit which proposes any land disturbing activity that meets any of the criteria in 9.7.1.1. through 9.7.1.3. below.

9.7.1.1 Any project undertaking grading, filling, or other land alteration activities which involve movement of one hundred (100) cubic yards of earth or removal of vegetation on greater than ten thousand square feet (10,000 ft²) of land;

9.7.1.2 Any project with wetland impacts, grading within public waters, grading within buffers or within 40-feet of the bluff line;

9.7.1.3 A land disturbing activity, regardless of size, that the Town determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance.

9.7.2 Stormwater Volume Reduction Performance Standards

Any applicant for a Stormwater Management Permit as defined in Section 9.6.1 of this ordinance must meet all of the following performance standards:

9.7.2.1 New development volume control: For new, nonlinear developments on sites without restrictions, stormwater runoff volumes will be captured and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from all impervious surfaces on the site.

9.7.2.2 Redevelopment volume control: Nonlinear redevelopment projects on sites without restrictions that create or fully reconstruct impervious surfaces shall capture and retain on site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.

9.7.2.3 Linear development volume control: Linear projects on sites without restrictions that create new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:

9.7.2.3.1 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site; or

9.7.2.3.2 1.1 inches of runoff from the net increase in impervious area on the site.

9.7.2.3.3 Mill and overlay, reclamation and other resurfacing activities are not considered fully reconstructed.

9.7.2.4 Flexible treatment options for sites with restrictions. Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason. If site constraints or restrictions limit the full treatment goal, the following flexible treatment options shall be used:

- 9.7.2.4.1 Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. Applicants must document the specific reasons why Alternative #1 cannot be met based on the factors listed below. If Alternative #2 cannot be met then Alternative #3 shall be met. Applicants must document the specific reasons why Alternative #2 cannot be met based on the factors listed below. When all of the conditions are fulfilled within an alternative, this sequence is completed.
- 9.7.2.4.2 Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the MIDS calculator and the Minnesota Stormwater Manual.
- 9.7.2.4.3 Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs.
- 9.7.2.4.4 Factors to be considered for each alternative will include:
 - 9.7.2.4.4.1 Karst geology
 - 9.7.2.4.4.2 Shallow bedrock
 - 9.7.2.4.4.3 High groundwater
 - 9.7.2.4.4.4 Hotspots or contaminated soils
 - 9.7.2.4.4.5 Drinking Water Source Management Areas or within 200 feet of drinking water well
 - 9.7.2.4.4.6 Zoning, setbacks or other land use requirements
 - 9.7.2.4.4.7 Excessive cost
 - 9.7.2.4.4.8 Poor soils (infiltration rates that are too low or too high, problematic urban soils)
- 9.7.2.4.5 **Alternative #1:** Applicant shall attempt to comply with the following conditions:
 - 9.7.2.4.5.1 Achieve at least 0.55" volume reduction from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.
 - 9.7.2.4.5.2 Remove 75% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.
 - 9.7.2.4.5.3 Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.
- 9.7.2.4.6 **Alternative #2:** Applicant shall attempt to comply with the following conditions:
 - 9.7.2.4.6.1 Achieve volume reduction to the maximum extent practicable.
 - 9.7.2.4.6.2 Remove 60% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.

9.7.2.4.6.3 Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

9.7.2.4.7 Alternative #3: Off-site Treatment.

Mitigation equivalent to the performance of 1.1 inches of volume reduction for new development or redevelopment as described above in this section, (including banking or cash) can be performed off-site to protect the receiving water body. Off-site treatment shall be achieved in areas selected in the following order of preference:

9.7.2.4.7.1 Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

9.7.2.4.7.2 Locations within the same Department of Natural Resource (DNR) catchment area (Hydrologic Unit 08) as the original construction activity.

9.7.2.4.7.3 Locations within the next adjacent DNR catchment area upstream.

9.7.2.4.7.4 Locations anywhere within the community's jurisdiction. The MIDS Design Sequence Flowchart can be found in the Minnesota Stormwater Manual:

http://stormwater.pca.state.mn.us/index.php/Flexible_treatment_options

9.7.2.5 Stormwater Management Rate Control. For all new development, redevelopment and linear development sites the site design shall provide on-site treatment during construction and post-construction to ensure no increase in offsite peak discharge for the 1-year, 2-year, 24-hour storm event, the 10-year, 24-hour storm event, and the 100-year, 24-hour storm event based on Atlas 14 precipitation frequency events. For single family residential building lots not part of a common plan of development site rate control requirements do not apply.

9.7.2.6 Other Design Standards

9.7.2.6.1 Minnesota Stormwater Manual: All volume control for water quality and quantity and site design specifications shall conform to the current version of the Minnesota Stormwater Manual.

9.7.2.6.2 Site erosion and sediment control requirements: All erosion and sediment control requirements shall conform to the current requirements of NPDES/SDS Construction Stormwater General Permit.

9.7.2.6.3 Watershed District/WMO requirements: All stormwater management and erosion and sediment control activities shall comply with all applicable requirements of the Watershed Districts or Watershed Management Organizations in which the project is located. In case provisions in this ordinance and requirements of watershed district or watershed management organizations overlap or conflict, the strictest provisions shall apply to the activities.

9.8 Exemptions.

The following activities shall be exempt from all of the requirements of this ordinance:

- 9.8.1** Emergency work necessary to protect life, limb, or property;
- 9.8.2** Routine agricultural activity such as tilling, planting, harvesting, and associated activities. Other agricultural activities are not exempt including activities such as construction of structures;
- 9.8.3** Silvicultural/forestry activity;
- 9.8.4** Building permits for new construction in an approved subdivision that meets the requirements of Section 9.6 Stormwater Management are exempt from Stormwater Management standards as long as the individual property does not exceed impervious surface percentage approved for the given parcel in that subdivision.

9.9 Permit Review Process

- 9.9.1 Pre-application meeting.** At the discretion of the Town, the Town shall facilitate a pre-application meeting with the applicant, Town staff (or their authorized representative), and staff of relevant partner agencies (e.g. WCD, MSCWMO, MDNR, etc.). The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirements of meeting the provisions of the ordinance.
- 9.9.2 Application completeness review.** The Town shall make a determination regarding the completeness of a permit application within ten (10) days of the receipt of the application and notify the Applicant in writing if the application is not complete, including the reasons the application was deemed incomplete.
- 9.9.3 Application review**
 - 9.9.3.1** The applicant shall not commence any construction activity subject to this ordinance until a permit has been issued by the Town.
 - 9.9.3.2** The Town shall review all information in the permit application including proposed stormwater practices, hydrologic models, and design methodologies and certify compliance with this ordinance.
 - 9.9.3.3** Grading applications may be reviewed, as deemed necessary or in accordance with other rules, by the Minnesota Department of Natural Resources, the Town Engineer, and either the Middle St. Croix Watershed Management Organization or the Valley Branch Watershed District.
- 9.9.4 Permit authorization**
 - 9.9.4.1** If the Town determines that the application meets the requirements of this ordinance, the Town may issue approval authorizing the project or activity. Approval will be in written form from the Town to the applicant.
 - 9.9.4.2** Approved plans and permits shall be valid for one year from the date of official approval.
- 9.9.5 Permit denial**
 - 9.9.5.1** If the Town determines that the application does not meet the requirements of this ordinance the application shall be denied. If the

application is denied, the applicant will be notified of the denial in writing including reasons for the denial.

9.9.5.2 Once an application is denied, a new application must be submitted for approval before any activity may begin. All land use and building permits may be suspended until the applicant has an authorized permit.

9.9.6 Plan information requirements. The minimum information requirements of the application shall be consistent with the requirements in the most recent version of the NPDES/SDS Construction Stormwater General Permit and Middle St. Croix WMO or Valley Branch Watershed District performance standards. The application information must also include permanent treatment information showing the proposed project meets the MSCWMO or VBWD performance goal.

9.9.7 Modification of permitted plans

9.9.7.1 If any of the following instances occur to a site with an approved ESC Plan or SWMP, the Applicant shall apply for an amendment to the associated permit(s), submitting all updated materials, reflecting the needed changes; the review of the amended materials shall use the same process as a new submittal, as designated in this ordinance:

9.9.7.2 Additions or modifications to existing BMPs to correct or improve effectiveness;

9.9.7.3 When there is a change in design, construction, operation, maintenance, or weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or underground water;

9.9.7.4 Inspections or investigations by site operators, local, state or federal officials indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface water or underground water; or that the discharges are causing receiving water to exceed water quality standard;

9.9.7.5 The ESC Plan or SWMP does not achieve the objectives of minimizing pollutants in stormwater discharges associated with the land alteration process.

9.10 Permit completion.

Before work under the permit is deemed complete, the Permittee shall submit as-built, a long term maintenance plan and information demonstrating that the constructed stormwater facilities conform to design specifications.

9.11 Inspections and Maintenance

9.11.1 Applicant Responsibilities. The applicant is responsible for inspections and record keeping during and after construction for all privately-owned stormwater treatment practices on the site.

9.11.2 Town Inspections. The Town reserves the right to conduct inspections on a regular basis to ensure that both temporary and permanent stormwater management and erosion and sediment control measures are properly installed

and maintained prior to construction, during construction, and at the completion of the project.

9.11.3 Right of entry and inspection

9.11.3.1 The issuance of a permit constitutes a right-of-entry for the Town or its authorized representative to enter upon the construction site. The applicant shall allow the Town and its authorized representatives, upon presentation of credentials, to:

- 9.11.3.1.1** Enter upon the permitted site for the purpose of obtaining information, examining records, and conducting investigations or surveys;
- 9.11.3.1.2** Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations;
- 9.11.3.1.3** Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit;
- 9.11.3.1.4** Inspect the stormwater pollution control measures;
- 9.11.3.1.5** Sample and monitor any items or activities pertaining to stormwater pollution control measures; and
- 9.11.3.1.6** Correct deficiencies in stormwater and erosion and sediment control measures.

9.11.4 Fees. Fees will be applied per Town Fee Schedule.

9.11.5 Private stormwater facilities – inspections and maintenance

9.11.5.1 Maintenance Plan Required: No private stormwater facilities may be approved unless a maintenance agreement is provided that defines who will conduct the maintenance, the type of maintenance necessary to ensure effective performance, and the maintenance intervals. All private stormwater facilities shall be inspected by the property owner and the Town, or its authorized representative, and maintained in proper condition by the owner consistent with the performance goals for which they were originally designed.

9.11.5.2 Facility Access: The applicant shall obtain all necessary easements or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the Town.

9.11.5.3 Removal of Settled Materials: All settled materials including settled solids, shall be removed from ponds, sumps, grit chambers, and other devices as necessary and disposed of properly.

9.11.5.4 Inspections: All stormwater facilities within the Town shall be inspected by the Town during construction, during the first year of operation, and at least once every five years thereafter.

9.11.6 Public stormwater facilities - inspections and maintenance

9.11.6.1 Acceptance of Publicly Owned Facilities: Before work under the permit is deemed complete; the permittee must submit as-builts and a Maintenance Plan demonstrating at the time of final stabilization that the stormwater facilities conform to design specifications. A final inspection

shall be required before the Town accepts ownership of the stormwater facilities.

- 9.11.6.2 Maintenance:** The Town shall perform maintenance of publicly owned stormwater facilities in accordance with their comprehensive stormwater management plan and other regulatory requirements.

9.12 Enforcement Actions

- 9.12.1 Notification of Failure of the Permit:** The Town shall notify the permit holder of the failure of the permit's measures.

9.12.1.1 Initial Contact - The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the Town or seventy-two (72) hours after the failure of erosion and sediment control measures, whichever is less, the Town at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the Town has been unable to establish contact, the Town may proceed with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition the Town may take immediate action, and then notify the applicant as soon as possible.

9.12.1.2 Erosion Off-site - If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the Town, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the Town, the permit holder does not repair the damage caused by the erosion, the Town may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agencies to ensure that the work is done properly.

9.12.1.3 Erosion into Streets, Wetlands or Water Bodies - If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

9.12.1.4 Failure to do Corrective Work - When an applicant fails to conform to any provision of this policy within the time stipulated, the Town may take the following actions.

9.12.1.4.1 Stop Work Order - Issue a stop work order, withhold the scheduling of inspections, and/or withhold the issuance of a Certificate of Occupancy.

9.12.1.4.2 Permit Revocation - Revoke any permit issued by the Town to the applicant for the site in question or any other of the applicant's sites within the Town's jurisdiction.

9.12.1.4.3 Correction by Town - Correct the deficiency or hire a contractor to correct the deficiency.

9.12.1.4.3.1 The applicant will be required to reimburse the Town for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the Town, payment will be made from the applicant's financial securities as described in Section 8 above.

9.12.1.4.3.2 If there is an insufficient financial amount in the applicant's financial securities as described in Section 9.23, the Town may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the Town, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute 429.081 to challenge the amount or validity of assessment.

9.12.2 Enforcement tools/stop work orders

9.12.2.1 The Town reserves the right to issue construction stop work orders when cooperation with inspections is withheld or when a violation has been identified that needs immediate attention to protect human health and/or the environment.

9.12.2.2 Construction stop work order: The Town may issue construction stop work orders until stormwater management measures meet specifications and the applicant repairs any damage caused by stormwater runoff. An inspection by the Town must follow before the construction project work can resume.

9.12.2.3 Other actions to ensure compliance: The Town can take any combination of the following actions in the event of a failure by applicant to meet the terms of this ordinance:

9.12.2.3.1 Withhold inspections or issuance of certificates or approvals.

9.12.2.3.2 Revoke any permit issued by the Town to the applicant.

9.12.2.3.3 Conduct remedial or corrective action on the development site or adjacent site affected by the failure.

9.12.2.3.4 Charge applicant for all costs associated with correcting the failure or remediating damage from the failure; if payment is not made within thirty days, payment will be made from the applicant's financial securities.

9.12.2.3.5 Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance.

9.13 Drainage

9.13.1 No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion, or deposit of

materials on adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area or other public facility.

9.13.2 Upon inspection of any site which has created drainage problems or could create a drainage problem with proposed new development, the owner of said site or contractor may be required to complete a grading plan and apply for a grading permit.

9.13.3 The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.

9.13.4 On any slope in excess of thirteen percent (13%) (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.

9.14 Wetland and Water Preservation

9.14.1 Floodplains. Land alteration in floodplains shall also be in accordance with floodplain regulations.

9.14.2 Public waters. No public water area shall be filled, partially filled, dredged, altered by grading, mining or disturbed in any manner without first securing a permit from the Minnesota Department of Natural Resources, the United States Army Corps of Engineers and a grading permit from the zoning administrator.

9.14.3 Wetlands. The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies.

9.15 Preservation of Natural Drainageways/ Waterways

9.15.1 Storm sewers may be used where it can be demonstrated that the use of the above-ground natural drainage system will inadequately dispose of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.

9.15.2 The width of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

9.15.3 No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

9.15.4 The banks of the waterway shall be protected with permanent turf vegetation.

9.15.5 The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical.

9.15.6 The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks and waterway.

9.15.7 The bed of the waterway should be protected with turf or sod. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone or field stone (if random rip rap is used). The rip rap shall be no smaller than two (2) inches square nor larger than two (2) feet square.

9.15.8 The flow velocity of runoff waterways shall be controlled to a velocity that will not cause erosion of the waterway. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be

decreased via velocity control structures, then other materials may replace turf on the side walls. Rip rap would be allowed to prevent erosion at these points.

- 9.15.9** Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.
- 9.15.10** To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- 9.15.11** Temporary pervious sediment traps could consist of a construction of hay bales with a low spillway embankment section of sand and gravel that permits slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of the development. Development of housing and other structures shall be restricted from the area on either side of the waterway necessary to channel a twenty five (25) year storm.
- 9.15.12** Permanent impervious sediment control structures consist of sediment basins (debris basins, desiltation basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
- 9.15.13** The erosion and velocity control structures shall be maintained in a condition that will ensure continuous functioning according to the provisions of this Ordinance.
- 9.15.14** Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- 9.15.15** The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basin shall be landscaped.
- 9.15.16** Prior to the approval of a plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

9.16 Other Stormwater Management Provisions

Steel culvert. Whenever any culvert is needed for drainage under a driveway, the culvert shall be a minimum of twenty-four (24) feet long and the material shall be sixteen (16) gauge steel or thicker. Plastic culverts will not be accepted.

9.17 Land Clearing

- 9.17.1 Required Permits.** Land clearing on an area of 20,000 square feet or more is permitted in all Districts, except the “C” Conservancy District, provided a Certificate of Compliance is issued. A permit is not required for clearing trees and other woody plants in an area less than 20,000 square feet, clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.
- 9.17.2 Other Requirements.** Land clearing must comply with all rules and regulations of federal, state, county, and local agencies.
- 9.17.3 Performance Standards.** Land clearing shall comply with the following:

- 9.17.3.1 There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River District are subject to the requirements as stated in Chapter Six, Shoreland Management Regulations and Chapter Five, Lower St. Croix River Bluffland and Shoreland Management Regulations in addition to the regulations of this Chapter.
- 9.17.3.2 Construction fences or barricades may be required to be placed at the perimeter of the area to be cleared.
- 9.17.3.3 Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.
- 9.17.3.4 Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.
- 9.17.4 **Bond.** The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the Certificate of Compliance.

9.18 Definitions.

- Words or phrases used in this ordinance shall have the meanings as defined by Appendix B of the Minnesota Construction Stormwater Permit No: MN R100001 (Construction Permit). If not defined in the Construction Permit, then words or phrases shall be interpreted to have the meaning they have in common usage. Words or phrases shall be interpreted so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must”, “shall”, and “will” are mandatory and not permissive.
- 9.18.1 **Applicant.** The owner of land submitting an application under the provisions of this ordinance for a Stormwater Management Permit (SWMP) and/or Erosion and Sediment Control Plan (ESC Plan) to be issued by the community.
 - 9.18.2 **Best Management Practices (BMPs).** The most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.
 - 9.18.3 **Better Site Design.** The control and management of stormwater quantity and quality through the application of Better Site Design Techniques as outlined in the current version of the Minnesota Stormwater Manual. Better Site Design includes: preservation of natural areas; site reforestation; stream and shoreland buffers; open space design; disconnection of impervious cover; rooftop disconnection; grass channels; stormwater landscaping; compost and amended soils; impervious surface reduction; and trout stream protection.

- 9.18.4 Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.
- 9.18.5 Construction Activity.** Includes construction activity as defined in 40 CFR pt. 122.26(b)(14)(x) and small construction activity as defined in 40 CFR pt. 122.26(b)(15) and construction activity as defined by Minn. R. 709.0080, subp. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
- 9.18.6 Development, New.** Any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow and has less than 15% impervious surface. Land that was previously developed, but now razed and vacant, will not be considered new development.
- 9.18.7 Erosion and Sediment Control Plan (ESC Plan).** A plan for projects disturbing less than one acre that is in compliance with the minimum requirements of the MSCWMO and VBWD. The plan identifies erosion prevention and sediment control practices, location and timelines for installation. The plan also includes responsible parties and timelines for inspection and maintenance.
- 9.18.8 Erosion Prevention.** Measures employed to prevent erosion. Examples include but not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.
- 9.18.9 Fully Reconstructed Impervious Surface.** Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and pavement rehabilitation projects that do not alter underlying soil material beneath the structure, pavement, or activity are not considered fully reconstructed impervious surfaces. Reusing the entire existing building foundation and re-roofing of an existing building are not considered fully reconstructed.
- 9.18.10 Impervious Surface.** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

- 9.18.11 Land Disturbance.** Any activity that result in a change or alteration in the existing ground cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation, and borrow pits. Routine vegetation management, and mill and overlay/resurfacing activities that do not alter the soil material beneath the pavement base, are not considered land disturbance. In addition, other maintenance activities such as catch basin and pipe repair/replacement, lighting, and pedestrian ramp improvements shall not be considered land disturbance for the purposes of determining permanent stormwater management requirements.
- 9.18.12 Linear Project.** Construction or reconstruction of roads, trails, sidewalks, and rail lines that are not part of a common plan of development or sale. Mill, overlay and other resurfacing projects are not considered to be reconstruction.
- 9.18.13 Major Subdivision.** All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- 9.18.14 Minor Subdivision.** Any subdivision containing three (3) or less lots fronting on an existing street, not part of a common plan of development nor involving any new street or road or the extension of municipal facilities.
- 9.18.15 National Pollutant Discharge Elimination System (NPDES).** The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.
- 9.18.16 Owner.** The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity.
- 9.18.17 Permanent Cover.** Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial cover, or other landscaped material that will permanently arrest soil erosion. A uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of 70% of the native background vegetative cover for the area must be established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include the practices listed under temporary erosion protection.
- 9.18.18 Permittee.** A person or persons, firm, or governmental agency or other entity that signs the application submitted to the Township and is responsible for compliance with the terms and conditions of the permit.
- 9.18.19 Predevelopment State.** The rate and volume of stormwater is unchanged. The calculation of predevelopment is based on native soils and vegetation.
- 9.18.20 Public Waters.** All water basins and watercourses that are described in Minn. Stat. § 103G.005 subd. 15.

- 9.18.21 Redevelopment.** Any development that is not considered new development.
- 9.18.22 Retain.** Manage stormwater on site using a low-impact development approach so that the rate and volume of predevelopment stormwater reaching receiving waters is unchanged.
- 9.18.23 St. Croix Riverway.** All lands and public waters within the riverway boundary subject to the standards and criteria for the Lower Saint Croix National Scenic Riverway in Minnesota.
- 9.18.24 Saturated Soil.** The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.
- 9.18.25 Sediment Control.** Methods employed to prevent sediment from leaving the site. Sediment control practices include: silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins.
- 9.18.26 Stormwater Facility.** A stationary and permanent BMP that is designed, constructed and operated to prevent or reduce the discharge of pollutants in stormwater.
- 9.18.27 Small Construction Activity.** As defined in 40 CFR part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.
- 9.18.28 Stabilized.** Exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).
- 9.18.29 Stormwater.** As defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.
- 9.18.30 Stormwater Pollution Prevention Plan (SWPPP).** A plan for stormwater discharge that includes erosion prevention BMPs, sediment control BMPs and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.
- 9.18.31 Surface Water(s).** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.
- 9.18.32 Temporary Erosion Protection.** Methods employed to prevent erosion during construction activities. Examples of temporary erosion protection include;

straw, wood fiber blanket, wood chips, vegetation, mulch and rolled erosion control products.

9.18.33 Underground Waters (Groundwater). Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term groundwater shall be synonymous with underground water.

9.18.34 Wetland(s). As defined in Minn. R. 7050.0130, subp. F and includes those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: A predominance of hydric soils. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition. Under normal circumstances support a prevalence of such vegetation.

9.19 Illicit Discharge and Connection Stormwater Ordinance

9.19.1 Purpose. The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of West Lakeland Township through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

9.19.1.1 To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

9.19.1.2 To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system;

9.19.1.3 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

9.19.2 Applicability. This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency

9.19.3 Responsibility for Administration. The Town Board of West Lakeland Township shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Chairman of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the township.

9.19.4 Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

9.20 Prohibition of Illegal Discharges

9.20.1 No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

9.20.1.1 The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

9.20.1.2 Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health.

9.20.1.3 Dye testing is an allowable discharge, but requires a verbal notification to the West Lakeland Board or authorized enforcement agency prior to the time of the test.

9.20.1.4 The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

9.21 Prohibition of Illicit Connections

9.21.1 The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

9.21.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

9.21.3 A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

9.22 Suspension of MS4 Access

9.22.1 Illicit Discharges by an Individual

- 9.22.1.1 Suspension due to Illicit Discharges in Emergency Situations.** The West Lakeland Township Board or authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
- 9.22.1.2 Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- 9.22.1.3** A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.
- 9.22.2 Industrial or Construction Activity Discharges.** Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the West Lakeland Township Board or authorized enforcement agency prior to the allowing of discharges to the MS4.
- 9.22.3 Monitoring of Discharges**
- 9.22.3.1 Applicability.** This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- 9.22.3.2 Access to Facilities**
- 9.22.3.2.1** The West Lakeland Township Board or authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- 9.22.3.2.2** Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- 9.22.3.2.3** The West Lakeland Township Board or authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- 9.22.3.2.4** The West Lakeland Township Board or authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- 9.22.3.2.5** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the West Lakeland Board or authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- 9.22.3.2.6** Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility are a violation of the stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- 9.22.3.2.7** If the West Lakeland Board or authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

9.22.4 Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices

West Lakeland Township Board or authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

9.22.5 Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

9.22.6 Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the West Lakeland Township Board or authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

9.23 Financial Securities

9.23.1 Amount. The Town shall require a Financial Security from the Applicant in an amount sufficient to cover the entirety of the estimated costs of permitted and remedial work based on the final design as established in a set financial security schedule determined by the Town.

9.23.2 Release. The Financial Security shall not be released until all permitted and remedial work is completed.

9.23.3 Use by Town. The Financial Security may be used by the Town to complete work not completed by the Applicant.

9.23.4 Form of security. The form of the Financial Security shall be one or a combination of the following to be determined by the Town:

- 9.23.4.1 Cash deposit** - The first \$5,000 of the Financial Security for erosion and sediment control shall be by cash deposit to the Town. The cash will be held by Town in a separate account.
- 9.23.4.2 Security deposit** - Deposit, either with the Town, a responsible escrow agent, or trust company, at the option of the Town, either:

 - 9.23.4.2.1** An irrevocable letter of credit, negotiable bonds of the kind approved for securing deposits of public money, or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment.
 - 9.23.4.2.2** Cash in U.S. currency.
 - 9.23.4.2.3** Other forms and securities (e.g., disbursing agreement) as approved by the Town.
- 9.23.5 Town indemnity.** This Financial Security shall hold the Town free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the Town
- 9.23.6 Maintaining the financial security.** If at any time during the course of the work the balance of the Financial Security falls below 50% of the total required deposit, the Applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the Applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the Town that the amount has fallen below 50% of the required amount the Town may:

 - 9.23.6.1 Withhold inspections** - Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
 - 9.23.6.2 Revoke permits** - Revoke any permit issued by the Town to the Applicant for the site in question or any other of the Applicant's sites within the Town's jurisdiction.
- 9.23.7 Action against the financial security.** The Town may access the Financial Security for remediation actions if any of the conditions listed below exist. The Town shall use the Financial Security to pay for remedial work undertaken by the Town, or a private contractor under contract with the Town, or to reimburse the Town for all costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

 - 9.23.7.1 Abandonment** - The Applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
 - 9.23.7.2 Failure to implement the SWPPP or ESC Plan** - The Applicant fails to conform to the grading plan and/or the SWPPP as approved by the Town.
 - 9.23.7.3 Failure to perform** - The techniques utilized under the SWPPP fail within one year of installation.
- 9.23.8 Proportional reduction of the financial security.** When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the Town can reduce the total required amount of the financial security by one-

third. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the Town can reduce the total required amount of the financial security to two-thirds of the initial amount. This reduction in financial security will be determined by the Town.

9.23.9 Returning the financial security. The security deposited with the Town for faithful performance of the SWPPP or the ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater pollution control measures, including vegetation establishment, as shown on the SWPPP or ESC Plan.

9.23.10 Emergency action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the Town, the Town may take emergency preventative action. The Town shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the Town for emergency action may be recovered from the applicant's financial security.

9.24 Enforcement

9.24.1 Notice of Violation. Whenever the West Lakeland Township Board or authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

9.24.1.1 The performance of monitoring, analyses, and reporting;

9.24.1.2 The elimination of illicit connections or discharges;

9.24.1.3 That violating discharges, practices, or operations shall cease and desist;

9.24.1.4 The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

9.24.1.5 Payment of a fine to cover administrative and remediation costs;

9.24.1.6 The implementation of source control or treatment BMPs.

9.24.2 If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the West Lakeland Board or a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

9.24.3 Appeal of Notice Of Violation. Any person receiving a Notice of Violation may appeal the determination of the West Lakeland Board or authorized enforcement agency. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

9.24.4 Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the municipal

authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

9.24.5 Cost Of Abatement Of The Violation

9.24.5.1 Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

9.24.5.2 Any person violating any of the provisions of this article shall become liable to the township by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of six (6) percent shall be assessed on the balance beginning thirty (30) days after receipt of notice of assessment for the cost of abatement.

9.24.6 Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the West Lakeland Board or authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

9.24.7 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the West Lakeland Board or authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

9.24.8 Violations Deemed A Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

9.24.9 Criminal Prosecution. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a misdemeanor under state law.

9.24.10 The West Lakeland Board or authorized enforcement agency may recover all attorney fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

9.25 Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the West Lakeland Board or authorized enforcement agency to seek cumulative remedies.

10 Home Occupations

10.1 Intent

10.1.1 The Town Board of the Town of West Lakeland finds that there is a need in the Township for a process to allow certain limited business uses in "SFE" zoned property where such use is accessory to the primary residential use of the property. The type of permit required is based on the business classification.

10.1.2 Home occupations are allowed in the Single Family Estate District. A home occupation use for purposes of this chapter shall mean a business or commercial use of a residential property where the residential use is the primary use.

10.1.3 The Town Board may call for a review of any Home Occupation Certificate of Compliance, Conditional Use Permit or Special Conditional Use Permit at any time. Reasons for review include, but are not limited to, complaints that have been received about the business and/or possible violations of the terms of the certificate or permit.

10.1.4 Certain Uses Exempt

10.1.4.1 Traditional agricultural activities are excluded from the home occupation permit requirements in agricultural and residential zones. A rural farm (agricultural activity) is a commercial food producing use on twenty (20) or more contiguous acres. Real property shall be considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursing stock, and fruit of all kinds, vegetables, forage, grain, bees and apiary products. All agricultural production to be sold must be produced on the farm in question.

10.1.4.2 Occasional business activity conducted by individuals at their homes or non-profit organizations (e.g. churches, schools) at their building sites within the Township are exempt from the provision of this ordinance as long as the business activity is conducted not more than 15 days per year and not more than 4 consecutive days. Examples of these activities include: garage or yard sales; craft sales; sale of individual vehicles or equipment; dinners; or pot-luck meals.

10.1.5 Examples of activities not considered Home Occupation Uses. Retail store front shops, restaurants or similar uses, bed and breakfast inns, public storage, event centers and wedding venues.

10.1.6 The Home Occupation Permit is nontransferable. Home Occupation Permits do not run with the land and shall not be transferable.

10.1.7 Home Occupation permits approved prior to adoption of this amendment shall remain in effect as long as they conform to the conditions of the permit.

10.2 Type 1 Business

- 10.2.1** Businesses that meet the following conditions do not require a Certificate of Compliance, Conditional Use Permit or Special Conditional Use Permit.
- 10.2.1.1** The business is operated by persons who reside full time on the property.
 - 10.2.1.2** Any business activity occurring on the property shall be carried on wholly within the principal and accessory structure.
 - 10.2.1.3** No stock in trade, business inventory, vehicles, trailers, equipment or accessories used primarily for business purposes shall be stored or kept outside.
 - 10.2.1.4** The business shall not include any retail or over the counter sales.
 - 10.2.1.5** The business shall not generate noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which creates a public nuisance or interferes with the reasonable use of surrounding properties.
 - 10.2.1.6** The business shall not generate any additional traffic.
 - 10.2.1.7** On-site storage of significant quantities of hazardous, bio-hazardous or flammable material for use by or as a by-product of the home occupation shall not be permitted.
 - 10.2.1.8** No parking associated with the business will be allowed on the property, public roads or right-of-way. No street access shall be allowed for a business which would not be allowed for a purely residential use of the same property.
 - 10.2.1.9** There will be no on-site signage.
- 10.2.2** Type 1 Businesses may include home office, accounting, tax preparation, consulting, internet sales, land surveyor, designer/draftsman.

10.3 Type 2 Business

- 10.3.1** A Home Occupation Certificate of Compliance is needed for all Type 2 businesses. If the business requires a license from any other civil authority, the conditions imposed in the license shall become a part of the certificate. Violations of either the license or the certificate may be grounds for the revocation of the certificate. The nature and conduct of the home occupation shall at all times be legal within the laws of the Federal, State or local government in order to maintain the Certificate of Compliance.
- 10.3.2** The home occupation must comply with all stipulations of an approved certificate. Failure to do so may result in a revocation of the certificate. Additionally, any change in the use may result in certificate revocation. The Township must be notified of any changes in use.
- 10.3.3** A Home Occupation Certificate of Compliance is a certificate granted by the West Lakeland Town Board allowing a business use to occur on a specific parcel of land subject to compliance with certain enumerated conditions. The granting of the home occupation certificate is the responsibility of the West Lakeland Town Board. Type 2 businesses that require Home Occupation Certificate of Compliances do not require public hearings. Fee schedules for the certificate of compliance shall be set by the town board and listed in the Township Fee Schedule. The home occupation certificate may be reviewed at any time by the Town Board.

10.3.4 Home occupations that meet the following conditions require a Certificate of Compliance.

10.3.4.1 The home occupation use is operated by persons who reside full time on the property for which the home occupation certificate is issued.

10.3.4.2 One additional person associated with the Home Occupation and not living on the property may enter and leave each day.

10.3.4.3 Any home occupation use activity occurring on the property shall be carried on wholly within the principal and accessory structure.

10.3.4.4 No stock in trade, business inventory, vehicles, trailers, equipment or accessories used for business purposes shall be stored or kept outside.

10.3.4.5 The home occupation use shall not include any retail or over the counter sales.

10.3.4.6 The home occupation use shall not generate noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which creates a public nuisance or interferes with the reasonable use of surrounding properties.

10.3.4.7 A maximum of 3 business trips per day are allowed. This includes delivery vehicles. One trip includes entering and leaving the property.

10.3.4.8 Hours and intensity of the operations may be limited so as not to unreasonably impact neighboring property and shall be set forth in the Certificate of Compliance.

10.3.4.9 Days of operation shall be Monday through Friday.

10.3.4.10 On-site storage of significant quantities of hazardous, bio-hazardous or flammable material for use by or as a by-product of the home occupation shall not be permitted.

10.3.4.11 No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants of the building. All parking spaces must be off-street. No parking associated with the use will be allowed on public roads or right-of-way. No street access shall be allowed for a home occupation use which would not be allowed for a purely residential use of the same property.

10.3.4.12 On-site signage will be prohibited except as follows: One sign per dwelling, exclusive of mail box identification; maximum size of 18 x 24 inches (432 square inches); professional in appearance and installation; non-illuminated and adequately maintained. The purpose of a sign shall be to identify the location of the business. Direct advertising is not a permitted purpose of the sign. Temporary signs, roof signs, non-conforming signs, banners, and pennants will not be allowed.

10.3.5 Type 2 Businesses may include beauty salon, concession trailer, HVAC contractor, electrical contractor, small engine repair, snow plowing, pet care and grooming.

10.4 Type 3 Business

10.4.1 A Home Occupation Conditional Use Permit (CUP) is needed for any Type 3 business. If the business requires a license from any other civil authority, the

conditions imposed in the license shall become a part of the CUP. Violations of either the license or the CUP may be grounds for the revocation of the permit. The nature and conduct of the home occupation shall at all times be legal within the laws of the Federal, State or local government in order to maintain the Conditional Use Permit.

- 10.4.2** The home occupation must comply with all stipulations of an approved CUP. Failure to do so may result in a revocation of the permit. Additionally, any change in the use may result in permit revocation. The Township must be notified of any changes in use.
- 10.4.3** A Home Occupation Conditional Use Permit is a permit granted by the West Lakeland Town Board allowing a business use to occur on a specific parcel of land subject to compliance with certain enumerated conditions. The granting of the home occupation permit is the responsibility of the West Lakeland Town Board. A public hearing is required before a Home Occupation Conditional Use Permit may be issued to a Type 3 business. Fees for the Conditional Use Permit shall be set by the town board and are listed in the Township Fee Schedule. The home occupation CUP shall be reviewed one year after issuance and thereafter at the discretion of the Town Board.
- 10.4.4** Home occupations that meet the following conditions require a Conditional Use Permit.
 - 10.4.4.1** The home occupation use is operated by persons who reside full time on the property for which the home occupation permit is issued.
 - 10.4.4.2** One additional person involved with the Home Occupation and not living on the property may enter and leave each day. A maximum of 5 students at a time will be allowed for a use that involves lessons.
 - 10.4.4.3** A total of two vehicles, trailers or pieces of equipment may be stored outside.
 - 10.4.4.4** The home occupation use shall not include any retail or over the counter sales.
 - 10.4.4.5** Use of heavy equipment on the property or moving equipment on and off the site.
 - 10.4.4.6** The home occupation use may generate some noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which is noticeably on surrounding properties.
 - 10.4.4.7** More than 3 business trips per day may occur. This includes delivery vehicles.
 - 10.4.4.8** Hours and intensity of the operations may be limited so as not to unreasonably impact neighboring property and shall be set forth in the Conditional Use Permit.
 - 10.4.4.9** Days of operation shall be Monday through Friday.
 - 10.4.4.10** On-site storage of significant quantities of hazardous, bio-hazardous or flammable material for use by or as a by-product of the home occupation shall not be permitted.
 - 10.4.4.11** No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking

spaces required by the occupants of the building. All parking spaces must be off-street. No parking associated with the use will be allowed on public roads or right-of-way. No street access shall be allowed for a home occupation use which would not be allowed for a purely residential use of the same property.

10.4.4.12 On-site signage will be prohibited except as follows: One sign per dwelling, exclusive of mail box identification; maximum size of 18 x 24 inches (432 square inches); professional in appearance and installation; non-illuminated and adequately maintained. The purpose of a sign shall be to identify the location of the business. Direct advertising is not a permitted purpose of the sign. Temporary signs, roof signs, non-conforming signs, banners, and pennants will not be allowed.

10.4.4.13 The home occupation use, including, but not limited to vehicles, equipment or trailers allowed under the sections above shall be screened from adjoining property. Adjoining property shall include property separated only by a public road. A screening plan shall be submitted to and approved by the Town Board and then attached to the permit.

10.4.5 Type 3 Businesses may include self-employed contractor, excavating service, landscaping and lawn maintenance services, tree service, lessons for a maximum of 5 students at a time.

10.5 Type 4 Business

10.5.1 A Home Occupation Special Conditional Use Permit (SCUP) is needed for any Type 4 business. If the business requires a license from any other civil authority, the conditions imposed in the license shall become a part of the SCUP. Violations of either the license or the SCUP may be grounds for the revocation of the permit. The nature and conduct of the home occupation shall at all times be legal within the laws of the Federal, State or local government in order to maintain the Special Conditional Use Permit.

10.5.2 The home occupation must comply with all stipulations of an approved SCUP. Failure to do so may result in a revocation of the permit. Additionally, any change in the use may result in permit revocation. The Township must be notified of any changes in use.

10.5.3 A Home Occupation Special Conditional Use Permit is a permit granted by the West Lakeland Town Board allowing a business use to occur on a specific parcel of land subject to compliance with certain enumerated conditions. The granting of the home occupation permit is the responsibility of the West Lakeland Town Board. The information required and the procedure to be followed for home occupation Special Conditional Use Permit applications shall be the same as that required for a conditional use permit. A public hearing is required before a Home Occupation Special Conditional Use Permit may be issued for any Type 4 business. Fees for the Special Conditional Use Permit shall be the same as for a CUP and can be found in the Township Fee Schedule.

10.5.4 An application for a Home Occupation Special Conditional Use Permit may be granted upon finding that all the following criteria have been met:

- 10.5.4.1 The applicant resides at the principal residential address associated with the home occupation.
- 10.5.4.2 The proposed home occupation is an allowed use in the SFE zoning district and conforms to this section of the ordinances.
- 10.5.4.3 The proposed home occupation is in keeping with the spirit and intent of this chapter.
- 10.5.4.4 The applicant can demonstrate unusual or unique conditions for the subject property which preclude obtaining a Home Occupation Certificate of Compliance or Home Occupation Conditional Use Permit. All other conditions set forth in section 10.4 shall be met.
- 10.5.4.5 The proposed home occupation is compatible with the present character of the surrounding area.
- 10.5.4.6 The home occupation will not impose additional unreasonable costs on the public.
- 10.5.4.7 The proposed home occupation shall be subject to any conditions that the town board deems appropriate for permission of the use.
- 10.5.4.8 Limited retail sales will be allowed provided no more than 5 customer visits occur on any given day.
- 10.5.5 **Conditions of approval.** In permitting a new Home Occupation Special Conditional Use Permit or amending an existing Home Occupation Special Conditional Use Permit, the planning commission may recommend and the town board may impose, additional conditions and requirements to protect the health, safety, and welfare of the surrounding area and the community at whole, mitigate unfavorable consequences of activities resulting from issuing the permit, enforce laws and regulations, and ensure compliance with the conditions of the permit.
- 10.5.6 **Renewal of a Home Occupation Special Conditional Use Permit.** A Home Occupation Special Conditional Use Permit shall be reviewed after one year and if renewed, on a timetable set forth by the Town Board. Notice of the SCUP renewal application must be provided to the property owners of record for properties located within ¼ mile of the lot or parcel to which the Home Occupation Special Use application applies and the property owners shall be allowed a period of 10 days in which to respond. Notice of the permit renewal application should also be provided to the planning commission and the town board. If no parties wish to be heard at a public meeting to consider the application within 15 days of the notice, the application can be approved administratively. A public hearing may also be required if deemed necessary by the town board. The town board shall renew a Home Occupation Special Conditional Use Permit if the following criteria are met:
 - 10.5.6.1 The home occupation satisfies the performance standards for special home occupations and the conditions of the Home Occupation Special Conditional Use Permit.
 - 10.5.6.2 The home occupation has been operating without violation of township ordinances or significant impact on surrounding neighbors.

10.5.6.3 The home occupation is operating as the same type of business at the same scale and intensity as originally approved. If the home occupation has significantly changed, the applicant shall apply for a new Home Occupation Special Conditional Use Permit.

10.5.7 Type 4 Businesses may include lessons with more than 5 students at a time, limited retail sales, daycare.

10.6 Classification of Business

This table may be used by the resident as a guide for classifying their business. The final determination of business type and permit required is at the Town Boards discretion.

	Business Classification			
	Type 1	Type 2	Type 3	Type 4
Type of Permit	None	Certificate of Compliance	Conditional Use	Special Conditional Use
Public Hearing Required	No	No	Yes	Yes
Outside activity allowed	No	No	Yes	Yes
Retail or over the counter sales allowed	No	No	No	Yes
Noise generation allowed	No	No	Yes	Yes
Additional traffic	No	3/day	> 3/day	> 3/day
Signage allowed	No	Yes	Yes	Yes
Outside vehicle/equipment storage	No	No	2	2
Days of operation	M - Sun	M - F	M - F	M - Sun
Use or moving of heavy equipment on property	No	No	Yes	Yes
Student visits per day	0	3	5	> 5
Customer visits per day	0	0	0	5

11 Performance Standards for Home Occupation, Neighborhood Commercial and Highway Commercial Uses

11.1 Seasonal Agricultural Business

11.1.1 Required Permits. Agricultural Business - Seasonal is allowed in the Single Family Estate District. The business must comply with all rules and regulations of federal, state, county, and local agencies.

11.1.2 Performance Standards. Seasonal agricultural businesses must comply with all of the following standards:

11.1.2.1 The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any County road or Township road right-of-way.

11.1.2.2 All structures, including temporary structures shall meet the minimum setback requirements of the zone in which it is located.

11.1.2.3 Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed 100 square feet.

11.1.2.4 Off-street parking may be required.

11.1.2.5 The Certificate of Compliance shall be reviewed annually.

11.2 Balloon Port, Commercial

11.2.1 Required Permits. A commercial hot air balloon port is allowed in the Highway Commercial/Business District with a Conditional Use Permit.

11.2.2 Other Requirements. The commercial balloon port must comply with all rules and regulations of Federal, State, County and local agencies.

11.2.3 Performance Standards. A commercial hot air balloon port must meet all of the following:

11.2.3.1 The take-off area must be at least 20' from any property line.

11.2.3.2 Minimum lot size requirement is ten acres.

11.2.3.3 The minimum lot width required is 300'.

11.2.3.4 Uses accessory to commercial hot air balloon ports which include but are not limited to office, storage of equipment and vehicles are permitted. Accessory structures are limited to a maximum of 2,500 square feet.

11.3 Car Wash

11.3.1 Required Permits. A car wash is permitted in the Highway Commercial/Business District with a Conditional Use Permit. The car wash must comply with all rules and regulations of federal, state, county, and township agencies.

11.3.2 Performance Standards

11.3.2.1 The site shall be designed to provide additional parking or car stacking space to accommodate that number of vehicles which can be washed during a 15 minute period.

- 11.3.2.2 The car wash shall be serviced with a public sanitary sewer system or with an on-site recycling water system that meets or exceeds State requirements and that assures protection of the surface water and groundwater in the Township and its environs.

11.4 Cemeteries

- 11.4.1 **Required Permits.** An approved conditional use permit is required for cemeteries in the Single Family Estate District.
- 11.4.2 **Other Requirements.** Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.
- 11.4.3 **Performance Standards.** Cemeteries must comply with all of the following standards.
 - 11.4.3.1 The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.
 - 11.4.3.2 The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
 - 11.4.3.3 Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.
 - 11.4.3.4 Graves and structures used for interment shall be setback 50 feet from wells.
 - 11.4.3.5 Cemeteries are prohibited below the regulatory flood protection elevation as defined in the Washington County Flood Plain Regulations.

11.5 Daycare Center

- 11.5.1 **Required Permits.** Daycare centers are allowed in the Single Family Estates Neighborhood Commercial/Business Districts with a Conditional Use Permit.
- 11.5.2 **Other Requirements.** Must comply with all rules and regulations of Federal, State, County and local agencies.

11.6 Essential Services – Government Uses, Buildings and Storage

- 11.6.1 **Required Permits.** Essential services - government uses, buildings, and storage are allowed in all Zoning Districts with a Certificate of Compliance. The essential service must comply with all rules and regulations of federal, state, county and Township agencies.
- 11.6.2 **Performance Standards.** The essential service must comply with all of the following standards:
 - 11.6.2.1 The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.
 - 11.6.2.2 Structures must be set back in accordance with the required setbacks of the Zoning District.
 - 11.6.2.3 The site shall be landscaped to screen the facility from view from property lines and road.

11.7 Essential Services

- 11.7.1 Required permits.** Essential services - utility substations are allowed in all Zoning Districts with a Certificate of Compliance. The essential service must comply with all rules and regulations of federal, state, county and township agencies.
- 11.7.2 Essential services.** The essential service must comply with all of the following standards.
- 11.7.2.1** Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided the lot shall be large enough so all structures/facilities comply with the required setbacks for the Zoning District.
 - 11.7.2.2** If no longer needed or used by the utility, the applicant shall return the property to its original state. The Zoning Administrator may require a bond to ensure compliance with this standard.
 - 11.7.2.3** A Certificate of Compliance shall be recorded with the Office of the Recorder.
 - 11.7.2.4** The site shall be landscaped to screen the facility from view from property lines and road.
 - 11.7.2.5** Utility substations to any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Section 8.14 of this Zoning Ordinance.

11.8 Golf Course

- 11.8.1 Accessory Uses.** Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar and maintenance buildings.
- 11.8.2 Required Permits.** Golf courses are permitted in the Single Family Estate (SFE) with a conditional use permit.
- 11.8.3 Other Requirements.** All rules and regulations of federal, state, county and local agencies must be met.
- 11.8.4 Performance Standards.** The golf course must meet all of the following standards:
- 11.8.4.1** Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.
 - 11.8.4.2** Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.
- 11.8.5** A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. West Lakeland Township will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

11.9 Golf Driving Range

11.9.1 Required Permits. Golf Driving Ranges are allowed in the Neighborhood Commercial/Business District with a Conditional Use Permit.

11.9.2 Performance Standards. A Golf Driving Range must meet all of the following:

- 11.9.2.1** Minimum lot area of 35 acres is required for the driving range. This parcel shall be a separate parcel of record.
- 11.9.2.2** Hours - 7 AM to dusk.
- 11.9.2.3** Lighting - No lighting except security lighting is permitted.
- 11.9.2.4** Site must be large enough so that safety netting is not necessary to keep golf balls on the property.
- 11.9.2.5** Parking - One and one-half off-street parking space shall be provided for each hitting station plus one for each employee. Additional parking shall be provided if necessary.
- 11.9.2.6** A highway access permit must be obtained from the permitting authority.
- 11.9.2.7** A 150 foot setback from all property lines to the outer boundaries of the driving range fairway is required.
- 11.9.2.8** A maximum of 25 tees are permitted.
- 11.9.2.9** Fencing and landscaping shall be installed where deemed necessary by the Township.
- 11.9.2.10** Miniature golf holes or any other amusement type activities are prohibited.
- 11.9.2.11** Access to the driving range must be from a collector or arterial street.
- 11.9.2.12** One office/storage building is permitted. The structure shall meet setback requirements for the Neighborhood Commercial/Business District. The use of the structure shall only be for the golf practice range on the 35 acre parcel.
- 11.9.2.13** A public address system is prohibited.
- 11.9.2.14** No liquor license will be permitted.
- 11.9.2.15** One business identification sign of 20 square feet is allowed. The sign shall not be lighted nor illuminated and shall be of natural color and shall have a maximum height of 6 feet.
- 11.9.2.16** Sanitary facilities shall be provided in accordance with the Minnesota State Building Code.
- 11.9.2.17** There shall be no food preparation on site.
- 11.9.2.18** The facility is to be an open air type facility. A domed or any other type of covered facility is prohibited.
- 11.9.2.19** Flags must be used for yardage markers. Signs or any other yardage or target markers are prohibited.

11.10 Horse Training Facility

- 11.10.1 Required Permits.** Horse training facilities are allowed in Single Family Estate (SFE) district. A conditional use permit shall be required for private horse training facilities of less than ten horses.
- 11.10.2 Other Requirements.** A horse training facility must comply with all rules and regulations of Federal, State, County and local agencies.
- 11.10.3 General Standards.** Horse training facilities must comply with all of the following standards:
 - 11.10.3.1** Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in the Accessory Structures section of this Development Code.
 - 11.10.3.2** Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
 - 11.10.3.3** All horse training facilities must meet the animal density per acre and livestock operation requirements of Development Code.
 - 11.10.3.4** All accessory buildings must meet the requirements for size as indicated in the Accessory Structures section of this Development Code.
 - 11.10.3.5** A manure management plan may be required by the zoning administrator or planning advisory commission.
- 11.10.4** Horse training facilities are considered accessory to residential or farm dwellings.
- 11.10.5** Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.

11.11 Motor Vehicle Repair

- 11.11.1 Required Permits.** A Conditional Use Permit is required for motor vehicle repair establishments in the Highway Commercial/Business district. Motor vehicle repair establishments must comply with all rules and regulations of federal, state, county, and township agencies.
- 11.11.2 Performance Standards.** Motor vehicle repair establishments must comply with all of the following standards:
 - 11.11.2.1** Lots and structures utilized for motor vehicle repair must meet the minimum standards of the Zoning District in which the use is located.
 - 11.11.2.2** A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the Zoning Administrator.
 - 11.11.2.3** The entire site, other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion, and drainage.
 - 11.11.2.4** Location and number of access driveways shall be approved by the County Engineer if such establishment is located along a county road and by the local Township Engineer, if located along a Township road.
 - 11.11.2.5** No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.

- 11.11.2.6 All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- 11.11.2.7 Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.

11.12 Motor Vehicle Service Station

- 11.12.1 **Required permits.** A Conditional Use Permit is required for motor vehicle service stations in the Highway Commercial/Business District. Motor vehicle service stations must comply with all rules and regulations of federal, state and county agencies.
- 11.12.2 **Performance Standards.** Service stations must comply with all the following standards:
 - 11.12.2.1 A minimum lot width of 150 feet is required.
 - 11.12.2.2 Setbacks of all buildings, canopies, and pump islands shall be in compliance with the standards of the Highway Commercial/Business District.
 - 11.12.2.3 A drainage system for collection of hazardous materials must be installed. Such installation is subject to approval by the Township staff.
 - 11.12.2.4 The entire site other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion, and drainage.
 - 11.12.2.5 Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
 - 11.12.2.6 Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curb shall be six inches in height, except at approved entrances and exits.
 - 11.12.2.7 Access drives onto a county road must be approved by the County Engineer. Access drives onto a Township road must be approved by the West Lakeland Township Engineer.
 - 11.12.2.8 No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
 - 11.12.2.9 Exterior storage shall be limited to vehicles, service equipment, and items offered for sale on pump islands. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise, or as indicated by the Conditional Use Permit.
 - 11.12.2.10 All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.
 - 11.12.2.11 Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Township Board at the time of application for a Conditional Use Permit.

11.13 Multiple Use Commercial Centers (MUCC)

11.13.1 Required Permits. Multiple Use Commercial Centers are permitted in the Neighborhood Commercial/Business District. A single MUCC within this District shall not exceed 10,000 square feet of building area and requires a Conditional Use Permit. Multiple Use Commercial Centers must comply with all rules and regulations of federal, state and county agencies.

11.13.2 Performance Standards. Multiple Use Commercial Centers must comply with all of the following requirements:

11.13.2.1 The development plan for the MUCC shall include a minimum of five (5) acres.

11.13.2.2 Multiple Use Commercial Centers shall have direct access to an arterial, or Collector Street, or Local Street as designated in the Comprehensive Plan.

11.13.2.3 The Multiple Use Commercial Centers must comply with the use requirements and dimensional standards of the Neighborhood Commercial/ Business District.

11.14 Place of Worship

11.14.1 Required Permits. An approved conditional use permit is required for places of worship in the Single Family Estate District. The conditional use application must include a site plan of all structures and a detailed listing of all uses to be conducted at the property.

11.14.2 Other Requirements. Places of worship must comply with all rules and regulations of Federal, State, County and local agencies.

11.14.3 Performance Standards. Places of worship must comply with all of the following standards in addition to other performance standards of this Development Code.

11.14.3.1 The minimum lot area required is two and a half (2.5) acres.

11.14.3.2 Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a conditional use permit.

11.14.4 All accessory residential or school uses upon the premises shall be subject to all requirements of this Development Code.

11.15 Plant Nursery

11.15.1 Required Permits. Allowed in Neighborhood Commercial/Business and Highway Commercial/Business Districts with a Conditional Use Permit.

11.15.2 Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.

11.15.3 Performance Standards. Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Development Code.

- 11.15.3.1** The minimum lot area shall be ten (10) acres.
- 11.15.3.2** The majority of product sold on the property shall be grown or raised on the property.
- 11.15.3.3** The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County or Township roadways and property lines.
- 11.15.3.4** Except to the extent allowed by this paragraph, the composting of materials not generated on the same site as the plant nursery is prohibited. Composting of materials generated off of the site, and the sale of such composted materials, is permitted as an accessory use to a plant nursery provided it meets the following standards and is expressly approved by the Conditional Use Permit issued for the plant nursery:
 - 11.15.3.4.1** The materials composted are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and similar vegetative materials.
 - 11.15.3.4.2** Composting, storage, transfer, loading and processing activities must be setback as follows:
 - a. Property lines 100'
 - b. Existing Residential uses not on the property . . . 500'
 - c. DNR protected watercourse 200'
 - d. Wetland (100 yr flood line). 75'
 - 11.15.3.4.3** Access to the site shall be controlled to prevent unauthorized dumping during nonbusiness hours.
 - 11.15.3.4.4** A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving site. The stormwater holding pond shall be located a minimum of 75' from the composting storage area. The runoff directed towards this pond shall be filtered through a 75' wide vegetated buffer.
 - 11.15.3.4.5** The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
 - 11.15.3.4.6** The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.

The yard waste must be decomposed through a process which encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.

11.15.3.4.7 The operator shall provide information specifying the types and volume of materials brought onto the property for composting.

11.15.3.4.8 The facility shall operate only between the hours of 7:00 am and 7:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the Conditional Use Permit.

11.16 Public Recreation Facility

11.16.1 Required Permits. A Conditional Use Permit is required for public recreational facilities in all Zoning Districts. Public Recreational Facilities must comply with all rules and regulations of federal, state, and county agencies.

11.16.2 Performance Standards. Public Recreation Facilities must comply with the following:

11.16.2.1 A minimum lot area of five (5) acres shall be provided.

11.16.2.2 All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the District in which it is located.

11.16.2.3 There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

11.16.2.4 A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.

11.16.2.5 Information shall be provided regarding the recreational activities provided, number of members, and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting, and hours of operation. As deemed necessary, the Township Board may restrict the operation of the facility.

11.16.2.6 Exterior lighting will be designed in compliance with West Lakeland township ordinances. Any lighting shall not exceed one-half foot candle at the nearest existing residential home.

11.16.2.7 The noise levels on the sight shall not exceed the levels allowed by the Minnesota Pollution Control Agency regulations. In the event that there are noise complaints, the Applicant agrees to meet with the West Lakeland Town Board to discuss ways of alleviating the noise complaints.

11.16.2.8 The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. Monday through Thursday and 7:00 a.m. to 10:00 p.m. Friday through Sunday. Everyone will be off the property by the designated closing time except for persons attending meetings inside a structure and all field lights will be shut off by the designated closing time.

- 11.16.2.9** Screening may be required to buffer the use from adjacent residential land use.
- 11.16.2.10** A transportation management plan shall be submitted to the Zoning Administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways. The transportation management plan shall include periodic monitoring of traffic to and from the facility.
- 11.16.2.11** A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.
- 11.16.2.12** The Applicant shall execute and deliver to the Town a developer's agreement in a form approved by the Town attorney. The developer's agreement shall provide security which, in the opinion of the Town engineer, will be sufficient to restore the property to a condition which would not cause surface water runoff to neighboring properties or create other nuisances to adjoining properties and which would allow for removal of any partially constructed site improvements in the event the Applicant failed to complete the project.
- 11.16.2.13** The Applicant shall pay all reasonable expenses of the town in connection with the review of its plan and the inspection and approval of all improvements to be made by the Applicant.

11.17 Schools

- 11.17.1 Required Permits.** A Conditional Use Permit is required for schools in the "SFE" Single Family Estate District. Schools must comply with all rules and regulations of federal, state, county, and Township agencies.
- 11.17.2 Performance Standards.** Schools must comply with of the following standards:
 - 11.17.2.1** The minimum lot area required for schools is two and one half (2-1/2) acres.
 - 11.17.2.2** Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A landscape plan shall be submitted at the time of application for a Conditional Use Permit.

11.18 Self Service Storage Facility (Mini-Storage)

- 11.18.1 Required Permits.** Self service storage facilities are allowed in the Neighborhood Commercial/Business and Highway Commercial/Business Districts following the issuance of a conditional use permit.
- 11.18.2 Performance Standards.**
 - 11.18.2.1** Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
 - 11.18.2.2** One off-street parking space is required for each 100 storage units and two spaces are required for the live-in manager if one is provided for.

Interior drives must be wide enough to accommodate a parked car and traffic that must pass.

11.18.2.3 No outside storage is allowed.

11.18.2.4 An on-site manager may be allowed provided adequate sanitary facilities are provided.

11.18.2.5 The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.

11.18.2.6 Only one entrance and exit to the facility are allowed except for an additional emergency exit.

11.19 Veterinary Clinic

11.19.1 Required Permits. Allowed in the Neighborhood Commercial/Business and Highway Commercial/Business Districts with a Conditional Use Permit.

11.19.2 Other Requirements. Must comply with all rules and regulations of Federal, State, County and local agencies.

The Section 11 title of the current West Lakeland Township Ordinances shall be amended as follows.

11 Performance Standards for Home Occupation, Single Family Estate, Neighborhood Commercial and Highway Commercial Uses

Section 11.20 shall be added to the current West Lakeland Township Ordinances.

11.20 Community Residences

11.20.1 Required Permits. A community residence serving up to 10 individuals and appropriate staff shall be allowed with a conditional use permit in the SFE district.

11.20.2 Other Requirements

11.20.2.1 The Community Residence must meet the requirements of Minnesota State Statute 144G.

11.20.2.2 All appropriate licenses must be obtained and maintained from State and County agencies.

11.20.2.3 The outward appearance of any dwelling unit used for a community residence in the SFE district shall be maintained.

11.20.2.4 No community residence shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.

11.20.3 Performance Standards. In order to obtain a conditional use permit for a community residence serving up to 10 individuals, the following standards must be met.

11.20.3.1 Off-street parking standards of this Development Code must be met.

11.20.3.2 Adequate utilities including sewage disposal must be available.

11.20.3.3 All building and fire codes must be met.

11.20.3.4 The residence must be inspected by the West Lakeland township building inspector no more than 3 months prior to approval of the CUP.

11.20.3.5 Community residences shall not be closer than 1,000' to each other.

11.20.3.6 The Town Board may impose additional conditions related to landscaping, access, security, sanitary sewer and admission policies if deemed necessary.

11.20.3.7 The Town Board may require periodic review of the conditional use permit.

12 Subdivision

12.1 Intent

12.1.1 This Chapter of the West Lakeland Township Development Code shall be known as the West Lakeland Subdivision Regulations and may be referred to in this chapter as "this chapter" or "this ordinance" or "the subdivision ordinance". The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any township. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the township has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire township is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

- 12.1.1.1** Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- 12.1.1.2** Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- 12.1.1.3** Place the cost of improvements against those benefiting from their construction.
- 12.1.1.4** Secure the rights of the public with respect to public lands and waters.
- 12.1.1.5** Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

12.1.2 There are three methods of subdividing land.

- 12.1.2.1** Lot Line Adjustment (Section 12.4)
- 12.1.2.2** Minor Subdivision (Section 12.5)
- 12.1.2.3** Major Subdivision (Section 12.6)

12.2 Scope and Applicability

12.2.1 The regulations contained in this chapter shall apply in West Lakeland Township and shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

12.2.2 After the effective date of this Ordinance:

- 12.2.2.1** No land shall be subdivided nor shall any plat or deed be recorded except as provided in this chapter and approved by the Township as having

fulfilled the requirements of this Chapter, the St. Croix River District, Shoreland Management District, Mining, Official Map Areas, Floodplain and Septic (ISTS) chapters of the Washington County Development Code and Minnesota Statutes Chapter 505.

- 12.2.2.2** Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be separated again without approval in the manner prescribed in this Chapter.
- 12.2.2.3** No registered land survey shall be recorded with the Registrar of Titles until the registered land survey has been approved by the County as having fulfilled the requirements of this Ordinance and those sections pertaining to the St. Croix River District, Shoreland Management District, Mining, Official Map Areas, Floodplain and Septic (ISTS) of the Washington County Development Code.

12.3 Administration

- 12.3.1** West Lakeland Township Board of Supervisors shall be the Administrator of these regulations.
- 12.3.2** Whenever there is a difference between the minimum standards or dimensions required in this Chapter and any other standards or dimensions in other sections of the West Lakeland Township Development Code, the most restrictive standards or dimensions shall apply.
- 12.3.3** Subdivision review shall be coordinated by the township according to the requirements and procedures for Environmental Assessment and Impact Statements as contained in Chapter One, Section 12 of the Washington County Development Code. Any mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality Board Regulations shall be submitted to the township as part of the application for subdivision approval.
- 12.3.4** No structure shall be built or placed on a lot in a new subdivision until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the township engineer.
- 12.3.5** Any lot or parcel of land that does not meet the requirements of this chapter shall be designated as an “Outlot” and shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of said lot or parcel.
- 12.3.6** Consent for subdivision of property shall be required from the owner of the property.
- 12.3.7** Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the West Lakeland Township Development Code.
- 12.3.8** Variances to the dimensional standards contained in this Chapter shall be heard by the West Lakeland Township Board of Supervisors and governed by the regulations contained in West Lakeland Township Development Code.

- 12.3.9 Any bonds or other financial security required under the provisions of this Chapter shall be approved by the Zoning Administrator, township attorney and township engineer.
- 12.3.10 In addition to any other remedies set forth in the West Lakeland Township Development Code, any person who violates any provisions of this Chapter or who sells leases or offers for sale or leases any lot, block, or tract of land regulated by this Chapter shall be subject to fines and penalties as specified in the Washington County Development Code.
- 12.3.11 Fees for plat reviews and other services rendered under this Chapter shall be established by the West Lakeland Township Board of Supervisors.

12.4 Lot Line Adjustment

- 12.4.1 In the case of a request to divide a lot which is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot of be in violation with this ordinance, the division may be approved by the Town Board after submission of a survey and legal description of each by a licensed land surveyor showing the original and revised lot lines. A lot line adjustment is required when the division of land is made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which neither creates any new lots, tracts, parcels or sites; nor creates any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width, lot size, and area for building as required by the West Lakeland Township Zoning Ordinance. If either or both of the parcels are presently non-conforming, then the action cannot make either of the resulting parcels more non-conforming. The newly acquired land must be combined with the existing parcel in the County Auditor's Office under one tax parcel.
- 12.4.2 **The Town Board must approve a Lot Line Adjustment.** An applicant shall submit to the Town Clerk an application for the Lot Line Adjustment along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township which are necessary to process the request. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement, if necessary, for the Board to review. Once approved, necessary documents must be submitted to Washington County for recording.
- 12.4.3 **Submittals for Lot Line Adjustments**
 - 12.4.3.1 Completed application with application fee and escrow deposit.
 - 12.4.3.2 Legal description of the original parcel(s) and the new lot line adjustment parcel(s).
 - 12.4.3.3 A certificate of survey showing the original parcel(s) and the new lot line adjustment parcel(s) and the lot dimensions.

- 12.4.3.4 All improvements (buildings, fences, septic, well, etc.) on the property shall be shown on the certificate of survey.

12.5 Minor Subdivision

- 12.5.1 Any subdivision resulting in three (3) or less parcels and situated in a locality where conditions are well defined and no new roads or other public infrastructure is needed, the Township may waive a portion of the subdivision requirements. At a minimum, the following information must be submitted:
 - 12.5.1.1 A survey showing the original lot and proposed lots.
 - 12.5.1.2 Topographic data with two (2) foot contours and flood plain information
 - 12.5.1.3 Buildable area on the parcels.
 - 12.5.1.4 Driveway access points, demonstrating the impact on the flow of traffic on public roads.
 - 12.5.1.5 Stormwater Management Plan and Erosion and Sediment Control Plan, as required in Section 9 of the Township Ordinances.
 - 12.5.1.6 Wetland delineation report and map.
 - 12.5.1.7 Soil testing for the installation of an on-site sewage disposal system.
 - 12.5.1.8 NPDES permit if over one acre of land is disturbed.
 - 12.5.1.9 A certificate of survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.
 - 12.5.1.10 A final plat prepared in accordance with Minnesota State Statute Chapter 505 showing the original parcel, platted lots, and lands to be dedicated.
- 12.5.2 Prior to approval of a minor subdivision, the township and/or county reserves the right to require the dedication of streets, or utility and drainage easements or easements to the Township to cover same if not preparing plat.
- 12.5.3 All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100 year flood elevation or the wetland boundary, whichever is more restrictive.
- 12.5.4 A maximum of three (3) lots in a five (5) year period are permitted utilizing the minor subdivision procedure.
- 12.5.5 The Zoning Administrator shall review all minor subdivisions for compliance with the West Lakeland Township Development Code prior to recording of the proposed lot division.
- 12.5.6 **Exceptions to platting requirement.** The following are not required to be platted and may be described by a metes and bounds description:
 - 12.5.6.1 Any subdivision of land in which all parcels involved are greater than 20 acres in size with at least 500 feet of frontage on a public road.
 - 12.5.6.2 Property line adjustments where no new buildable parcel is being created. Although exempt from platting, a Certificate of Survey shall be submitted for all property line adjustments. The Certificate of Survey shall show the original property lines together with the adjusted property lines. The area in acres or square feet shall be shown for the portion of the parcels lying between the original and adjusted property lines. The Zoning Administrator may require parcels to be combined for tax purposes. The Zoning Administrator may require additional information or survey data

be submitted as conditions warrant. Certificates of Survey are subject to review and acceptance by the County Surveyor's Office.

12.5.6.3 If any lot in the subdivision is greater than 20 acres in size, the 20 acre parcel does not need to be platted or a wetland delineation completed for that portion.

12.5.7 All requirements of Sections 12.9 through 12.17 must be met where applicable.

12.5.9 All requirements of section 12.10 to 12.17 of this code must be met where applicable.

12.6 Major Subdivision

12.6.1 All subdivisions not classified as Lot Line Adjustments or Minor Subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street. The general development process for Major Subdivisions shall consist of:

12.6.2 Concept Review. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Chapter, and the requirements or limitations imposed by other Township regulations or other regulatory bodies prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission.

12.6.2.1 At least fourteen (14) days prior to the regularly scheduled meeting of the Planning Commission, the owner shall prepare and submit seven (7) copies of a concept plan containing the following information:

12.6.2.1.1 Tract boundaries and approximate dimensions.

12.6.2.1.2 Significant topographic and physical features on the property to be subdivided and within 200 feet of all property lines. Aerial photography from the County Surveyor's Office would fulfill this requirement if it shows all such features.

12.6.2.1.3 Proposed general street and lot layout with lot sizes of individual parcels designated.

12.6.2.1.4 Proposed Erosion and Sediment Control Plan and a proposed Stormwater Management Plan, as required by Section 9 of the Township Ordinances.

12.6.2.1.5 Current zoning of the property.

12.6.2.1.6 An explanation of the proposed subdivision and its purpose.

12.6.2.2 The Planning Commission shall review the sketch plan with the subdivider and provide comments on the concept plan. The Planning Commission will take no formal or informal action at this stage of review and discussion which occurs at this meeting cannot be construed as approval or denial of the proposed subdivision.

12.6.3 Major Subdivision Submittal

12.6.3.1 After receiving comments from the Planning Commission during concept review, the applicant shall prepare and submit three (3) full sized copies and ten (10) 11"X17" copies of the subdivision submittal to the Zoning

Administrator. Such preliminary plat submission shall contain the information as described in Section 12.7. Major Subdivision Requirements.

12.6.3.2 Prior to subdivision approval for property located in a Shoreland District or St. Croix River District, the proposed subdivision must have the approval of the Minnesota Department of Natural Resources.

12.6.3.3 Approval of the Erosion and Sediment Control Plan and the Stormwater Management Plan by the Watershed Management Organization or Watershed District in which the proposed subdivision is located shall be obtained prior to approval of the subdivision. The applicant shall take whatever steps necessary to obtain such approval.

12.6.4 Public Hearing

12.6.4.1 Upon receipt of a complete Major Subdivision Application, the Zoning Administrator shall schedule a public hearing on the proposed subdivision. Such hearing shall be scheduled no later than thirty (30) days from the date of the filing of the complete application.

12.6.4.2 If the subdivision is not approved by the Zoning Administrator, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. The applicant can appeal such non-approval to the Town Board who shall conduct a public hearing and take action on the plat.

12.6.4.3 If the preliminary plat is approved, such approval shall not constitute final approval of the layout. Final approval will be required as specified by section 12.6.4.

12.6.4.4 The Zoning Administrator reserves the right to require changes to any subdivision plan when they feel an alternative plan would be more sensitive to environmental resources; or provide for a more efficient flow of traffic; or is not sensitive to topographical constraints of the property; or does not meet the standards contained in the West Lakeland Township Development Code or Comprehensive Plan.

12.6.4.5 If the subdivision is approved by the Zoning Administrator, the subdivider shall submit the final plat within 180 days after the approval or the approval of the subdivision shall be considered null and void. This 180-day time limit may be extended if requested by the applicant and approved by the Zoning Administrator. In the event the property is to be developed in phases, the subdivision approval for the undeveloped portion or phase shall be valid for two (2) years from the date of subdivision approval.

12.6.4.6 Should the subdivider desire to amend the subdivision as approved, he may submit an amended subdivision which shall follow the same procedure as a new Major Subdivision. A public hearing and submission of a subdivision review fee shall not be required for amended Major Subdivisions unless, in the opinion of the Zoning Administrator, the amendment is of such scope as to constitute a new plat. In such cases, the subdivision shall be filed again with payment of appropriate review fees and shall require a public hearing.

12.6.5 Final Plat Submittal

- 12.6.5.1** After the subdivision has been reviewed and approved by the Zoning Administrator, seven (7) copies of the final plat containing the information detailed in Section 12.8 shall be submitted to the Zoning Administrator.
- 12.6.5.2** Prior to approval of the final plat by the Town Board, the subdivider shall have installed all required improvements or executed a development agreement with the township for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.
- 12.6.5.3** The Zoning Administrator shall consider the final plat no later than thirty (30) days from the date that the complete final plat is received.
- 12.6.5.4** If the final plat is recommended for approval by the Zoning Administrator, the owner shall submit the final plat to the Washington County Recorder/Registrar of Titles within 120 days after approval. Such final plat shall be as recommended by the Zoning Administrator and shall be signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding a security interest such as a mortgage or contract for deed, but excluding judgment or mechanics lien. In lieu of their signatures on the final plat, mortgage or contract for deed vendors may sign and acknowledge a separate consent to plat document to be filed at the County with the Final Plat.
- 12.6.5.5** If the final plat is not presented to the County Recorder/Registrar of Titles within 120 days after approval by the Zoning Administrator, approval of the final plat shall be considered null and void. An extension to this 120 time frame may be requested by the applicant and submitted in writing to the Zoning Administrator. An extension must be approved by the Zoning Administrator.
- 12.6.5.6** The Town Clerk shall place the properly submitted final plat on the agenda of the Town Board at its next regularly scheduled meeting for final approval.
- 12.6.5.7** If the final plat is not approved by the Zoning Administrator, the applicant can appeal that decision to the Town Board who shall conduct a public hearing and take action on the plat.

12.7 Major Subdivision Requirements

- 12.7.1** The following information shall be submitted for preliminary plat review.
 - Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch.
- 12.7.1.1 Identification.** Proposed name of the subdivision. This name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.
- 12.7.1.2 Description.** Legal description of the property.

- 12.7.1.3** Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.
- 12.7.1.4** North point and vicinity map of area showing well-known geographical points for orientation within a one-half (½) mile radius.
- 12.7.1.5** Date of preparation.
- 12.7.1.6** Existing Conditions.
- 12.7.1.7** Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing said plat.
- 12.7.1.8** Existing zoning classifications for land in and abutting the subdivision.
- 12.7.1.9** Total acreage.
- 12.7.1.10** Location; right-of-way width; names of existing or platted streets or other public ways, parks and other public lands; significant physical features/natural resources; permanent buildings and structures; easements; section, corporate and school district lines within the plan and to a distance of three hundred (300) feet beyond.
- 12.7.1.11** Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- 12.7.1.12** Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
- 12.7.1.13** All wetlands shall be field delineated by a qualified and experienced wetlands delineator. The surveyed location of all wetland boundary markers must be shown on the Preliminary Plat. A copy of the wetland delineation report shall be submitted.
- 12.7.1.14** Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within ½ mile of the site. Benchmarks shall be established on-site and shown on map. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
- 12.7.1.15** Two soil borings shall be completed on each lot with results being submitted to the Washington County Department of Health, Environment and Land Management. If it appears that soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required at the discretion of the Department.

- 12.7.1.16** Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Washington Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application.
- 12.7.1.17** For lands proposed to be platted in the Saint Croix River District, the bluff line and all slopes over twelve percent (12%), with a horizontal distance of 50 feet or greater, shall be delineated. In Shoreland Districts, all slopes over eighteen percent (18%), with a horizontal distance of 50 feet or greater, shall be delineated. Slopes in excess of twenty-five percent (25%) shall be delineated on all properties.
- 12.7.1.18** On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted unless deemed unnecessary by the Zoning Administrator.
- 12.7.1.19** The applicant shall document the path of each drainage way from the proposed development to the first DNR Protected Water within one mile of the project.
- 12.7.1.20** A Stormwater Management Plan and Erosion and Sediment Control Plan as required under Section 9 of the West Lakeland Township Ordinances.

12.7.2 Subdivision Design Features

- 12.7.2.1** Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.
- 12.7.2.2** Locations and widths of proposed drainage and utility easements.
- 12.7.2.3** Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot, excluding slopes over twenty-five percent (25%), required setbacks and drainage easements shall be noted.
- 12.7.2.4** Proposed front, side and rear building setbacks as well as setbacks from water bodies.
- 12.7.2.5** Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
- 12.7.2.6** Grading and drainage plan for entire subdivision prepared by a qualified professional. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, Local Governmental Unit and/or Watershed Management Organization.
- 12.7.2.7** An Erosion and Sediment Control Plan and a Stormwater Management Plan prepared by a Professional Engineer licensed in the state of Minnesota.

12.7.3 Other Information

- 12.7.3.1** Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- 12.7.3.2** Source of water supply.
- 12.7.3.3** Provisions for sewage disposal, surface water drainage, and flood control.
- 12.7.3.4** Storm Water Calculations prepared by a licensed professional engineer.
- 12.7.3.5** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Zoning Administrator may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the subdivision contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
- 12.7.3.6** Boundary survey of the entire tract to be subdivided.
- 12.7.3.7** Such other information as may be requested by the Zoning Administrator, the Township Engineer or the Planning Commission.

12.8 Final Plat Requirements

- 12.8.1** The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes Chapter 505, these regulations, and the manual of Standard Procedures for Platting in Washington County.
- 12.8.2** The subdivider shall submit, with the final plat, an Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 days of submission of the final plat to the County Board for approval.

12.9 General Development Standards

- 12.9.1** No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the township or future residents of the subdivision.
- 12.9.2** The Township reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar township assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
- 12.9.3** The proposed subdivision shall conform to the Comprehensive Development Plan and Policies as adopted by the Township and County.

- 12.9.4** Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the township as a whole may develop harmoniously.

12.10 Minimum Design Standards - Lot Requirements

- 12.10.1** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- 12.10.2** Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- 12.10.3** No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.
- 12.10.4** Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.
- 12.10.5** Corner lots shall be platted at least twenty (20) feet wider than required.
- 12.10.6** Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of 10 feet for screening along the rear lot line
- 12.10.7** Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- 12.10.8** All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use, rather than allowed to remain as unusable parcels. A development agreement shall be recorded restricting the use and ownership of said parcel.
- 12.10.9** In the case where the proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. Residential driveway access on collector streets must be a minimum of three hundred (300) feet apart or as per appropriate road authority and meet appropriate safety standards.
- 12.10.10** No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- 12.10.11** All lots abutting a lake, river, pond, or wetland shall contain a building site two (2) feet or above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than two (2) feet above the regulatory flood protection elevation.

12.11 Utilities

All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.

12.12 Sanitary Sewer

- 12.12.1** Individual disposal device is required for each lot. Such provision shall be in accordance with Chapter Four of the Washington County Development Code, Individual Sewage Treatment Systems. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
- 12.12.2** Each lot shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be made at the expense of the subdivider and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
- 12.12.3** The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated number of unsewered years.

12.13 Water Supply

Wells shall be constructed in accordance with all rules and regulations of the Minnesota Department of Health.

12.14 Storm Water Drainage

- 12.14.1** A stormwater management system shall be required and shall meet the design and performance standards as required by Section 9 of the West Lakeland Township Ordinances. Such facilities shall be installed and easements dedicated as will adequately provide for the management of all stormwater runoff.
- 12.14.2** Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.
- 12.14.3** In connection with preliminary plat review and recommendations, provisions for surface water disposal, stormwater management and flood control within the boundaries of the proposed property division shall be submitted.
- 12.14.4** The rate of stormwater runoff within or exiting the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate of runoff existing on the proposed subdivision prior to the proposed development. For the purposes of this regulation, stormwater runoff is water flowing on or very near the surface.
- 12.14.5** Provision shall be made for controlling runoff by construction or enhancement of stormwater facilities on-site and within the boundaries of the proposed property division. Such facilities should provide for both permanent and temporary stormwater runoff treatment and/or storage.
- 12.14.6** An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the 1-year 24-hour, 2-year 24-hour, 10-year 24-hour and 100-year 24-hour storm events' peak discharge rates existing

before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.

- 12.14.7** The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or waterbody.
- 12.14.8** The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
 - 12.14.8.1** Natural infiltration of precipitation on-site. The purpose of this provision is to encourage the development of a storm water management plan that encourages natural infiltration. This includes providing as much natural or vegetated areas on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers, and ditches.
 - 12.14.8.2** Flow attenuation by use of open vegetated swales and natural depressions.
 - 12.14.8.3** Storm water retention facilities.
 - 12.14.8.4** Storm water detention facilities.
- 12.14.9** Storm water detention facilities shall be designed through the application of Better Site Design Techniques as outlined in the current version of the Minnesota Stormwater Manual and shall contain, at a minimum, the following design factors:
 - 12.14.9.1** A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater.
 - 12.14.9.2** An average permanent pool depth of four (4) to ten (10) feet.
 - 12.14.9.3** As an alternative to (A) and (B) above, the Plat Commission may require that the volume of the permanent pool be equal to or greater than the runoff from a two (2) inch rainfall for the fully developed site.
 - 12.14.9.4** A permanent pool length-to-width ratio of 3:1 or greater.
 - 12.14.9.5** A minimum protective shelf extending ten (10) feet into the permanent pool with a slope of 10:1, beyond which the slopes shall not exceed 3:1.
 - 12.14.9.6** A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 16.5 feet shall be provided.
 - 12.14.9.7** A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations shall be provided.
 - 12.14.9.8** Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten (10) year storm event. All calculations and

hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plans. All storm water detention facilities must have a catch basin to remove coarse grain particles prior to discharge to a water course or storage basin.

12.15 Erosion Control during Construction

- 12.15.1** Erosion control shall be performed in compliance with the requirements of Section 9 on the West Lakeland Township ordinances, the recommended practices of the Washington Soil and Water Conservation District, and the regulations of the applicable Watershed Management Organization or Watershed District. All Best Management Practices shall be consistent with the Minnesota Construction Site Erosion and Sediment Control Planning Handbook.
- 12.15.2** The following criteria apply only to construction activities that result in runoff leaving the site:
- 12.15.2.1** Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall be diverted around disturbed areas unless shown to have resultant runoff rates of less than .05 feet /sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - 12.15.2.2** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. The limits of grading must be shown on the erosion control plan.
 - 12.15.2.3** All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (prior to September 15) or by mulching, covering or other equivalent control measure.
 - 12.15.2.4** For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - 12.15.2.5** For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
 - 12.15.2.6** Any soil storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less

than twenty five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fences barriers around the pile.

12.15.2.7 In-street utility repair or construction soil or dirt storage piles located closer than twenty five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days. The storm drain inlet must be protected with straw bales or other appropriate filtering barriers.

12.16 Required Improvements

12.16.1 No improvement within a subdivision shall take place until preliminary plat approval has been granted by both the township and the County; a development agreement has been signed outlining what work can be done; and a financial guarantee has been posted with the township and the County in accordance with this Chapter.

12.16.2 Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:

12.16.2.1 All subdivision boundary corners, block and lot corners and road intersection corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All federal, state, county or official benchmarks, monuments or triangulation stations adjacent to the property shall be preserved in precise precision unless relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half (½) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.

12.16.2.2 The full width of the right-of-way of each street and alley dedicated in the plat shall be graded in accordance with approved plans.

12.16.2.3 All streets shall be improved with concrete or bituminous surface except as may otherwise be approved by action of the township.

12.16.2.4 Stormwater management facilities and easements shall be installed to adequately provide for the drainage of surface waters in accordance with the approved Stormwater Management Plan.

12.16.2.5 Street name signs, traffic control signs and other improvements may be required.

12.16.3 Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State

of Minnesota. Construction plans shall contain his certificate. These plans, together with the quantities of construction items, shall be submitted to the township engineer for his approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described in 12.16.5 below. The tracings of the plans approved by the township engineer plus two (2) prints shall be furnished to the township to be filed as a public record.

- 12.16.4** If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- 12.16.5** Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the Township requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:
- 12.16.5.1** Provisions for supervision of details of construction by the township and county and granting the township and County authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the township in the vicinity.
- 12.16.5.2** A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 12.17.1. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat. In such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.
- 12.16.5.3** The time for connection of the work and the several parts thereof. Such time shall be determined by the Township upon recommendation of the Township after consultation with the subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the subdivision.
- 12.16.6** No subdivider shall be permitted to start work on any other subdivisions without special approval of the township if he has previously defaulted on work or commitments.
- 12.16.7** All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the township engineer at the subdivider's expense. Acceptance by the township shall be subject to the township engineer's certificate of compliance with the contract.

12.17 Financial Guarantee

12.17.1 The financial guarantee required as part of the subdivision agreement shall be one of the following:

12.17.1.1 A Cash Escrow Deposit may be made with the township treasurer in a sum equal to one hundred twenty five percent (125%) of the total costs, as estimated by the county and township engineers, of all the improvements to be furnished and installed by the subdivider pursuant to the development agreement. The total costs shall include costs of inspection. The Township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Township for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.

12.17.1.2 The subdivider may furnish a performance bond and payment bond with corporate surety in a penal sum equal to one hundred twenty five percent (125%) of the total cost, as estimated by the township or county engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the township engineer. The bond shall be approved as to form by both the township and county attorneys and filed with the township.

12.17.1.3 The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the county. Such letter of credit shall certify the following:

12.17.1.3.1 That the creditor does guarantee funds in an amount equal to one hundred twenty five percent (125%) of the total cost, as estimated by the Township engineer, for completing all required improvements.

12.17.1.3.2 That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the Township immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

12.17.1.3.3 That this letter of credit may not be withdrawn or reduced in amount until released by the Township.

12.17.1.4 In the event the county elects to become a party to the development agreement, any financial guarantee shall run to the benefit of the Township.

13 Environmental Regulations

13.1 Hazardous Materials

- 13.1.1 Permits Required.** All uses associated with the bulk storage of over two thousand (2,000) gallons of oil or motor oil, shall require a Conditional Use Permit. Storage of any other regulated material in other than consumer quantities for personal use shall require a Conditional Use Permit. A permit will not be required if the owner/operator is licensed by a government agency to buy or use a product for agricultural use. All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following enactment of this Zoning Ordinance, unless the tank(s) is/are located on agricultural property. A Certificate of Compliance is required for all above ground storage tanks having a capacity of 2,000 gallons that are located on agricultural properties. Secondary containment shall be provided for hazardous materials which are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank's capacity.
- 13.1.2** Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall connect the floor drain to a closed holding tank or obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
- 13.1.3** The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well. Hazardous materials stored in an above ground storage tank with containment must be set back a minimum of 100' from a water supply well. Dry commercial fertilizers must not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer, or other surface or ground water.
- 13.1.4** Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.
- 13.1.5** Closed holding tanks shall be used for the collection of wash water from vehicle maintenance and other related operations.
- 13.1.6** Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County, and Local agencies. Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies. The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
- 13.1.7 Hazardous Waste.** Any use which generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the

Washington County hazardous waste management ordinance, Minnesota pollution control agency, and any other federal, state, and local agencies.

13.2 Explosives

Uses involving the commercial storage, use, or manufacture of materials or products which could detonate by decomposition are not permitted.

13.3 Radiation and Electrical Interference

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

13.4 Nuisances

13.4.1 General. No noise, odors, vibration, smoke, air pollution, liquid, or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will have an objectionable affect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:

13.4.2 Noise, Air, and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.

13.4.3 Vibration. The following vibrations are prohibited: Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.

13.4.4 Public Health. The following are declared to be nuisances endangering public health and are prohibited:

13.4.4.1 Causing or allowing the effluent from any cesspool, septic tank, drainfield, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.

13.4.4.2 Causing or allowing the pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances.

13.4.4.3 Failing to dispose of carcasses of animals within twenty four (24) hours after death.

13.4.4.4 Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business.

- 13.4.4.5 The ownership, possession, or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.
- 13.4.5 **Refuse.** In all Districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
- 13.4.6 **Inoperable Vehicles.** Passenger vehicles and trucks in an inoperable state shall not be parked in any District, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

13.5 Unsafe Buildings

13.5.1 Definitions

- 13.5.1.1 **Building.** “Building” includes any structure or part of a structure.
- 13.5.1.2 **Hazardous Building.** “Hazardous Building” means any building or structure which is structurally unsafe or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in the State Building Code or any other effective ordinance, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Section.
- 13.5.1.3 **Owner, Owner of Record, and Lien Holder of Record.** “Owner”, “Owner of Record”, and “Lien Holder of Record” means a person having a right or interest in property to which Minnesota Statutes Chapter 324 applies and evidence of which is filed and recorded in the office of the Register of Deeds or Registrar of Title in Washington County.
- 13.5.2 **Removal by Town with Consent.** The town board may remove or raze any hazardous building upon obtaining the consent in writing of all owners of record, occupying tenants, and all lien holders of record the cost shall be charged against the real estate as provided in Minnesota State Statute section 502.060 except the cost so assessed may be paid in not more than five equal annual installments with interest thereon, at eight per cent per annum.
- 13.5.3 **Repair or Removal of Hazardous Building.** The town board may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.
 - 13.5.3.1 **Posting of Signs.** The building official shall cause to be posted at each entrance to such building a notice to read: “Do not enter, unsafe to occupy. Building department, Town of West Lakeland.” Such notice shall

remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

13.5.3.2 The Order

13.5.3.2.1 Contents. The order shall be in writing; recite the grounds therefore; specify the necessary repairs, if any, and provide a reasonable time for compliance not to exceed ninety (90) days and shall state that a motion for summary enforcement of the order will be made to the District Court of the County unless corrective action is taken, or unless an answer is filed within twenty (20) days.

13.5.3.2.2 Service. The order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by four (4) weeks publication in the official newspaper.

13.5.3.2.3 Filing. A copy of the order with proof of service shall be filed with the Clerk of District Court of Washington County not less than five days prior to the filing of a motion to enforce the order. At the time of filing such order, the Town board shall file of record with the County Recorder or Registrar of Titles a notice of the pendency of the proceeding, describing the reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the Town shall within ten days thereafter file with the Register of Deeds a notice to that effect.

13.5.3.3 Enforcement of Judgment. The town board shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the town from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure. If the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the owner or other party in interest shall pay the same and in default of payment by October 1st, the town clerk shall certify the amount of the expense to the county auditor for entry on the tax lists of the county as a special charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the town treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the town and if there are no delinquent taxes, the

surplus shall be paid to the owner. If there are delinquent taxes against the property, payment of the surplus shall be paid to the county treasurer to be applied on such taxes.

13.6 Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a misdemeanor under state law.

14 Special Well and Boring Construction Areas

14.1 Purpose and Intent

The purpose is to monitor wells with the town of West Lakeland's portion of the Baytown-West Lakeland Special Well and Boring Construction Area (SWBCA) to identify those wells where trichloroethene (TCE) and/or carbon tetrachloride (CCl₄) are present, to ensure whole house granular activated carbon (GAC) filter systems are installed for these wells and to establish requirements for monitoring, maintenance and repairs of GAC filter systems. This ordinance applies only to private drinking water wells on properties platted and approved after April 9, 2002. This ordinance will not apply to wells not intended for human consumption such as monitoring wells, and irrigation wells, community public water supply wells, or wells on property that was platted and approved on or before April 9, 2002.

14.2 GAC Filter System Specifications

- 14.2.1 All GAC filter systems meet or exceed the following specifications
- 14.2.2 Two GAC vessels must be connected in series so that all water flows through one vessel first and then through the second vessel. Vessels shall not be equipped to provide automatic backwashing.
- 14.2.3 Each vessel must have continuously wound high-strength polyethylene inner shell and a black rubber base; minimum carbon capacity of 90 pounds; approximate dimension of 15 inch diameter by 4 foot height; minimum pressure rating of 150 psi; rated flow rate of up to 10 gpm; rated pressure drop of less than 4 psi at 10 gpm (with new carbon). Inside the vessel, the outlet of the vessel head shall be fitted with a 1-inch diameter PVC down tube that shall extend to the bottom of the vessel. An appropriately sized screen basket must be installed at the bottom of the down tube.
- 14.2.4 **Carbon Specification.** 8x30 mesh virgin granular activated carbon with minimum iodine number of 1,000. Carbon must meet NSF/ANSI Standards 61 and 53, to avoid arsenic leaching and ensure VOC removal, and must be manufactured entirely from raw materials and not from regeneration of any previously used carbon.
- 14.2.5 **Piping.** Copper and PVC braided tubing; cam lock quick connect fittings used with PVC tubing to facilitate carbon filter change-out; piping diameter equal to existing piping at installation location except ¾ inch is minimum size; minimum pressure rating of 125 psi.
- 14.2.6 **Valves.** Brass; ball type providing watertight shut-off; minimum pressure rating of 150 psi; valve handle orientated for ease of operation.
- 14.2.7 **Sample Ports.** Brass; ball type providing watertight shut-off; minimum pressure rating of 150 psi; valve handle oriented for ease of operation. Alternatively, the sample ports may be integral to vessel head but in either case, the outlet of the sample port must be directed toward the floor.
- 14.2.8 **Flow Meter.** Badger RCDL series disc meter, Model M25 with brass housing, or equivalent and installed upstream of the lead carbon filter orientated for ease of readability.

- 14.2.9 Sample ports must be located before and between the two filter vessels.
- 14.2.10 Bypass valve must not be installed to allow bypass around the filter vessels.

14.3 GAC Filter Maintenance And Change Out

- 14.3.1 The GAC filter must be changed out using the following standards:
 - 14.3.1.1 Verify that there are no appliances running or other active water uses occurring.
 - 14.3.1.2 Close the inlet and outlet valves for the GAC filter system.
 - 14.3.1.3 Disconnect and remove the lead GAC filter (vessel with spent carbon).
 - 14.3.1.4 Disconnect the second GAC filter and reinstall it in the lead position.
 - 14.3.1.5 Move the GAC filter with the spent carbon outside for removal of the spent carbon by specialized on-site carbon change-out equipment. The equipment should utilize high vacuum equipment for the extraction of the spent carbon with piping that directly transfers the spent carbon into a container that is suitable for spent carbon transport.
 - 14.3.1.6 Rinse the vessel, disinfect, and refill with at least 90 pounds of virgin GAC meeting the same specification as cited for new GAC filter systems under this ordinance. Containerize the rinse/disinfect ion water for transport to licensed facility for proper disposal.
 - 14.3.1.7 Install the refilled GAC filter in the secondary position.
 - 14.3.1.8 Re-open the inlet and outlet valves for the GAC filter system and check for water leaks. Repair any observed water leaks immediately.

14.4 GAC Filter Systems Installation

A GAC filter system may only be installed under the supervision of a licensed plumber or licensed water conditioning contractor. A GAC filter system must be installed on the water supply system at a point of entry such that it provides for treatment of all water that travels to faucets and fixtures inside the home and other potable outlets on the system. Non-potable outside faucets should not be treated. After each system is installed, it must be filled and pressurized to verify that there are no water leaks. Any water leaks observed must be immediately repaired.

14.5 New Well Construction

New well construction is regulated by Minnesota Department of Health pursuant to Minnesota Statutes, Chapter 1031 and Minnesota Rules, Chapter 4725. New wells may only be constructed with the written approval of the Minnesota Department of Health. Persons interested in constructing a new well within the boundaries of the SWBCA should contact a Minnesota licensed well contractor and submit a request for permission to construct a new well, with proposed plans for well construction, to the MDH Well Management Section.

14.6 Well Sampling Requirements Within The SWBCA

- 14.6.1 By October 14, 2014 each well owner should have contacted the Washington County Public Health Department and arranged to have a well water sample

collected and tested by the Minnesota Public Health Laboratory for VOCs, at the owner's expense.

14.6.2 A written notice must be sent by the town clerk to any owner that has not complied with the test required by this section informing the owner of the delinquency. If the owner does not comply within sixty (60) days of the notice, the Town is authorized to contract with the County to sample and conduct an analysis of the samples. In this event, the town is authorized to spread the costs associated with testing as a service charge under Minn statute 429.101, and to certify the amount as a special assessment against the property, payable in a single installment.

14.6.3 The Minnesota Public Health Laboratory will forward the test results to the Minnesota Department of Health (MDH) Environmental Health Division for review. MDH will send the results and their analysis to the well owner, with copies to the Town Clerk, County, and MPCA. Based upon the analysis provided by Minnesota Department of Health:

14.6.3.1 Wells with TCE concentrations equal to or greater than 0.1 µg/L and/or CCl₄ concentrations equal to or greater than 0.2 µg/L will be allowed, provided that within sixty (60) days a granular activated carbon (GAC) filter system is installed, maintained and changed out by the well owner according to the requirements of this ordinance. If the well serves a newly constructed house, the Certificate of Occupancy will not be issued until the GAC filter system has been installed and demonstrated to work in accordance with Section 14.4 of this ordinance.

14.6.3.2 Wells with TCE at concentrations less than 0.1 µg/L or CCl₄ at concentrations less than 0.2 µg/L may be used without GAC filters, however, the well owner must have the well water tested for VOCs at least every two (2) years. If TCE concentrations reach or exceed 0.1 µg/L or CCl₄ concentrations reach or exceed 0.2 µg/L, a GAC filter system must be installed, maintained and changed out by the owner according to the requirements of this document.

14.6.3.3 Testing required by this section is mandatory; however, a well owner may voluntarily test their water at more frequent intervals. If additional samples are collected by the County, the results will be sent to the homeowner, township and county as described in this section. If additional samples are collected by another entity, homeowners are encouraged to send copies of the analytical results to the Town Clerk.

14.6.4 Well owners whose wells existed on or before April 9, 2002, need not comply with Sections 14.6.3.1 and 14.6.3.2. This includes well owners whose well is being monitored by the MPCA.

14.7 Maintenance Requirements

14.7.1 All pre-existing individual GAC filter systems, as well as those installed under this ordinance, must be operated according to the provisions of this section.

14.7.1.1 The GAC must be maintained and changed out in accordance with the requirements of this ordinance.

- 14.7.1.2** The owner of any GAC filter system or the owner's agent shall regularly, but in no case less frequently than every three (3) years from the date of the filter installation or prior change-out, have the GAC filter system inspected and changed out by a licensed plumber or licensed water conditioning contractor. Proof of the inspection and change-out must be provided to the Town Clerk. The Town Clerk or designated agent must then distribute data copy of this proof to the MPCA and MDH.
- 14.7.1.3** The Town Clerk must send a written notice to any owner that has not complied with the actions required by this section of the code informing the owner of the delinquency. If the owner does not comply within sixty (60) days of the notice, the Town is authorized to contract with a licensed testing agent to complete the test. In this event, the Town is authorized to spread the costs associated with testing as a service charge under Minn Statute 429.101, and to certify the amount as a special assessment against the property, payable in a single installment
- 14.7.1.4** For properties platted and approved prior to April 9, 2002, which have an existing well that is being monitored by the MPCA, or a GAC filter system that is regularly maintained and changed out under their auspices, the owner or the owner's agent need not comply with Section 14.7.1.2
- 14.7.1.5** The owner or occupant of a property is responsible to provide access, at reasonable times, to the Town or its agents, for the purpose of performing inspections and tests required under this ordinance.

14.8 Property Transfer Disclosure

Upon settlement of a property sale or transfer, the seller must disclose to the buyer the presence of a GAC filter installed under this ordinance.

14.9 Administration

- 14.9.1** To enforce this ordinance, the Town or its agents may enter a building, property or place for the purpose of sampling well water where there is reason to suspect a GAC is failing to properly function, has been tampered with or modified, or a well exists with TCE concentrations greater than 0.1 µg/L or with CCl₄ concentration of greater than .2 µg/L. All samples must be taken by a technician trained in the collection of samples and the samples must be analyzed by a Minnesota Department of Health-certified laboratory.
- 14.9.2** Prior to executing the Town's right of entry, the Town Attorney, upon approval of the Town Board, must obtain an Administrative Search Warrant from the District Court of Washington County for that purpose. The Town Attorney must also make reasonable efforts to discuss entry with any owner in order that any entry without consent be avoided if reasonably possible.
- 14.9.3** If in the opinion of the Town Board, compliance with this ordinance is not achieved and, therefore, the health and safety of the Town residents is at risk, the Town Board is authorized to contract with a qualified consultant to act as the Town's agent with authority to administer this ordinance.

14.9.4 The Town Board is also authorized to enter into joint power agreements with other governmental units or State agencies for the purpose of administering the provisions of this ordinance.

14.10 Payment to Township

In order to defray the costs to the town of administering the provisions of this section, any applicant for a building permit for a new residence within the SWBCA shall pay to the town a fee of \$500 at the time of application for the building permit. The amount of the fee may be modified by the town board from time to time by resolution to reflect that actual costs to the town of administering the provisions of this code section.

15 Regulations of Utility

15.1 Purpose

- 15.1.1 The purpose of this section is to provide minimal reasonable regulations as to the location and construction of public utilities facilities within any public easement, road easement or right-of-way within the town of West Lakeland.
- 15.1.2 **All Utilities Subject to This Section.** All utilities operating or maintaining lines, facilities or equipment within a town road right-of-way or upon public land are subject to the regulations of this article.

15.2 Utility Construction in Road Cross-Section

All utilities shall construct their lines in accordance with the cross-section detailed drawing for utility installation as approved by the West Lakeland Town Board available upon request from the town clerk.

15.3 Construction Permits

- 15.3.1 No utility company shall open, excavate, or disturb the surface of any public ground or right-of-way for any purpose without first having obtained a construction permit from the town clerk. The town clerk shall require proof of workers' compensation insurance coverage from either the utility or its subcontractor prior to issuance of any construction permit.
- 15.3.2 The Utility shall indemnify and hold harmless the Town against liability, claims and lawsuits of any kind, arising directly or indirectly from any act of the contractor, its agents, suppliers, employees or subcontractors in the course of the work.
- 15.3.3 **Distribution System Permits.** Prior to construction of any lines, equipment, facilities, or other parts of a Distribution System, a Utility shall first obtain a construction permit from the Town. The application for a permit shall be submitted in duplicate to the Town. The application shall include: a scale area map showing the proposed location of the lines or equipment to be constructed; depictions and specifications for lines, cables, equipment or facilities to be installed; and a road cross-sectional schematic showing the proposed location of any buried lines or cables. The application shall be accompanied by a fee in an amount determined from time to time by the Town Board to cover the cost to the Town for expenses including but not limited to engineering and legal review.
- 15.3.4 The complete application shall be forwarded to the Town Engineer for review. The Town Clerk shall not issue the permit until the Town Engineer has approved the application in writing and until the Town has been reimbursed by the applicant for its actual expenses incurred in reviewing the application, including all professional consulting fees and engineering fees, by the utility or they will be deducted from the escrow amount prior to the return of the escrow deposit.
- 15.3.5 Construction shall not commence until the Utility has deposited a letter of Credit or cash escrow with the Town, in an amount of 125% of the total cost of

the restoration as estimated by the Town Engineer and held until released by the Town to assure that restoration will be completed equal to or better than the conditions which existed prior to the start of installation. The escrow amount shall be \$3,000.00 unless a different amount is recommended by the town engineer.

15.3.6 Service Connection Permits. Prior to any construction or relocation and reconstruction of any Service Connection, a Utility shall first obtain a construction permit from the Town Clerk. The application shall be accompanied by a map showing the address and location of the Service Line to be installed or reconstructed. The Town Clerk may issue the permit upon receipt of the completed application. The purpose of the permit is to provide the Town with information regarding the location, time and extent of the construction or excavation activity.

15.3.7 Repair or Maintenance Permits. Prior to any excavation or construction to repair or maintain any portion of a Distribution System, a Utility shall first obtain a construction permit from the Town Clerk. The application shall be accompanied by a map showing the location of the equipment or line to be repaired or excavated. The Town Clerk may issue the permit upon receipt of the completed application and obtaining approval from the township road supervisor. The purpose of the permit is to provide the Town with information regarding the location, time and extent of the construction or excavation activity.

15.3.8 Emergencies. A Utility may excavate or perform other work without a permit where an emergency exists requiring the immediate repair of its lines or facilities. Within three (3) working days after effecting emergency repairs, the Utility shall make application for the appropriate permit. For emergency repair to a Distribution System, the permit shall include the Utility's certification that the repaired line has not been relocated or shall include map(s) and schematic(s) to show the relocation of the repaired line or equipment.

15.4 Restoration Work

After undertaking any work requiring the opening of any public way or public ground the utility shall restore the same, including paving and its foundation, to as good condition as formerly existed, and shall maintain the same in good condition. The work shall be completed as promptly as weather permits, and if the utility shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the public way or public ground in the said condition, the town shall have, after demand to the utility to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration at the expense of the utility. The utility shall pay to the town the cost of such work done for or performed by the town, including its administrative expense and overhead, plus ten percent (10%) additional as liquidated damages. This remedy shall be in addition to any other remedy available to the town.

15.5 Relocation of Utilities

15.5.1 Relocation of Utilities in Public Ways. If the Town determines to vacate for a Town improvement project, or to grade, regrade, or change the right-of-way lines of any Public Way, or construct or reconstruct any Utility System in any Public Way, it may order the utility to relocate its Facilities presently therein. The Town shall give the utility reasonable notice of plans to vacate for a Town improvement project, or to grade, regrade, or change the line of any right-of-way or to construct or reconstruct any Town Utility System. If a relocation is ordered within five (5) years of a prior relocation of the same Facilities at Utility expense, the Town shall reimburse for non-betterment expenses on a time and material basis, unless a subsequent relocation is required because of the extension of a Town Utility System to a previously unserved area. Service to previously unserved areas shall be at the Utility's expense. Nothing in this Article requires Utility to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal replacement or reconstruction is solely for the convenience of the Town and is not reasonably necessary for the construction or reconstruction of a Public Way or Town Utility System or other Town improvement. In no case shall the Town be liable to the utility for failure to specifically preserve right-of-way under Minn. Stat. 160.29.

15.5.2 Relocation of Utility in Public Ground. The Town may require the Utility to relocate or remove its Facilities from Public Ground upon a finding by the Town that the facilities have become or will become substantial impairment of the public use to which the Public Ground is or will be located. The relocation or removal shall be at the Utility's expense. The provisions of this section apply only to facilities constructed upon Public Ground in reliance on a Service Areas license and Utility does not, by this provision, waive its rights under a recorded easement document or prescriptive right in favor of the utility.

15.5.3 Relocation when public ground vacated. The vacation of any public ground shall not deprive the utility of the right to operate and maintain its facilities therein. Unless ordered under the provisions of this section, the utility need not relocate until the reasonable cost of relocating and the loss and expense resulting from such relocation is first paid to the utility. When the vacation is for the benefit of the town in the furtherance of a public purpose, the utility shall relocate at its own expense.

15.6 Street Improvements, Paving or Resurfacing

15.6.1 The Town shall give the Utility reasonable written notice of plans for street improvements where paving or resurfacing of a permanent nature is involved. The notice shall contain the nature and character of the improvements, the streets upon which the improvements are to be made, the extent of the improvements and the time when the Town will start the work, and, if more than one street is involved, the order in which this work is to proceed. The notice shall give to the utility a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the

work to allow the Utility to make any additions, alternations or repairs to its facilities the Utility deems necessary.

- 15.6.2** In cases where streets are at final width and grade and the Town has installed underground sewer mains and Service Connections to the property line abutting the streets prior to a permanent paving or resurfacing of such streets, and the Utility's main is located under such street, the Utility may be required to install Service Connections prior to such paving or resurfacing, whenever it is apparent that service will be required during the five (5) years following the paving or resurfacing.

15.7 Location of Facilities

- 15.7.1 Location of Above-Ground Facilities.** Above ground Utilities shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways. A permit to construct facilities on Public Grounds or Public Ways may be disallowed by the Town Board of supervisors upon finding that the proposed facility constitutes a hazard in the right-of-way. A "hazard in the right-of-way" is any construction, at any location within the full width of the right-of-way, which because of position, siting and proximity to the traveled portion of the right-of-way and because of strength, density and mass of construction would be the kind of impediment to a motor vehicle traveling at the posted speed limit sufficient to cause bodily harm to a vehicle's passengers when impacted by said vehicle after it has left the traveled portion of the right-of-way. Upon such a finding, the Utility shall be required to construct its facility outside of the right-of-way. The Utility's construction, reconstruction, operation, repair, maintenance and location of aboveground facilities shall be subject to other reasonable regulations of the Town.

- 15.7.2 Field Location.** The Company shall provide field locations for any of its underground facilities within a reasonable period of time on request by the Town. The period of time will be considered reasonable if it compares favorably with the average time required by the municipalities in the same county to locate municipal underground facilities for the utility.

15.8 Licensee's Annual Report

The Utility Company shall provide an annual revised Town map showing location of its Distribution System in the Town.

15.9 General Conditions Applicable to Service Area Licenses for Natural Gas Utilities

15.9.1 Indemnification

- 15.9.1.1** The Service Area license shall indemnify, keep and hold the Town free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits or license, or the operation of the Utility's facilities located in the Town. The Town shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the Town's

negligence as to the issuance of licenses or permits for, or inspection of, the Utility's plans or work. The Town shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by the Utility, and such performance is nevertheless ordered or directed by the Town after notice of Utility's determination.

15.9.1.2 In the event a suit is brought against the Town under circumstances where this license condition applies, the utility at its sole cost and expenses shall defend the Town in such suit if written notice thereof is promptly given to the Utility within a period wherein the utility is not prejudiced by lack of such notice. If the Utility is required to indemnify and defend, it will thereafter have control of such litigation, but the Utility may not settle such litigation without the consent of the Town, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense immunity otherwise available to the Town and the utility, in defending any action on behalf of the Town. The Town shall be entitled to assert in any action every defense or immunity that the Town could assert in its own behalf.

15.9.2 Adequate Supply. The Service Area licensee shall furnish and supply to the Service Area inhabitants an adequate supply of gas, as long as available, under such pressure and conditions as may be reasonably required under such rules and regulations as may be established by this Article, and the Minnesota Public Utilities Commission, or other such regulatory body as may hereinafter be established under the laws of the State of Minnesota and given jurisdiction thereof.

15.9.3 Public Safety. By acceptance of its Service Area license, the licensee acknowledges that the Town may enact ordinances which affect the licensee's right and duties with respect to Pipeline safety and construction, and acknowledges that where such public safety is a bona fide municipal concern, such ordinances shall effectively serve to amend this Article and the rights and duties contained herein. The licensee specifically consents to such amendments, even though they may be unilateral in nature.

15.9.4 Assignment of Service Area Licenses

15.9.4.1 A licensee, upon notice to the Town, shall have the right and authority to assign all rights conferred upon it by this Article to any person. The assignee of such rights, by accepting such assignment, shall become subject to the regulations and conditions of this Article.

15.9.4.2 The areas of the Town not described in any Service Area license are deemed open areas. Any Utility which is able to provide service to an open area may make application for a Service Area license or for expansion of an existing Service Areas license.

15.9.5 Review or Revocation of a Service Area License

15.9.5.1 The Town Board may review a Service Area license upon the request of any person or upon its own initiative.

15.9.5.2 A Service Area license may be revoked or reduced in its area upon the Town Board making any one or more of the following findings: The

licensee has failed to meet the general conditions of this Article or the specific conditions of its license; The licensee has failed to operate the utility within the Town in accord with this Article; or Any just cause.

15.9.5.3 A Violation of any condition set forth in a permit shall be a violation of this Article. Failure to correct said violation within thirty (30) days of written notice from the Town Board shall automatically terminate the permit. All costs incurred by the Town in reviewing the permit shall be the responsibility of the utility.

15.9.6 Application for Service Area License. Application for a Service Area license shall be made in writing to the Town Clerk and shall include such maps, schematics, diagrams and narrative descriptions as are necessary to describe or depict: the existing distribution system, the existing service connections, the proposal for extension of the distribution system and a well-defined schedule and calendar for construction of the extension to the Distribution System. A non-refundable fee to defray a portion of the Town's costs for conducting a public hearing shall accompany the application.

15.9.7 Expansion of Service Area. A Service Area licensee may make application to expand its Service Area in the same manner as an initial license application.

15.10 Utility Permit Application

15.10.1 Permit Required. Prior to utility installation, within the town road right-of-ways, a utility company shall first obtain a Utility Permit from the Town.

15.10.2 Permit Application. Application for the Utility Permit shall be made by completing a form provided by the Town. The permit shall contain the following information:

15.10.2.1 The name and address of the utility to be performing the installation.

15.10.2.2 A general description of the work to be performed and the method used for placement.

15.10.2.3 The location of the proposed utility installation and shown on a Utilities Placement Map.

15.10.2.3 The proposed time frame for beginning and completing the work.

15.10.2.4 Description of restoration work and any trimming.

15.10.3 Restoration. Town road right-of-ways shall be restored to the same or better condition as they were immediately prior to the placement of the utility.

15.11 Resident Complaints Against Utilities

Upon notification from the utility company of completion of the project, the Town Clerk will put a notice of same in the Town legal newspaper. Any resident with a complaint regarding the installation or restoration may notify the Town Clerk who in turn will notify the Utility. The Utility will have thirty (30) days to correct this problem and notify the Town of its actions. If the problem is not resolved, to the Town's satisfaction, the Town shall use the escrow funds to correct the problem. All costs incurred by the Town for this procedure shall be paid by the Utility.

15.12 Initial Service Area License Fees

15.12.1 License fees shall be paid by the licensee to defray the Town's cost in granting a license and in administering the regulations of this Article.

15.12.2 The license fees for licenses awarded are due and payable to the Town of West Lakeland by the licensees on January 1 of each year.

15.13 Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a misdemeanor under state law.

15 Regulations of Utility

15.1 Purpose

15.1.1 The purpose of this section is to provide minimal reasonable regulations as to the location and construction of public utilities facilities within any public easement, road easement or right-of-way within the town of West Lakeland. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. This chapter shall be interpreted consistently with Minnesota Statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the Town and users of the right-of-way.

15.1.2 Election to Manage the Public Rights-of-way

Pursuant to the authority granted to the Town under state and federal statutory, administrative, and common law, the Town hereby elects, pursuant to Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

15.1.3 All Utilities Subject to This Section. All utilities operating or maintaining lines, facilities, or equipment within a town road right-of-way or upon public land are subject to the regulations of this article.

15.1.4 Administration. The Town Board is responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The Board may delegate any or all of the duties hereunder.

15.2 Utility Construction in Road Cross-Section

All utilities shall construct their lines in accordance with the cross-section detailed drawing for utility installation as approved by the West Lakeland Town Board available upon request from the town clerk.

15.3 Utility Construction Permits

15.3.1 No utility company shall open, excavate, or disturb the surface of any public ground or right-of-way for any purpose without first having obtained a utility construction permit from the town clerk. The Town Clerk shall require proof of workers' compensation insurance coverage from either the utility or its subcontractor and insurance against claims for personal injury, including death, as well as claims for property damage prior to issuance of any utility construction permit. The Town may require a copy of the actual insurance policies.

15.3.2 The Utility shall indemnify and hold harmless the Town against liability, claims and lawsuits of any kind, arising directly or indirectly from any act of the contractor, its agents, suppliers, employees, or subcontractors in the course of the work.

15.3.3 Distribution System Permits. Prior to construction or installation of any lines, equipment, facilities, antennas, or other parts of a Distribution System, a Utility shall first obtain a utility construction permit from the Town. The application for a permit shall be submitted in duplicate to the Town. The application shall include:

- a scale area map showing the proposed location of the lines or equipment to be constructed.
- depictions and specifications for lines, cables, equipment, or facilities to be installed.
- and a road cross-sectional schematic showing the proposed location of any buried lines or cables.

A small wireless facility is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the right-of-way. The application shall be accompanied by a fee in an amount determined from time to time by the Town Board to cover the cost to the Town for expenses including but not limited to engineering and legal review.

15.3.4 The Town Clerk shall not issue the permit until the Town Engineer has approved the application in writing and until the Town has been reimbursed by the applicant for its actual expenses incurred in reviewing the application, including all professional consulting fees, and engineering fees, by the utility or they will be deducted from the escrow amount prior to the return of the escrow deposit.

15.3.5 Construction shall not commence until the Utility has deposited a letter of Credit or cash escrow with the Town, in an amount of 125% of the total cost of the restoration as estimated by the Town Engineer and held until released by the Town to assure that restoration will be completed equal to or better than the conditions which existed prior to the start of installation. The escrow amount shall be \$3,000.00 unless a different amount is recommended by the town engineer.

15.3.6 Service Connection Permits. Prior to any construction or relocation and reconstruction of any Service Connection, a Utility shall first obtain a utility construction permit from the Town Clerk. The application shall be accompanied by a map showing the address and location of the Service Line to be installed or reconstructed. The Town Clerk may issue the permit upon receipt of the completed application. The purpose of the permit is to provide the Town with information regarding the location, time and extent of the construction or excavation activity.

15.3.7 Repair or Maintenance Permits. Prior to any excavation or construction to repair or maintain any portion of a Distribution System, a Utility shall first obtain a utility construction permit from the Town Clerk. The application shall be accompanied by a map showing the location of the equipment or line to be repaired or excavated. The Town Clerk may issue the permit upon receipt of the completed application and obtaining approval from the township road supervisor. The purpose of the permit is to

provide the Town with information regarding the location, time and extent of the construction or excavation activity.

15.3.8 Emergencies. A Utility may excavate or perform other work without a permit where an emergency exists requiring the immediate repair of its lines or facilities. Within three (3) working days after effecting emergency repairs, the Utility shall make application for the appropriate permit. For emergency repair to a Distribution System, the permit shall include the Utility's certification that the repaired line has not been relocated or shall include map(s) and schematic(s) to show the relocation of the repaired line or equipment.

15.4 Restoration Work

After undertaking any work requiring the opening of any public way or public ground the utility shall restore the same, including paving and its foundation, to as good condition as formerly existed, and shall maintain the same in good condition. The work shall be completed as promptly as weather permits, and if the utility shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the public way or public ground in the said condition, the town shall have, after demand to the utility to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration at the expense of the utility. The utility shall pay to the town the cost of such work done for or performed by the town, including its administrative expense and overhead, plus ten percent (10%) additional as liquidated damages. This remedy shall be in addition to any other remedy available to the town.

15.5 Relocation of Utilities

15.5.1 Relocation of Utilities in Public Ways. If the Town determines to vacate for a Town improvement project, or to grade, regrade, or change the right-of-way lines of any Public Way, or construct or reconstruct any Utility System in any Public Way, it may order the utility to relocate its Facilities presently therein. The Town shall give the utility reasonable notice of plans to vacate for a Town improvement project, or to grade, regrade, or change the line of any right-of-way or to construct or reconstruct any Town Utility System. If a relocation is ordered within five (5) years of a prior relocation of the same Facilities at Utility expense, the Town shall reimburse for non-betterment expenses on a time and material basis, unless a subsequent relocation is required because of the extension of a Town Utility System to a previously unserved area. Service to previously unserved areas shall be at the Utility's expense. Nothing in this Article requires the Utility to relocate, remove, replace, or reconnect at its own expense its facilities where such relocation, removal replacement or reconstruction is solely for the convenience of the Town and is not reasonably necessary for the construction or reconstruction of a Public Way or Town Utility System or other Town improvement. In no case shall the Town be liable to the utility for failure to specifically preserve right-of-way under Minn. Stat. 160.29.

15.5.2 Relocation of Utility in Public Ground. The Town may require the Utility to relocate or remove its Facilities from Public Ground upon a finding by the Town that the facilities have become or will become substantial impairment of the public use to which the Public Ground is or will be located. The relocation or removal shall be at the Utility's expense. The provisions of this section apply only to facilities constructed upon Public Ground in reliance on a Service Areas license and Utility does not, by this provision, waive its rights under a recorded easement document or prescriptive right in favor of the utility.

15.5.3 Relocation when public ground vacated. The vacation of any public ground shall not deprive the utility of the right to operate and maintain its facilities therein. Unless ordered under the provisions of this section, the utility need not relocate until the reasonable cost of relocating and the loss and expense resulting from such relocation is first paid to the utility. When the vacation is for the benefit of the town in the furtherance of a public purpose, the utility shall relocate at its own expense.

15.6 Street Improvements, Paving or Resurfacing

15.6.1 The Town shall give the Utility reasonable written notice of plans for street improvements where paving or resurfacing of a permanent nature is involved. The notice shall contain the nature and character of the improvements, the streets upon which the improvements are to be made, the extent of the improvements and the time when the Town will start the work, and, if more than one street is involved, the order in which this work is to proceed. The notice shall give to the utility a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the work to allow the Utility to make any additions, alterations or repairs to its facilities the Utility deems necessary.

15.6.2 In cases where streets are at final width and grade and the Town has installed underground sewer mains and Service Connections to the property line abutting the streets prior to a permanent paving or resurfacing of such streets, and the Utility's main is located under such street, the Utility may be required to install Service Connections prior to such paving or resurfacing, whenever it is apparent that service will be required during the five (5) years following the paving or resurfacing.

15.7 Location of Facilities

15.7.1 Location of Above-Ground Facilities. Above ground Utilities shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways. A permit to construct facilities on Public Grounds or Public Ways may be disallowed by the Town Board of supervisors upon finding that the proposed facility constitutes a hazard in the right-of-way. A "hazard in the right-of-way" is any construction, at any location within the full width of the right-of-way, which because of position, siting and proximity to the traveled portion of the right-of-way and because of strength, density and mass of construction would be the kind of impediment to a motor vehicle traveling at the posted speed limit sufficient to cause bodily harm to a

vehicle's passengers when impacted by said vehicle after it has left the traveled portion of the right-of-way. Upon such a finding, the Utility shall be required to construct its facility outside of the right-of-way. The Utility's construction, reconstruction, operation, repair, maintenance, and location of aboveground facilities shall be subject to other reasonable regulations of the Town.

15.7.2 Field Location. The Company shall provide field locations for any of its underground facilities within a reasonable period of time on request by the Town. The period of time will be considered reasonable if it compares favorably with the average time required by the municipalities in the same county to locate municipal underground facilities for the utility.

15.8 Licensee's Annual Report

The Utility Company shall provide an annual revised Town map showing location of its Distribution System in the Town.

15.9 General Conditions Applicable to Service Area Licenses for Natural Gas Utilities

15.9.1 Indemnification

15.9.1.1 The Service Area license shall indemnify, keep, and hold the Town free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits or license, or the operation of the Utility's facilities located in the Town. The Town shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the Town's negligence as to the issuance of licenses or permits for, or inspection of, the Utility's plans or work. The Town shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by the Utility, and such performance is nevertheless ordered or directed by the Town after notice of Utility's determination.

15.9.1.2 In the event a suit is brought against the Town under circumstances where this license condition applies, the utility at its sole cost and expenses shall defend the Town in such suit if written notice thereof is promptly given to the Utility within a period wherein the utility is not prejudiced by lack of such notice. If the Utility is required to indemnify and defend, it will thereafter have control of such litigation, but the Utility may not settle such litigation without the consent of the Town, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense immunity otherwise available to the Town and the utility, in defending any action on behalf of the Town. The Town shall be entitled to assert in any action every defense or immunity that the Town could assert in its own behalf.

15.9.2 Adequate Supply. The Service Area licensee shall furnish and supply to the Service Area inhabitants an adequate supply of gas, as long as available, under such

pressure and conditions as may be reasonably required under such rules and regulations as may be established by this Article, and the Minnesota Public Utilities Commission, or other such regulatory body as may hereinafter be established under the laws of the State of Minnesota and given jurisdiction thereof.

15.9.3 Public Safety. By acceptance of its Service Area license, the licensee acknowledges that the Town may enact ordinances which affect the licensee's right and duties with respect to Pipeline safety and construction and acknowledges that where such public safety is a bona fide municipal concern, such ordinances shall effectively serve to amend this Article and the rights and duties contained herein. The licensee specifically consents to such amendments, even though they may be unilateral in nature.

15.9.4 Assignment of Service Area Licenses

15.9.4.1 A licensee, upon notice to the Town, shall have the right and authority to assign all rights conferred upon it by this Article to any person. The assignee of such rights, by accepting such assignment, shall become subject to the regulations and conditions of this Article.

15.9.4.2 The areas of the Town not described in any Service Area license are deemed open areas. Any Utility which is able to provide service to an open area may make application for a Service Area license or for expansion of an existing Service Areas license.

15.9.5 Review or Revocation of a Service Area License

15.9.5.1 The Town Board may review a Service Area license upon the request of any person or upon its own initiative.

15.9.5.2 A Service Area license may be revoked or reduced in its area upon the Town Board making any one or more of the following findings:

- The licensee has failed to meet the general conditions of this Article or the specific conditions of its license;
- The licensee has failed to operate the utility within the Town in accord with this Article;
- Any just cause.

15.9.5.3 A Violation of any condition set forth in a permit shall be a violation of this Article. Failure to correct said violation within thirty (30) days of written notice from the Town Board shall automatically terminate the permit. All costs incurred by the Town in reviewing the permit shall be the responsibility of the utility.

15.9.6 Application for Service Area License. Application for a Service Area license shall be made in writing to the Town Clerk and shall include such maps, schematics, diagrams, and narrative descriptions as are necessary to describe or depict: the existing distribution system, the existing service connections, the proposal for extension of the

distribution system and a well-defined schedule and calendar for construction of the extension to the Distribution System. A non-refundable fee to defray a portion of the Town's costs for conducting a public hearing shall accompany the application.

15.9.7 Expansion of Service Area. A Service Area licensee may make application to expand its Service Area in the same manner as an initial license application.

15.10 General Conditions Applicable to permits for Small Wireless Utilities. In addition to Section 15.3, the erection or installation of a wireless support structure, collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions.

15.10.1 A small wireless facility shall only be collocated on the specific support structure, under the attachment specifications, and at the height indicated in the applicable permit application(s).

15.10.2 No new wireless support structure installed within the right-of-way shall exceed 35 feet in height, provided that the Town may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 35 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

15.10.3 No wireless facility may extend more than 10 feet above its support structure.

15.10.4 Where an applicant proposes to install a new wireless support structure in the right-of-way, the Town may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.

15.10.5 No new support structures shall be placed less than 5 feet from the street curb, edge of street pavement, edge of driveway, or edge of pedestrian ways.

15.10.6 Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the Town may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.

15.10.7 Any initial engineering survey and preparatory construction work associated with collocation shall be paid by the applicant.

15.10.8 All facilities and support structures shall use design, materials, colors, textures, screening, and landscaping to blend in within the surrounding natural setting and built environment. All facilities shall be designed to minimize the visual impact and appear to be compatible with the surroundings.

15.10.9 No lights, reflectors, flashers, or other illuminating devices shall be affixed to any small wireless support structure except as required by the Federal Aviation Administration, Federal Communications Commission, or the Town.

15.10.10 No stickers, signs, or decals shall be visible on any small wireless facility or wireless support structure, except;

- safety alerts required by law,
- one sign not over ten square inches indicating the name of the manufacturer or installer.

15.10.11 Small wireless facilities and/or wireless support structures shall not be placed in a position that disrupts traffic or pedestrian circulation or interferes with vehicular or pedestrian sight lines.

15.10.12 All facilities shall be designed to prevent unauthorized climbing or entry.

15.10.13 All facilities shall be maintained in good condition, appearance, order, and repair.

15.10.14 Permits shall be conspicuously displayed or otherwise available at all times at the work site and shall be available for inspection by the Town.

15.10.15 Where an applicant proposes to replace a wireless support structure, the Town may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

15.10.16 A right-of-way user shall promptly and at its own expense, with due regard for seasonal limitations, temporarily or permanently remove and relocate its small wireless facilities and wireless support structures in the right-of-way when it is necessary to prevent interference, and not merely for convenience of the Town, in conjunction with:

- a present or future Town use of the right-of-way for a public project.
- the public health or safety.
- the safety and convenience or travel over the right-of-way.

15.11 Utility Construction Permit Application

15.11.1 Permit Required. Prior to utility installation, within the town road rights-of-way, a utility company shall first obtain a Utility Construction Permit from the Town. The Town may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

15.11.2 Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by the Town, provided that all small wireless facilities in the application:

- are located within a two-mile radius,
- consist of substantially similar equipment,
- are to be placed on similar types of wireless support structures

15.11.3 Permit Application. Application for the Utility Construction Permit shall be made by completing a form provided by the Town. The permit shall contain the following information:

15.11.3.1 The name and address of the utility to be performing the installation.

15.11.3.2 A general description of the work to be performed and the method used for placement.

15.11.3.3 The location of the proposed utility installation and shown on a Utilities Placement Map.

15.11.3.4 The proposed time frame for beginning and completing the work.

15.11.3.5 Description of restoration work and any trimming.

15.11.4 Restoration. Town road rights-of-way shall be restored by the permittee to the same or better condition as they were immediately prior to the placement of the utility. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the Town and shall comply with Minn. Rule 7819.1100. Restoration must be completed within the dates specified in the permit, increased because of circumstances beyond the control of the permittee or unseasonal conditions.

15.12 Abandoned and Unusable Facilities.

15.12.1 *Discontinued Operations.* A registrant who has determined to discontinue all or a portion of its operations in the Town must provide information satisfactory to the Town that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.

15.12.2 *Removal.* Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the Town.

15.13 Resident Complaints Against Utilities

Upon notification from the utility company of completion of the project, the Town Clerk will put a notice of same in the Town legal newspaper. Any resident with a complaint regarding the installation or restoration may notify the Town Clerk who in turn will notify the Utility. The Utility will have thirty (30) days to correct this problem and notify the Town of its actions. If the problem is not resolved, to the Town's satisfaction, the Town shall use the escrow funds to correct the problem. All costs incurred by the Town for this procedure shall be paid by the Utility.

15.14 Initial Service Area License Fees

15.14.1 License fees shall be paid by the licensee to defray the Town's cost in granting a license and in administering the regulations of this Article.

15.14.2 The license fees for licenses awarded are due and payable to the Town of West Lakeland by the licensees on January 1 of each year.

15.15 Criminal Prosecution.

Any utility that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty for a misdemeanor under state law.

16 Public Safety

16.1 Regulation of Fires and Burning

16.1.1 Burning Prohibited - Exceptions. No person shall start or allow to burn for any purpose any outdoor fire except as hereinafter provided:

16.1.1.1 Fires in containers so constructed and in such condition that no flame or sparks may escape from the container and provided an adult remains within twenty (20) feet of the container and has an unobstructed view of the container at all times the fire is burning within.

16.1.1.2 Fires used exclusively for preparing food no more than three (3) feet in diameter provided an adult remains within twenty (20) feet of the fire and has an unobstructed view of the fire at all times.

16.1.1.3 Fires are allowed for which a special permit has been issued by a supervisor, the chairman of the Town Board, the Clerk or Deputy Clerk of the Township if conditions permit safe burning. Such permit shall set forth such time limits and other requirements as the issuing person may determine are necessary from the standpoint of preventing an uncontrolled fire. The person issuing the permit assumes no responsibility for any effect of the fire.

16.1.1.4 The Town Board may by resolution from time to time appoint a fire warden with authority to issue special burning permits for a period of time designated in the resolution.

16.2 Recreational Vehicles

16.2.1 Intent. It is the intent of this ordinance to supplement Minnesota Statutes, 1967, Sections 84.81 through 84.88, as amended, and Minnesota Statutes Chapter 169, with respect to the operation of snowmobiles and recreational vehicles. Such statutes are incorporated herein by reference. This section is not intended to allow what the state statutes prohibit nor to prohibit what the state statutes allow.

16.2.2 Definitions. For the purposes of this ordinance, the terms defined herein shall have the meaning ascribed to them:

16.2.2.1 “Owner” means a person, other than a lien holder having the property in or title to snowmobile or recreational vehicle entitled to the use or possession thereof.

16.2.2.3 “Operate” means to ride in or on and control the operation of a snowmobile or recreational vehicle.

16.2.2.3 “Operator” means to ride in or on and control the operation of a snowmobile or recreational vehicle.

16.2.3 Lawful Use. It is unlawful for any person to operate a snowmobile or recreational vehicle within the limits of the town of West Lakeland:

16.2.3.1 On the portion of any right-of-way of any street, except the most right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing

another vehicle stopped in that lane or proceeding in the same direction. Snowmobiles may also be operated upon the outside slope of trunk, county state-aid and county highways, as permitted by State Statutes, where such highways are so configured within the corporate limits.

- 16.2.3.2** On a public sidewalk provided for pedestrian travel.
- 16.2.3.3** On boulevards within any public right-of-way.
- 16.2.3.4** On lands not his or her own, including private lakes, without specific written and dated permission of the owner, occupant or lessee of such land.
- 16.2.3.5** On any other public place except as may be specifically permitted by other provisions of the Code.
- 16.2.3.6** On streets as permitted by this ordinance at a speed exceeding twenty (20) miles per hour.
- 16.2.3.7** During the hours from 9:00 p.m. of any day, Sunday through Thursday, inclusive, to 7:00 a.m. of the following day and during the hours from 10:00 p.m. of any Friday or Saturday to 7:00 a.m. of the next day closer than three hundred (300) feet from any residence unless on a public street at speeds of no more than five (5) miles per hour.

16.3 Traffic ordinances

- 16.3.1** Traffic ordinances shall apply to the operation of snowmobiles and recreational vehicles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.
- 16.3.2** No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.
- 16.3.3** No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or town road, as the operator of a snowmobile or recreational vehicle. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile or recreational vehicle on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner. It is unlawful for the owner of a snowmobile or recreational vehicle to permit the snowmobile or recreational vehicle to be operated contrary to the provisions of this section.
- 16.3.4** It is unlawful for any person to operate a snowmobile or recreational vehicle within the limits of the Town of West Lakeland so as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile or recreational vehicle or within 10 feet of any fisherman, pedestrian, skating rink or sliding area.

- 16.3.5** It is unlawful for any person to operate a snowmobile or recreational vehicle any place within the limits of the Town of West Lakeland unless it is equipped with the following:
- 16.3.5.1** Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile or recreational vehicle motor.
 - 16.3.5.2** Brakes adequate to control the movement of and to stop and hold the snowmobile or recreational vehicle under any condition of operation.
 - 16.3.5.3** A safety or so-called “deadman” throttle in operational condition. A safety or “deadman” throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
- 16.3.6** When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, the snowmobile or recreational vehicle shall have at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the road during hours of darkness under normal atmospheric conditions.
- 16.3.7** Every person leaving a snowmobile or recreational vehicle on a public place shall lock the ignition, remove the key and take the same with him.

16.4 Parking Restrictions

- 16.4.1 Intent.** The intent of this ordinance is to insure safe and adequate passage of vehicles on Township streets and roads. It is also to discourage residents and nonresidents from prolonged periods of parking of cars, trailers, watercraft, campers, recreational vehicles, etc, on such streets, roads and Right-of-Ways (ROW), which may impede the Township's ability to maintain and/or cause damage to such streets, roads and ROWs.
- 16.4.2** Upon any public road, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled part of the public road when it is practical to stop, park, or so leave such vehicle off such part of said public road, but in every event a clear and unobstructed width of at least twenty (20) feet of such part of the public road opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such public road.
- 16.4.3** This section shall not apply to the driver of any vehicle which is disabled while on the paved, improved or main traveled portion of a public road in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

- 16.4.4** Any motor vehicle or trailer, such as cars, trailers, watercraft, campers, recreational vehicles or motorcycles, indicated as for sale parked on a public roadway or in the right of way are prohibited.
- 16.4.5** No person shall park or leave standing any vehicle, trailer or watercraft, whether attended or unattended on a public roadway or right of way for more than 72 hours. If the town is unable to identify, locate and notify its owner within 48 hours of said violation, the town will by its authority have it towed away at the owner's expense. This section does not apply to any vehicle if the owner temporarily does not have available access to off street parking due, but not limited to, driveway sealing, construction or other temporary obstructions in the owner's driveway. Unavailable off street parking on the owner's property due to excessive vehicles is not an acceptable exception.
- 16.4.6** **Posted Areas.** No person shall stop, park or leave standing any vehicle, trailer or watercraft, whether attended or unattended on a public roadway or right of way in violation of the restrictions of any signs posted under the authority of the Town Board or other appropriate governing body.

16.5 Swimming Pools

- 16.5.1 Purpose.** The Town Board of the town of West Lakeland finds that private swimming pools constructed on private property for residential or other use may constitute a hazard to health, safety and the public welfare unless constructed in a proper manner with appropriate safety precautions. This ordinance is adopted to assure that all swimming pools in the town of West Lakeland shall be properly constructed and maintained in a safe condition.
- 16.5.2 Permits Required.** No person, corporation, partnership, or firm shall construct, repair, enlarge, alter, change, remodel or otherwise significantly improve a swimming pool in the Town of West Lakeland without first having obtained a permit from the Building Official.
- 16.5.3 Application for Permit.** The Building Official may require plans, specifications, and pertinent explanatory data be submitted with an application for a permit.
- 16.5.4** An application for a permit must include a site plan showing:
- 16.5.4.1** The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot.
 - 16.5.4.2** The location of structures on all adjacent lots.
 - 16.5.4.3** The location of filter unit, pump and specifications indicating the type of such units.
 - 16.5.4.4** The location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
 - 16.5.4.5** The location of existing overhead or underground wiring, utility easements, trees and similar features.
 - 16.5.4.6** The location of any water heating unit.
 - 16.5.4.7** The location of water supply systems, buried sewers, and sewage disposal systems, other utilities and proximate sources of possible contamination of the pool.

- 16.5.4.8** All dimensions, including the length, width, depth of the pool, the size of the pool deck and the liquid capacity of the pool. Plans shall be drawn to a scale of not smaller than one-fourth (1/4) inch to one foot.
- 16.5.5** The application shall be accompanied by such permit fee as the Town Board may establish by resolution.
- 16.5.6 Performance Standards**
- 16.5.6.1** Pools shall not be located within twenty (20) feet of any septic tank/drain field nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
- 16.5.6.2** Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- 16.5.6.3** Pools shall not be located within any private or public utility, walkway, drainage, or other easement.
- 16.5.6.4** In the case of underground pools, the necessary precautions shall be taken during the construction to:
- 16.5.6.4.1** Avoid damage, hazards, or inconvenience to adjacent or nearby property.
- 16.5.6.4.2** Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.
- 16.5.6.4.3** All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- 16.5.6.4.4** Back-flush water or water from pools drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- 16.5.6.4.5** The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- 16.5.6.5 Pool Piping.** Pool piping systems shall be constructed of materials prescribed in the Universal Building Code. Installation of the piping, including the pool water supply line, shall be inspected by the Building Official prior to covering the piping.
- 16.5.6.6 Main Outlets.** Pools shall be equipped with facilities for completely emptying the pool and effecting surface drainage (by gravity if elevations permit). The drainage system shall be constructed in accordance with the provisions of the Building Code.
- 16.5.6.7 Water Supply.** Water supplies serving all swimming pools shall be of a safe sanitary quality and be acceptable to the County Health Officer. The installation of the pool water supply piping and connection to the course of supply shall be in accordance with the State Building Code.
- 16.5.6.8 Electrical Requirements.** All electrical installations provided for, installed, and used in conjunction with residential swimming pools shall

conform to State Electrical Code and shall be inspected and approved by a State Electrical Inspector.

- 16.5.6.9 Heating Requirements.** Permits shall be required for all heating units used in conjunction with swimming pools. Installation shall be made in accordance with the Town Heating Building Code in effect at the time of installation.
- 16.5.6.10 Pressure Relief Valves.** Pools shall be designed and constructed with under drain systems and pressure relief valves to prevent pool floatation, where the Building Official determines the same to be necessary.
- 16.5.6.11 Shield Lights.** Lights used to illuminate any swimming pool shall be so arranged and shielded so as to reflect light away from adjoining properties.
- 16.5.6.12 Location.** All swimming pools or appurtenances thereto shall be located in the rear yard and meet the setback requirements of the District in which it is located. Requests for a variance from the provisions of this section shall be referred first to the Planning Commission for its study and recommendation and then to the Town Board.
- 16.5.6.13 Safety Fence or Automatic Pool Cover.** All swimming pools shall have an approved automatic pool cover or be completely enclosed by a non-climbable type fence. A financial guarantee shall be required to assure one of these safety devices is installed.
 - 16.5.6.13.1 Safety Fence.** All swimming pools shall be completely enclosed by a non-climbable type fence. All fence openings or points of entry into the pool area shall be equipped with gates. The fence and gates shall be at least five (5) feet in height and shall be constructed of a minimum number eleven gauge woven wire mesh corrosion-resistant material or other material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise be inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than four (4) inches. Required fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.
 - 16.5.6.13.2 Automatic Pool Safety Cover.** As an alternative to a safety fence, an automatic pool safety cover may be utilized if it meets the standards of ASTM F1346-91 (2010) or its most current version. The cover must have a label attached that clearly states it meets this standard. Only power operated pool safety covers will be allowed. The cover must be closed if the pool will be left unattended for more than 10 minutes.
- 16.5.6.14 Safety Equipment.** Every swimming pool shall be equipped with one or more throwing ring buoys not more than fifteen (15) inches in diameter and having fifty (50) feet (or the diagonal measurement of pool - whichever is larger) of 3/16 inch nylon line (or equivalent) attached.

- 16.5.7 Above-Ground Swimming Pools.** Ladders or stairs which are attached to or placed against the outside of above-ground tank-type swimming pools having a depth of twenty-four (24) inches or more shall be removed from the outside of the pool when it is not being used by the owner or his authorized guests. All other applicable provisions of this Ordinance shall apply to above-ground pools.
- 16.5.8 Public or Semi-Public Swimming Pools.** Swimming pools other than residential pools shall be constructed and operated in conformance with standards for such installations established by the Minnesota State Board of Health. In addition, the person, firm, corporation or agency proposing the construction of a swimming pool other than residential shall file with the building official, prior to the beginning of any construction, a copy of the report prepared and issued by the Minnesota State Health Department showing approval of the plans, and one set of pool plans upon which such approval is indicated by stamp, seal or other official marking of that agency.
- 16.5.9 Existing Regulations.** The provisions of this section are in addition to and not in replacement of the provisions of those sections of the town of West Lakeland code relating to the building and land use.

16.6 Shooting and Carrying of Firearms and Weapons

- 16.6.1 Purpose.** The purpose of this ordinance is to provide that the shooting of firearms within the township limits will not constitute an unreasonable nuisance to persons in the township. This ordinance is designed to prevent nuisances caused by the noise created from the discharge of firearms, and to minimize the potential that projectiles discharged from firearms could injure individuals or property. The town board deems these regulations necessary to protect public and private property and to promote health, safety, order, convenience, and the general welfare of persons within the township.
- 16.6.2 Definitions**
- 16.6.2.1 Carry.** The handling or transportation of a firearm, controlled weapon, or dangerous weapon, concealed or otherwise, outside a person's domicile.
- 16.6.2.2 Cased Firearm.** Any unloaded firearm or bow, placed in a case which is tied or otherwise secured in the manner provided, to prevent shooting it.
- 16.6.2.3 Controlled Weapon.** Any gun or device from which a shot or projectile is discharged by means of gas, or compressed air, or any other mechanical means capable of launching said projectile or arrow and includes but is not limited to, pellet and BB guns, archery bows, crossbows, wrist rockets, sling shots and paint ball guns.
- 16.6.2.4 Dangerous Weapons.** Clubs, blackjacks, spring guns, brass or metal knuckles or any knife with a switchblade which opens automatically under spring pressure with a button or release mechanism or by any other mechanical contrivance, daggers, stilettos, or figures or discs with sharpened points or edges (commonly known as throwing stars).
- 16.6.2.5 Firearm.** Any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rives, or similar industrial apparatus,

instruments or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.

16.6.2.6 Landowner. Any person, group, firm or corporation owning, leasing, or legally controlling any lands within the territorial limits of the township.

16.6.2.7 Shooting. The firing or discharge of any firearm or controlled weapon.

16.6.2.8 Single Projectile. Any single projectile, whether contained in a metallic, paper, plastic or other cartridge including any method of loading a muzzleloader which results in a single projectile being discharged.

16.6.2.9 Suitable Backstop. Any natural or manmade barrier of sufficient mass, size or construction to wholly contain the projectile being discharged.

16.6.2.10 Written Permission. The following information must be included: The full name, address, date of birth, phone number, and signature of the person authorized to hunt or shoot on identified land; and the full name, address, phone number and signature of the landowner or lessee. Written permission must be dated and include the duration of the approval.

16.6.3 Permitted Use of Firearms

16.6.3.1 The carrying of firearms in the township is regulated by Minnesota Statutes Chapter 624. The shooting of firearms and controlled weapons is permitted under the following circumstances so long as no innocent party is endangered, unless otherwise prohibited by state or federal law:

16.6.3.1.1 By law enforcement officers in the line of duty or military personnel in the line of duty,

16.6.3.1.2 By any person to resist or prevent an offense which that person reasonably believes exposes himself or another to great bodily harm or death.

16.6.3.1.3 By a certified firearms safety training instructor while participating in a Department of Natural Resources approved firearms safety program.

16.6.3.1.4 By any person while participating in a Department of Natural Resources approved firearms safety program.

16.6.3.1.5 By any person for the destruction of diseased, injured, or dangerous birds, animals or reptiles by persons authorized to do so in writing by the Washington County Sheriff.

16.6.3.1.6 By any person on a rifle, trap, archery, or target range established in accordance with town's zoning ordinance or as part of a township sponsored activity.

16.6.3.1.7 By any person for target practice with a firearm provided that the projectiles are stopped by a suitable backstop and provided further that the shooting does not occur within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom

permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.6.3.1.8 By any person hunting with a firearm; provided that no shooting occurs within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.6.3.1.9 By any person hunting with a bow and arrow provided that no shooting occurs within two hundred (200) feet of a public park or trail or within two hundred (200) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.6.3.1.10 By any person for target practice with a controlled weapon other than a firearm, provided that the projectiles are stopped by a suitable backstop. Notwithstanding the foregoing, no shooting for the purpose of target practice shall occur within one hundred (100) feet of a public park or trail or within one hundred (100) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours. Target practice may also take place within the confines of a building if a suitable backstop is used.

16.6.3.1.11 By any person participating in a special hunting season, which season may not conflict with state law or regulations, established by the Town Board for the purpose of wildlife management. The season shall be established by the Town Board when, based on competent professional advice such as a conservation officer, a season is needed to reduce an animal population. The Town Board may authorize the use of single projectiles as part of the special hunt regulations set forth in the resolution.

16.6.3.1.12 By any person slaughtering farm animals which they own or with the owner's permission.

16.6.4 Prohibitions

- 16.6.4.1** The shooting of firearm or controlled weapon is prohibited except as allowed in this ordinance.
- 16.6.4.2** Unless otherwise permitted by State Statute, it shall be unlawful for any person to possess, carry, or have under his control any firearm or controlled weapon upon the land of another without the written permission, oral permission, or be in the presence of, the owner or lessee of that land. The person must have in their possession the written permission. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained, and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.
- 16.6.4.3** It is unlawful for any minor under the age of fourteen (14) years of age to handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, or certified safety-training instructor, any firearm, controlled weapon, or dangerous weapon of any kind for hunting or target practice or any other purpose, within the township.
- 16.6.4.4** Any person aiding or knowingly permitting any such minor to violate subsection 16.6.4.3 of this section violates the same and shall be guilty of a misdemeanor.
- 16.6.4.5** It shall be unlawful for any person to be in possession of, carry, or transport any firearm or other controlled weapon while under the influence of alcohol or a controlled substance.
- 16.6.5 Dangerous Weapons.** No person shall keep, carry or have in his possession, concealed or otherwise, any dangerous weapon when on any public street or in any public place, or when they are trespassing upon the premises or property of another person, within the township. This does not apply to military or police personnel engaged in their duties, or those who hold permits to possess and carry on their person said weapon
- 16.6.6 Penalty.** Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.
- 16.6.7 Deer Management**
- 16.6.7.1** At such times as the Town Board determines that there is an overpopulation of deer within the Town and in order to reduce damage from deer, reduce the occurrence of vehicle accidents involving deer and to limit the spread of disease spread by deer, the Town Board may from time to time, by permit, allow hunting of deer by bow and arrow within the Town not closer than 100 feet to any residence unless given written permission to hunt closer than 100 feet by the resident. The permit shall authorize the holder to shoot a bow and arrow from an elevated position, within the area where such shooting is otherwise prohibited by this section, as allowed by bow hunting regulations of the State of Minnesota. The permit shall only be valid on land where the permit holder has the written permission of the owner to hunt deer with bow and arrow and

shall only be issued where the applicant has training in bow hunting safety and has demonstrated proficiency in shooting with bow and arrow. The permit may be issued to a group or organization whose members have training in bow hunting safety in which case all members of the group shall be deemed to hold the permit. Where a group permit is applied for a roster with the names and addresses of the group membership shall be filed with the Town Clerk at the time of application for the permit. The Town may impose a fee for issuance of the permit in an amount determined from time to time by action of the Town Board. The Town Board may attach such conditions to the permit as the Town Board deems necessary to provide for the safety of the residents and their property.

16.6.7.2 Nothing in this section shall be deemed to permit any hunting activity not otherwise allowed by the regulations of the Department of Natural Resources or any state or federal law.

16.6.8 Prohibition of Deer Feeding

16.6.8.1 During the deer bow hunting season as determined annually by the Minnesota Department of Natural Resources, no person or entity may intentionally place or permit to be placed on the ground, or within six feet of the ground surface, any grain, fodder, salt licks or blocks, fruit, vegetables, nuts, hay or other edible materials (including bird seed or bird food) which may reasonably be expected to result in deer feeding on the food substance, unless such food substance is screened or enclosed in a manner that prevents deer from feeding on the substance. Living trees, plants shrubs or other vegetation shall not be deemed to be prohibited by this ordinance.

16.6.8.2 Exceptions. Prohibitions of deer feeding shall not apply to the following: Veterinarians, animal control officers or government game officials who, in the course of their duties have deer in their custody or under their management and persons authorized by the Town of West Lakeland to implement the deer management program approved by the Town board, if any.

16.6.9 Discharge of Firearms East of TH 95. No person shall discharge any firearm in any portion of the township lying east of TH95.

16.7 Peddling and Soliciting

16.7.1 License Required. No peddler, solicitor or transient merchant shall sell or offer for sale any goods, wares, merchandise or services within the Town unless a license therefore shall first be secured as provided in this Ordinance.

16.7.2 Application and Issuance

16.7.2.1 Application for such license shall be made to the Town Clerk on a form supplied by the Town. The application shall state:

16.7.2.1.1 The name and address of the applicant and of all persons associated with applicant in the applicant's business

16.7.2.1.2 The type of business for which the license is desired

- 16.7.2.1.3 In case of transient merchants, the place where the business is to be carried out
- 16.7.2.1.4 The length of time for which the license is desired
- 16.7.2.1.5 The general description of the items or products to be sold or solicited
- 16.7.2.1.6 The places of residence of the applicant for the five years preceding the date of the application.

16.7.2.2 Blank applications shall be issued on payment of one dollar, which amount shall be credited on the license fee if the license is granted. Every application shall bear the written report and recommendation of the Town Clerk or Chairman after an investigation of the moral character of the applicant. The completed application shall be presented to the Town Board for consideration. If granted by the Town Board, a license shall be issued by the Town Clerk upon payment of the required fee, as may be determined by the Town Board from time to time.

16.7.3 License Restrictions

- 16.7.3.1 No activity under any license issued, or any activity conducted by any person or organization exempted from the licensing requirement, shall be carried out except between the hours of 9:00 AM and 7:00 PM Monday through Saturday.
- 16.7.3.2 At all times a true and legible copy of the license shall be in the possession of the person conducting the activity. In the case of an organization or person exempted from licensing requirements, such person shall have in his or her possession proof of registration with the town for the activity being conducted.
- 16.7.3.3 All persons conducting such activity within the town shall have in his or her possession a photograph bearing identification card or current driver's license.
- 16.7.3.4 All licenses or registrations hereunder shall be effective only for the dates and times shown on the license. Failure by any exempt person or organization to register its intent to conduct activity within the Town constitutes a violation of this Section.

16.7.3.5 Exempt Organizations and Persons

16.7.3.5.1 The following persons and/or organizations are exempted from the licensing requirements of this section

16.7.3.5.1.1 Political, religious and charitable organizations having a tax exempt certificate from the State of Minnesota or the United States of America.

16.7.3.5.1.2 Private farmers having a principal residence within the State of Minnesota, while selling their produce or farm products which have been grown upon their own land.

16.7.3.5.2 Persons or Organizations exempted from licensing provisions of this Ordinance must register with the Town in advance, identifying all persons who may be conducting activities within the Town, the nature of the activity to be conducted, and the dates and times upon

which such activity is to be conducted. No such activity may be conducted except between the hours of 9:00 am and 7:00 pm Monday through Saturday.

- 16.7.3.6 Revocation.** Any license may be revoked by the Town Board for violation of any provision of this section if the licensee has been given reasonable notice and opportunity to be heard.
- 16.7.3.7 Practices prohibited.** No peddler, solicitor, or transient merchant shall call attention to his business or to his merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.
- 16.7.3.8** Any person who violates any provision of this Section is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding the limits for a misdemeanor under state law or by imprisonment for a period not exceeding 90 days, or both plus in either case, the costs of prosecution.

16.8 Obstructions in Town Rights of Way

- 16.8.1 Purpose.** The Town Board finds that there is a continuing problem with encroachment onto and obstruction of town rights of way by lawn sprinkler systems, landscaping materials, fencing, trees and shrubs or other similar materials (hereinafter collectively referred to as “encroaching materials” for private homes being constructed within the town or other public rights of way. Where such encroaching materials exist, the encroaching material may cause damage to or be damaged by town or public maintenance equipment. In order to protect the town rights of way and equipment and in order to minimize disputes over damage to private property encroaching onto town rights of way the Town Board prohibits any such encroachment.
- 16.8.2 Prohibition.** No portion of any encroaching material shall be constructed or placed in a town or other public right of way. It shall be the responsibility of the property owner and installer to determine the location of the town or other public right of way.
- 16.8.3 Reimbursement for Damage.** The owner of any property on which encroaching materials exist shall reimburse the town or any employee, contractor or agent employed by the town for any damage to equipment being used for purpose of maintenance of the town rights of way where such damage is caused by contact of the equipment with the encroaching material.
- 16.8.4 Penalty.** Any violation of this section shall be punishable as a misdemeanor.

**TOWN OF WEST LAKELAND
WASHINGTON COUNTY, MINNESOTA**

Be it ordained by the Town Board of the Town of West Lakeland that the following sections be adopted as amendments/additions to the Code of Ordinances for West Lakeland Township.

16.8 Obstructions Within Township Right of Ways

16.8.1 Prohibition. No obstructions shall be constructed, installed or planted in the right of way. Obstructions include, but are not limited to, fences, retaining walls/structures, rip rap, boulders, posts, trees, shrubs and other such items.

Exceptions. Any obstructions placed in the right of way, including the exceptions listed below, are done so at the owner's risk. The Township is not responsible for any damage caused during maintenance or snowplowing operations within the right of way.

Mailboxes and support posts may be located within the right of way. All mailbox supports must comply with Federal Highway Administration and US Postal guidelines.

Lawn irrigation systems may be installed within the right of way at the owner's risk.

Property owners shall be allowed to plant and maintain boulevard plantings or gardens 18" or less in height within the right of way between their properties. However, plantings must be at least 3 feet from the edge of the pavement and must not impact drainage, violate applicable clear zone requirements nor obstruct visibility on the roadway. The Township may order removal of such plantings, if necessary for maintenance, safety or construction purposes, with no compensation due the property owner. If the property owner fails to perform the removal in a timely fashion, the Township may perform the removal and assess the property owner for the cost of removal.

16.8.2 Vegetation above Roadways. All vegetation, including trees and shrubs, shall be trimmed to a height of no less than 14'-0" above the road surface. This allows clearance for all vehicles, including emergency vehicles, road maintenance vehicles and permitted trucks.

16.8.3 Reimbursement for Damage. The property owner will be assessed the cost of any damage to maintenance or snowplowing equipment, emergency vehicles or permitted trucks caused by obstructions within the right of way or by vegetation less than 14'-0" above the roadway.

The Township is not responsible for damage to any obstructions placed in the right of way, including the exceptions listed above in section 16.8.1

16.8.4 Penalty. Any violation of this section shall be punishable as a misdemeanor.

Adopted on July 8, 2019

/s/ Daniel Kylo, Chairman

ATTEST:

/s/ Carrie Seifert, Clerk

The following shall replace all of Section 16.1 in the current West Lakeland Township Ordinances.

16.1 Regulation of Fires and Burning

16.1.1 Definitions:

- 16.1.1.1 Designated Fire Official.** The Chairman of the Town Board, a Town Supervisor, the Fire Chief, or Fire Warden designated by the Town Board.
- 16.1.1.2 Open Burning.** The burning of any matter that passes into the atmosphere without going through a duct, flue or chimney, except a recreational fire as defined below. Mobile cooking devices such as charcoal or gas grills are not considered open burning devices.
- 16.1.1.3 Recreational/Camp Fire.** A fire contained within an area no larger than three (3) feet in diameter. The fire is started with an approved starter fuel. The fire is to use clean, dry wood, and produce little detectable smoke, odor or soot beyond the property line.
- 16.1.1.4 Recreational/Camp Fire Site.** An area no more than three (3) feet in diameter, completely surrounded by non-combustible material, such as rock, cement, brick, tile, blocks or ferrous metal. Burning barrels are not a recreational fire site. Recreational fires shall not be closer than 25 feet to any structure.
- 16.1.1.5 Running Fire.** An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.
- 16.1.1.6 Starter Fuels.** Wood that is dry, untreated, and unpainted, kindling, branches or charcoal fire starter. Propane gas torches or other clean burning devices may be used to start an open burn.
- 16.1.1.7 Vegetative Materials.** Dry leaves, dry grass clippings, twigs, branches, tree limbs, weeds, untreated or unpainted wood containing no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.
- 16.1.1.8 Wood.** Dry, clean fuels, such as twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include green wood with leaves or needles, rotten, wet, oil-soaked, or treated with paint or preservatives.

16.1.2 Prohibited Materials:

- 16.1.2.1** Oils, petroleum fuels, rubber, plastic, or chemically treated materials, or other materials that produce excessive or noxious smoke. Such materials include, but are not limited to, tires, railroad ties, treated or painted wood, wood composition board, shingles, tar paper, insulation, dry wall, mattresses, wiring, paint or paint fillers.
- 16.1.2.2** Hazardous waste or salvage waste, such as, solid waste generated from industrial processes, materials from a service or commercial establishment, or materials generated by the demolition of a commercial, service or institutional structure.
- 16.1.2.3** Discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
- 16.1.2.4** Vegetative materials brought in from off the premises.

- 16.1.3 Open Burning Prohibited Except by Permit.** No open burning is allowed on any property without an open burning permit. A permit is not required for a recreational/campfire.
- 16.1.4 Burning Prohibited – Exceptions.** No person shall start or allow to burn for any purpose any outdoor fire with the following exceptions:
- 16.1.4.1** Fires in containers constructed to prevent flames or sparks from escaping. Containers must be in good condition and maintained to prevent flames or sparks from escaping. An adult must remain within twenty (20) feet of the container and have an unobstructed view of the container whenever a fire is burning in the container.
 - 16.1.4.2** Recreational Fire. A fire set with an approved starter fuel within an area no larger than three (3) feet in diameter. The fire is to use clean, dry wood, and produce little detectable smoke, odor or soot beyond the property line. A Recreational Fire may be used by a property owner to dispose of vegetative materials. The fire must always be tended by an adult and respect weather conditions and neighbors. No recreational fire or open burn will be permitted when the DNR has declared a burning restriction or when the MPCA has declared an air quality alert. The fire must not create a nuisance, health or safety hazard.
 - 16.1.4.3** Open fires larger than three (3) feet in diameter require permits issued by the Chairman of the Town Board, a Town Supervisor, or Designated Fire Official if conditions permit safe burning. The permit shall set time limits and other requirements necessary for safe burning. If the burning permit is for the disposal of brush, waste, trash or other unwanted materials, and a practical alternative method for disposal exists, or if a pollution or nuisance condition would result, or if a satisfactory burn safety plan cannot be drafted, the designated fire official may deny the application.
- 16.1.5 Permitted Open Burning.** Under special circumstances, open burning permits may be issued by the Designated Fire Official or DNR forestry official for:
- 16.1.5.1** Elimination of a health hazard that cannot be abated by other practical means.
 - 16.1.5.2** Ground thawing for utility repair and construction.
 - 16.1.5.3** Running fires.
 - 16.1.5.4** Disposal of vegetative matter for managing forest, prairie or wildlife habitat, property maintenance, and in the development and maintenance of land and rights-of-way.
 - 16.1.5.5** Disposal of diseased trees on-site, diseased or infected nursery stock, or diseased beehives.
 - 16.1.5.6** Disposal of construction material. The material must be unpainted, untreated, non-glued, and free of fastening hardware.
- 16.1.6 Penalty.** Violation of any part of this ordinance, including maintaining a nuisance after being notified in writing, shall be a misdemeanor.

17 Animal Control

17.1 Purpose

The Town Board of the town of West Lakeland hereby finds that the keeping of dogs and other animals in the town of West Lakeland may be in conflict with public health and safety, may constitute a public nuisance or otherwise be detrimental to the general welfare. In order to assure that no dogs or other animals are kept in the town of West Lakeland and in a manner inconsistent with the public health, safety and welfare, the Town Board has adopted this ordinance.

17.2 Definitions

- 17.2.1** Animal Control Officer means the Town Board and/or any persons or agencies designated by the Town Board. The Animal Control Officer's primary function involves enforcement of this Ordinance and other laws dealing with dogs. The Animal Control Officer shall also be construed to include any licensed law enforcement officer and shall have the police powers necessary for enforcement of this chapter, including authority to issue citations for violations.
- 17.2.2** At large means off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner's immediate family, or a person designated by the owner.
- 17.2.3** Commercial means a place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.
- 17.2.4** Dangerous Dog and Potentially Dangerous Dog have the meanings ascribed to those terms by M.S. Â§347.50, and specifically as follows:
- 17.2.4.1** "Dangerous Dog" means any dog that has: without provocation, inflicted substantial bodily harm on a human being on public or private property; killed a domestic animal without provocation while off the owner's property; or, been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- 17.2.4.2** "Potentially Dangerous Dog" means any dog that: when unprovoked, inflicts bites on a human or domestic animal on public or private property; when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public 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.
- 17.2.4.3** The terms "dangerous dog" and "potentially dangerous dog" shall also be construed to include similar classifications from other statutes or ordinances, which are substantially in conformity with Minnesota Statutes Â§347.50, whether or not the same words are used.

17.2.5 Private kennel means a place where four but not more than eight dogs over the age of six months are kept and where the business of selling, breeding, grooming, or training dogs is conducted and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income.

17.3 Poundkeeper/Designated Animal Control Officer

The Town Board shall appoint such person, persons or firm as the Town Board deems appropriate and advisable as Poundkeeper/Designated Animal Control Officer for the Township. This person, persons, or firm shall be compensated in such a way as the Town Board may deem reasonable.

17.4 Regulations Relating to the Keeping of Dogs

17.4.1 Number of Dogs Allowed. It shall be unlawful for any person to own, harbor, or keep more than three dogs of any age on the property. Only one litter of any resident dog at any given time is allowed on the property up to the age of six (6) months. It will be considered a violation of this ordinance if more than one litter and/or the puppies are kept past the age of six (6) months.

17.4.2 Restraining Loose Dogs. Any person may seize, impound, or restrain any dog found running at large and off the property of its owner. Any person impounding or restraining such dog shall immediately contact and surrender the dog to the animal control authority.

17.4.3 Prohibition of Dogs Running at Large. It shall be unlawful for any person who owns, harbors, or keeps a dog to allow such dog to run at large in the Town of West Lakeland. It shall be the duty of every owner of any dog, or anyone having any dog in their possession or custody to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

17.4.4 Barking Dogs. The owning, keeping or harboring of any dog or cat which shall by any noise unreasonably and/or excessively disturb the peace and quiet of any person in the vicinity shall be unlawful. The phrase "unreasonably and/or excessively disturb the peace and quiet" shall include, but is not limited to the creation of any noise by a dog which can be heard by any person, including an Animal Control Officer or law enforcement officer, from a location off the dog or cat owners property where the dog or cat is being kept, and which noise occurs repeatedly over at least a five(5) minute period of time with one(1) minute or less lapse of time between each animal noise during the five (5) minute period. This provision shall not apply to dogs and cats that are responding to trespassers or to dogs that are teased or similarly provoked to bark.

17.4.5 Prohibition of Unsecured Female Dogs in Heat. It shall be unlawful for any person to own, harbor, keep or have in their possession or on their premises an unsecured female dog in heat. An unsecured female dog in heat shall be deemed to be any female dog in heat which is not confined in a building or

secured enclosure in such a manner that the female dog cannot come into contact with a male dog except for a planned breeding.

- 17.4.6 Dogs Which Are Public Nuisances.** Every unsecured female dog in heat, and every dog that runs at large or causes disturbance, property damage or any dog that, without provocation, chases, molests or approaches pedestrians or bicyclists in a threatening manner upon the streets, right of way, or any public property or roadway or noise in violation of the provisions of this Ordinance is hereby declared a public nuisance.
- 17.4.7 Dangerous Dog and Potentially Dangerous Dog.** It shall be illegal for any person to own, keep, possess or harbor any dog that has been declared a dangerous dog or potentially dangerous dog. This prohibition shall apply whether said declaration has occurred in the Township or in some other jurisdiction. This prohibition shall also apply whether said declaration was made pursuant to M.S. Â§347.50 or pursuant to another statute or ordinance, which is substantially similar to M.S. Â§347.50. have the meanings ascribed to those terms by M.S. Â§347.50, and specifically as follows:
- 17.4.7.1** If a dangerous dog or potentially dangerous dog has bitten a person, then the dog shall first be quarantined according to the provisions of this Section of this Ordinance. Following said quarantine period, then the provisions of section 17.4.11 shall apply.
- 17.4.7.2** The Animal Control Officer or law enforcement officer shall immediately seize and impound any dangerous dog or potentially dangerous dog that is found within the Township. The dog will be kept no fewer than ten (10) calendar days. The owner has until the end of this time period to provide written verification that the dog will be legally removed from the Township, or that the dog will be euthanized. The owner must pay all associated impounding and boarding costs prior to the release of the dog. Upon its release, the dog shall be immediately transported to a location outside of the Township, or to a proper facility to be euthanized.
- 17.4.7.3** Any such dog that is not properly claimed within ten (10) calendar days shall be humanely euthanized. The owner of the dog that is euthanized shall be responsible to pay the impounding, boarding and euthanization costs.
- 17.4.7.4** This section shall not apply to police dogs under the control of a licensed law enforcement officer during the performance of official police activities.
- 17.4.8 Potentially Dangerous Dog Appeal Process.** You have received a Notice declaring your dog as Potentially Dangerous. If you desire to appeal the Notice of Declaration that your dog is Potentially Dangerous, you must file with the Town Clerk written notice of appeal which may be accomplished by completing and delivering to the Town Clerk the Request for Appeal form. During the appeal process, you must confine your dog in a Proper Enclosure as defined in the Notice of Declaration, or if the dog is outside the Proper Enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal

but that will not cause injury to the dog or interfere with its vision or respiration.

17.4.8.1 The following information explains the appeal process:

17.4.8.1.1 An appeal hearing will be scheduled within fourteen (14) days of the date that your Request for Appeal is received by the Town Clerk. The appeal hearing will be conducted by the Town Board. The Town Clerk will provide the owner of the dog with notice of the place, date and time of the scheduled appeal hearing as soon as practical following the Town's receipt of the Request for Appeal.

17.4.8.1.2 The owner may bring any evidence relevant to the issue, or any person with you who has testimony relevant to the issue, but may not bring your dog to the hearing. All persons giving testimony will be sworn under oath and subject to the penalty of perjury.

17.4.8.1.3 The Town will be responsible for contacting the witnesses who are relevant to its case.

17.4.8.1.4 After all persons have given the relevant testimony, the Town Board will consider all evidence submitted and make a decision of whether your dog is a Potentially Dangerous dog. The Town Board's decision shall be after the hearing. The Town Board's decision will be hand delivered or sent by registered mail to the owner of the dog as soon as practical and a copy shall be kept as record by the Township. In the event that the Potentially Dangerous dog declaration is upheld by the Town Board, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner.

17.4.8.1.5 The right to appeal or otherwise contest a Potentially Dangerous dog declaration shall be deemed waived if the owner fails to serve a written Request for Appeal within fourteen (14) days of the date of the Notice of Declaration of a Dog as Potentially Dangerous or if the owner fails to appear at the appeal hearing scheduled pursuant to the Request for Appeal.

17.4.9 Interference with Enforcement. It shall be unlawful for any unauthorized person to interfere with, hinder, or molest any animal control officer designated by the West Lakeland Town Board in the performance of the duties of his office under this Ordinance.

17.4.10 Investigation. Acting upon any complaint, the Animal Control Officer, any law enforcement officer or a member of the Town Board of West Lakeland may enter the premises where any animal is kept in a reportedly cruel or inhumane manner consistent with the Minnesota State Anti-Cruelty laws and demand to examine such animal and its environment.

17.4.11 Quarantine

17.4.11.1 Whenever a person owning, possessing, or harboring any dog within the corporate limits of the Town of West Lakeland learns that this dog has bitten any human being, such person shall immediately impound said dog in a place of confinement where it cannot escape or have access to other human beings and animals and shall also immediately notify the Town

Clerk. When the Town Clerk learns that a human being has been bitten by any dog within said Town, the Town Clerk shall attempt to ascertain the identity of such dog and the person owning, possessing, or harboring it and shall immediately direct such person to forthwith impound such dog as herein required. Any dog so impounded shall be kept continuously so confined for a period of ten (10) days from the day the dog bit a human being.

17.4.11.2 Upon learning that a dog has bitten a human being, the Town Clerk shall immediately notify the poundkeeper/designated animal control officer and inform him of the place where the dog is impounded. It shall be the duty of said poundkeeper/designated animal control officer to inspect said dog as necessary during its period of ten (10) days' confinement and to determine whether such dog is infected with and transmitting the rabies virus. For this purpose, the animal control officer shall have access to the premises where such dog is kept at all reasonable hours and may take possession of the dog and confine it in a suitable place at the expense of the owner. The owner or person in possession of or harboring such dog shall immediately notify said poundkeeper/designated animal control officer of any evidence of illness or disease in the dog during its period of confinement and shall promptly deliver its carcass to said poundkeeper/designated animal control officer in the event of its demise during its confinement.

17.4.12 Prohibition of Dog Fighting. It shall be unlawful for any person to pit one animal against another as pursuant to Minnesota State Law on cruelty to animals, Chapter 346, Paragraph 346.29.

17.4.13 Identification of Owner. The owner of any dog within the Town shall cause the dog to wear an identification tag identifying the owner of the dog. The identification shall include the owner's name and either the telephone number or address of the owner. The tag shall be securely fastened to the collar of the dog and shall be worn by the dog at all times. It shall be unlawful for any owner to allow a dog off the owner's property without the required identification tag.

17.4.14 Protection for Dogs. It shall be unlawful for anyone to place upon the ground or in any other manner any poison, bait, ground glass or harmful substance intended to harm a dog.

17.4.15 Criminal Prosecution. Any person that has violated or continues to violate sections 17.4.1 through 17.4.5 and 17.4.13 of this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a petty misdemeanor under state law with a fine of \$25. Violation of sections 17.4.6 through 17.9.6, excluding 17.4.13, shall be considered a misdemeanor with a Court Appearance required.

17.5 Prohibition of Kennels

No private or commercial kennel may be established in the Town unless a conditional use permit has been issued as provided by this Ordinance.

17.6 Private or Commercial Kennels

17.6.1 Required Permits. A Conditional Use Permit is required for private or commercial kennels. Business kennels are allowed in any commercial district. Private kennels are allowed with a conditional use permit in the SFE District. Private or Commercial kennels must comply with all rules and regulations of federal, state, county, and Township agencies.

17.6.2 Performance Standards. Private and commercial kennels must comply with all of the following standards.

17.6.2.1 The minimum lot area required for commercial and private kennels is five (5) acres. Any outdoor structures used for the confinement, care, or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.

17.6.2.2 An individual sewage treatment system shall be installed with the capacity to handle waste and hoses from the kennel and kennel runs.

17.6.3 Private kennels may have a maximum of eight (8) dogs.

17.7 Issuance of Permits

17.7.1 Kennel Permit Application. Upon application for issuance of a kennel permit for a, private kennel or commercial kennel, the Town Board will consider the following factors together with any additional information the Board feels is relevant:

17.7.1.1 The maximum number of dogs to be kept in the kennel.

17.7.1.2 The location of the kennel.

17.7.1.3 The proximity of surrounding homes.

17.7.1.4 The topography of the area.

17.7.1.5 The management of the kennel.

17.7.1.6 The impact of the kennel on the value and enjoyment of neighboring property.

17.7.1.7 Whether the kennel will have an impact on traffic in the area.

17.7.1.8 The amount of land owned by the applicant on which the kennel will be located.

17.7.2 Kennel permits shall not be approved unless the Board determines that issuance of the permit would be in the best interest of the Township after consideration of the factors set forth in 17.7.1.

17.7.3 Conditional Use Permit Application. Upon application for a conditional use permit for a private kennel or commercial business kennel, the Town Board may consider all of the factors set forth above for private and/or commercial kennel and also the following factors:

17.7.3.1 Whether the kennel will have employees.

17.7.3.2 The hours of operation of the kennel.

17.7.3.3 Information received at a public hearing on the application.

17.7.4 Conditional use permits for, private kennel or commercial business kennels shall not be approved until the Town Board has held a public hearing on the application preceded by published notice at least ten (10) days prior to the hearing and by mailed notice to property owners within one quarter ($\frac{1}{4}$) mile of

the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners and until the Town Board has determined that the proposed kennel will be in the best interest of the Township and will not have a significant adverse effect on neighboring properties. All kennel permits previous to the adoption of this ordinance as of August 8th, 2011 can continue under the previous requirements, all other applications August 8th, 2011 and after must comply with this adopted ordinance.

17.7.5 Inspections and Fees. All private and commercial business kennels will be inspected yearly and the kennel owner will be responsible for all associated fees.

17.8 Exotic animals

17.8.1 The keeping of exotic animals within the Town of West Lakeland is prohibited unless the owner or person keeping the same shall first secure from the Town Board a permit therefore.

17.8.2 The Town Board shall grant a permit for the keeping of any exotic animals only if the Town Board finds, on application by the owner that the animal is:

17.8.2.1 Unlikely to cause harm to any person or property; or

17.8.2.2 Kept under such special conditions that it is unlikely the animal will cause harm to any person or property and the owner or keeper thereof has adequate liability insurance to compensate any person who may be injured or suffer property damage as a result of the presence of such animal in the Town of West Lakeland.

17.8.2.3 All other considerations of the conditional use permit to assure health, safety, and welfare of the residents and surrounding properties.

17.9 Regulations Relating to Livestock and Livestock Operations

17.9.1 Purpose. The purpose of this section is to protect the township's valuable groundwater resources by establishing minimum regulations to raise livestock and permitting process for livestock operations

17.9.2 Definitions

17.9.2.1 Animal Unit. A unit of measure used to compare differences in the production of animal manure that employees as a standard the amount of manure produced on regular basis by a slaughter steer or heifer.

17.9.2.2 Feedlot. A lot or building or combinations 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. The enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

17.9.2.3 Livestock Operations. A lot of building or combination of lots and buildings intended for the breeding, raising or holding of eleven (11) or more animals.

- 17.9.2.4 Livestock.** Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens and any other animals commonly kept for commercial food production purposes and pleasure.
- 17.9.2.5 Pastures.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.
- 17.9.2.6 Owner.** Any person owning, harboring or keeping livestock
- 17.9.3 Required Permits** In all districts, livestock may be bred without a permit provided there are less than 11 animal units on the property. Quantities of livestock of eleven or more animal units must be approved by conditional use permit. To maintain livestock, the homeowner must demonstrate control of waste, odors, noise and all considerations listed as part of standard conditional use permit considerations. Livestock and Livestock operations must comply with all rules and regulations of federal, state, county and township agencies.
- 17.9.4 Performance Standards.** Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required;
 - 17.9.4.1** None shall be placed on any residential lot less than five (5) acres.
 - 17.9.4.2** Required setbacks. The following shall be the minimum setback requirements for feedlots.

County Parks	300 feet
DNR Protected Watercourse/Lake	300 feet
Wetlands	75 feet
Private Well	100 feet

17.9.5 The following equivalents shall apply with determining animal units

Animal	Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse, donkey, pony, mule	1.0
One swine over 55 lbs	0.4
One llama	0.25
One goose or duck	0.2
One goat or sheep	0.1
One swine under 55 lbs	0.05
One turkey	0.018
One chicken	0.01

For animals not listed above. The number of animal units shall be defined as the weight of the animal divided by one thousand (1,000) pounds.

17.9.6 A minimum of two (2) grazeable acres shall be provided for each animal unit or its equivalent. Grazeable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

- 17.9.7** The keeping of livestock in greater density than allowed as stated above shall require a Conditional Use Permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface to ground water contamination, excessive manure accumulation, odor, noise, and other nuisances.
- 17.9.7.1** The construction of an earthen waste storage basin is permitted provided a Certificate of Compliance is issued. The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed. The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from the Washington Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.
- 17.9.8 Pastures.** Livestock may graze within shoreland and bluff impact zones provided permanent vegetation is maintained to a conservation plan has been submitted to the Township Zoning Administrator which is consistent with the technical guides of the Washington Conservation District.

**TOWN OF WEST LAKELAND
WASHINGTON COUNTY, MINNESOTA**

Be it ordained by the Town Board of the Town of West Lakeland that the following sections be adopted as amendments/additions to the Code of Ordinances for West Lakeland Township.

17.9.2.1 Animal Unit. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on regular basis by a slaughter steer or heifer.

17.9.2.4 Livestock. Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats and any other animals commonly kept for commercial food production purposes and pleasure.

17.9.2.7 Domestic Fowl. A domesticated bird, such as a chicken, duck, goose or turkey.

17.9.5 The following equivalents shall apply with determining animal units

Animal	Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse, donkey, pony, mule	1.0
One swine over 55 lbs	0.4
One llama	0.25
One goat or sheep	0.1
One swine under 55 lbs	0.05

For animals not listed above. The number of animal units shall be defined as the weight of the animal divided by one thousand (1,000) pounds.

17.9.9 Penalty. Any violation of section 17.9 shall be punishable as a misdemeanor.

17.10 Regulations Relating to Chickens and other Domestic Fowl

17.10.1 Number Allowed. A maximum of five (5) domestic fowl per one-half (1/2) acre may be kept.

17.10.2 Confinement Standards. A chicken coop and pen shall be provided to confine the birds on the owner's premises and keep predators out.

17.10.2.1 All coops and pens must be located within the rear yard and are subject to the requirements for accessory buildings including all setbacks.

17.10.2.2 Coops and pens must be of a sufficient size for the number of birds.

17.10.2.3 Birds, coops and pens must not be kept in a manner as to cause an unhealthy, unsanitary or noxious condition or to cause a nuisance such as objectionable noise or odors.

17.10.2.4 Food stored for birds must be kept in predator-proof containers.

17.10.3 Restrictions.

17.10.3.1 All butchering waste shall be disposed of in a sanitary manner.

17.10.3.2 Dead chickens must be properly disposed of within 48 to 72 hours of death.

17.10.4 Penalty. Any violation of section 17.10 shall be punishable as a misdemeanor.

Adopted on July 8, 2019

/s/ Daniel Kylo, Chairman

ATTEST:

/s/ Carrie Seifert, Clerk

18 Terms and Definitions

18.1 Other Definitions

Certain chapters of this code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Section 18.4 and such other definitions, the other definitions shall prevail in the chapters where applicable.

18.2 Minnesota Definitions to Apply

Unless clearly in conflict with definitions or other provisions of this code, or otherwise clearly inapplicable, definitions established for the state of Minnesota by statutes or case law shall apply to this Town Code.

18.3 General Definitions

For purposes of this Chapter, certain words or phrases shall have their customary meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “he” includes the word “she”. The word “shall” is mandatory, “should” is advisory, and “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

18.4 Certain Terms Defined

ACCESSORY BUILDING. A detached single-story building greater than 120 square feet in size used, or intended to be used, for the storage of personal property, or for agricultural purposes.

ACCESSORY STRUCTURE OR USE. Any facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.

ADMINISTRATOR. The Township Zoning Administrator.

AGRICULTURAL BUILDING. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL BUSINESS, SEASONAL. A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public produce or any derivative thereof, grown or raised on the property.

AGRICULTURAL USE. Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income.

ALLEY. Any dedicated public right-of-way providing a secondary means of access to abutting property.

ANIMAL CONTROL OFFICER. The Town Board and/or any persons or agencies designated by the Town Board. The Animal Control Officer's primary function involves enforcement of the Ordinance and

other laws dealing with dogs. The Animal Control Officer shall also be construed to include any licensed law enforcement officer and shall have the police powers necessary for enforcement of Section 17, including authority to issue citations for violations.

ANIMAL AT LARGE. An animal off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner's immediate family, or a person designated by the owner.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic, or non-domestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

ANTENNA. That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communication Commission.

APPLICANT. The owner of the land proposed to be subdivided or his representative.

AREA, NET DEVELOPABLE. Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five (25%), unbuildable easements or rights-of-way, and required building setbacks.

ATTORNEY. The Township Attorney.

AUTHORIZED ENFORCEMENT AGENCY. Employees or designees of the Town Board of West Lakeland Township designated to enforce this ordinance.

BALLOON PORT, COMMERCIAL. An area of land designated for the takeoff, storage and maintenance of hot air balloons on a commercial basis.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in a Building Code.

BED AND BREAKFAST INN. An owner-occupied, private home where accommodations are offered for one or more nights to transients in exchange for payment; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

BEST MANAGEMENT PRACTICES (BMPS): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include

treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BLOCK. The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.

BOARD OF ADJUSTMENT. A judicial type body appointed by the Township Board consisting of five (5) members to hear appeals by any person aggrieved by any officer, department, or board of West Lakeland Township.

BOARD. The Town Board of the Town of West Lakeland.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUILDABLE LAND. Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200-foot structure setback is required, the buildable area calculation would be measured from a 150-foot setback rather than the required 200-foot setback; and above any floodway, drainageway, or drainage easement.

BUILDING CODE. The Minnesota State Building Code.

BUILDING HEIGHT. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building: The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line or a high water mark or line, behind which buildings or structures must be placed.

BUILDING SETBACK. The minimum horizontal distance between the building and the lot line.

BUILDING. Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery, or materials. When any portion thereof is completely separated from every part thereof by area separation, each portion of such building shall be deemed as a separate building. Except as the term relates to setback requirements, the term building shall not include a "lean to".

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered, for compensation.

CAR WASH. A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

CCl₄. Carbon Tetrachloride. The MDH health based drinking water criterion for CCl₄ is 1 microgram per liter (µg/L); however, for added protection, this Ordinance defines the action level for CCl₄ at 0.2 µg/L.

CEMETERY. Land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY. A certificate issued by the building official authorizing the use or occupancy of a building or structure.

CHARGED PIPELINE. Any Pipeline which is filled with Natural Gas.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CODE. The Town of West Lakeland Code.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

COMMISSION. The West Lakeland Township Planning Commission.

COMMON OPEN SPACE. Land held in common ownership used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes which is protected from future development.

COMPREHENSIVE DEVELOPMENT PLAN. A plan prepared by the township including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the township and includes any unit or part of such plan or parts thereof.

CONCEPT PLAN. A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the township as to the form of the development and the objectives of these regulations. The sketch plan shall contain data in accordance with Section 12.6.1.1 of this Chapter.

CONDITIONAL USES. Certain uses, while generally not suitable in specific zoning districts, may be allowed under some certain circumstances if conditions are attached.

CONSERVATION USE. Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes, and their accessory uses, such as interpretive centers and management facilities.

CONTIGUOUS. Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for purposes of this Zoning Ordinance.

CONTOUR INTERVAL. The vertical height between contour lines.

CONTOUR MAP. A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

COPY. A print or reproduction.

COST OF RENOVATION, REPAIR, OR REPLACEMENT. The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

COUNTY BOARD. The Washington County Board of Commissioners.

COUNTY. Washington County, Minnesota

COVENANT, PROTECTIVE/RESTRICTIVE. Contracts, agreements, or declarations entered into between private parties which constitute a restriction on the use of private property within a subdivision.

CUL-DE-SAC. A street with only one outlet; a dead end street; measured from the point where there is no secondary access.

CULTURAL RESOURCE. The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of West Lakeland Township and its people.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

CUTOFF TYPE LUMINAIRE. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

CUTOFF. The point at which all light rays emitted by the lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

DAY CARE CENTER. An establishment providing care and supervision for four (4) or more persons under the age of 7, licensed by the State of Minnesota.

DANGEROUS DOG. Has the meaning ascribed to those terms by M.S. Â§347.50, and means any dog that has: without provocation, inflicted substantial bodily harm on a human being on public or private property; killed a domestic animal without provocation while off the owner's property; or, been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

DANGEROUS DOG, POTENTIALLY. Has the meaning ascribed to those terms by M.S. Â§347.50, and means any dog that: when unprovoked, inflicts bites on a human or domestic animal on public or private property; when unprovoked, chases or approaches a person upon the streets, sidewalks, or any

public 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. The terms "dangerous dog" and "potentially dangerous dog" shall also be construed to include similar classifications from other statutes or ordinances, which are substantially in conformity with Minnesota Statutes Â§347.50, whether or not the same words are used.

DECIBEL. The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."

DEFINITION. For the purposes of this ordinance, the terms defined herein shall have the meaning ascribed to them.

DENSITY. The number of dwelling units permitted per acre of land.

DEPTH OF LOT. The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

DEPTH OF REAR YARD. The horizontal distance between the rear building line and the rear lot line.

DEVELOPER. The owner of land proposed to be subdivided or his representative.

DEVELOPMENT AGREEMENT. A contract with the Township in which the owner or developer agrees to take certain specified actions in consideration of the township's granting preliminary and final plat approval.

DEVELOPMENT CODE. The official controls adopted by West Lakeland Township regulating the physical development of land in the unincorporated areas of the Township.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to, construction of or addition or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The act of subdividing land, building structures and installing site improvements.

DISTRIBUTION SYSTEM. All of the facilities, lines, pipes, equipment, and fixtures of a Utility which are designed for distribution of the Utility's services to more than one customer.

DISTRICT, OVERLAY. Overlay Districts provide for the possibility of superimposing certain additional requirements upon a basic Zoning District without disturbing the requirements of the basic District. In the instance of conflicting requirements, the more strict requirements shall apply.

DISTRICT, ZONE. A part or parts of the Township for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as Agricultural, Single Family Estate, or Highway Commercial classifications).

DRAINAGE COURSE. A water course or indenture for the drainage of surface water.

DRAINAGEWAY. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-THROUGH RESTAURANT. A freestanding establishment used for the sale, dispensing, or serving of food, refreshments, or beverages in or on disposable plates and cups, including those establishments where customers may serve themselves and may eat and drink on or off the premises. Contemporary drive-in or fast food restaurants often offer drive-through service. For the purpose of this Chapter, an eating establishment located in a shopping center with three (3) or more attached business/retail establishments, which does not provide drive-through service and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-through restaurant.

DRIVEWAY ACCESS PERMIT. A permit required from the responsible governmental agency which allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.

DWELLING. A building of one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, tents, cabins, or boarding houses.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding houses, or tourist homes.

DWELLING, DUPLEX OR TWO-FAMILY. A residential building containing two (2) complete dwelling units and designed for occupancy by not more than two (2) families.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family.

EASEMENT. A grant by an owner of land for a specific use by persons other than the owner.

ELECTRIC FACILITIES. Electric transmission and distribution towers, poles, lines, guys, anchors, ducts, fixtures, and necessary appurtenances owned or operated by an electric Utility for the purpose of providing electric energy for public use.

ENGINEER. The registered engineer employed by the township unless otherwise stated.

ENVIRONMENTAL IMPACT WORKSHEET OR STATEMENT. That document that may be required under Minnesota Statute Chapter 116C and D.

EPA. The United States Environmental Protection Agency

EQUESTRIAN USES. Those uses commonly associated with the raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES - GOVERNMENTAL USES, BUILDINGS, AND STORAGE. An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES - UTILITY SUBSTATION. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity of large size in a long distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

EXOTIC ANIMALS. Any animal, including mammals, reptiles, or birds other than commonly kept domestic pets and commonly kept farm animals; exotic animals shall mean all animals usually considered “wild” such as bear, cougar, snakes, alligators, and falcons.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY DAY CARE HOME. A dwelling licensed as a day care center by the State of Minnesota where care is provided for no more than eight (8) children.

FAMILY. An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.

FARM. Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

FARMSTEAD. A group of buildings and adjacent service areas which support the functions of a farm. Structures may include, but are not limited to, homes, barns, machinery sheds, granaries, pump houses, chicken coops, and garages.

FEEDLOT. A lot or building, or combination of lots and buildings, intended for the confined breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained, The enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

FENCE, OPEN. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 30% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

FENCE, ORNAMENTAL. A fence intended to decorate, accent or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line or frame a driveway, walkway or

planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

FENCE, SOLID. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 30% or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered, and chain link with screening inserts.

FENCE. Adequate fencing shall be determined by its use. See open, ornamental or solid fence.

FILL. Any act, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting there from.

FINAL PLAT. A drawing or map of an approved subdivision, meeting all requirements of Subdivision Regulations and in such form as required by the Township and County for purposes of recording.

FINISHED ROOM. A room created by covering the walls and ceiling with plaster, dry wall, paneling, or other similar building material, so as to block from view the structural members of the wall and ceiling; trimming the doors, windows, and built-in cabinets with molding; and preserving the walls and trim with paint, varnish, or other similar material.

FLASHING LIGHT. A light source which is not constant in intensity or color at all times while in use.

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by a regional flood.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

FLOOR AREA, GROSS. The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

FLOOR AREA. The gross area of the main floor of a residential building measured in square feet and not an attached garage, attic, breezeway, unenclosed porches, or similar attachment.

FLOOR PLAN, GENERAL. A graphic representation of the anticipated use of the floor area within a building or structure.

FOOT PRINT. The length and width of the building's foundation and the building's height.

FOOTCANDLE. A unit of illumination produced on surface, all points of which are one foot from a uniform point source of one candle.

FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

GAC FILTER SYSTEM. A granular activated carbon system suitable to recover trichloroethylene (TEC) and CCl₄ from well water sufficient to meet Minnesota Department of Health interim exposure limit or Minnesota Department of Health Health Based Value.

GARAGE SALE. See Rummage Sale.

GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

GARAGE, STORAGE. Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.

GOVERNING BODY. The West Lakeland Township Board.

GRADE. The slope of a road, street, or other public way specified in percentage (%) terms.

GROUP ASSEMBLY. A company of persons gathered together for any purpose for a period of two (2) or more hours.

HARDWARE STORES. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

HAZARDOUS BUILDINGS OR HAZARDOUS PROPERTY. “Hazardous Buildings or Hazardous Property” means any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

HAZARDOUS MATERIAL. Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which is either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HIGH POWER TRANSMISSION LINE. A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

HOME INDUSTRY. Any occupation for gain or support which may be of a more intense nature or exceeds the limitations as defined under Home Occupations in terms of storage of stock or inventory, use of equipment not customarily household in nature, display of product, etc. A Home Industry may include occupations or uses such as assembly, mass mailing, multi-tiered marketing, gunsmithing or licensed firearm sales, furniture and cabinetry woodworking, furniture upholstery and refinishing, route sales, schools or classes (not exceeding five students in one interval), studios, animal grooming (with no overnight boarding) and salons. Home industries are to be considered Conditional Uses.

HOME OCCUPATION. Use of a property zoned residential or agricultural for gainful employment which is: a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) created and operated by the occupant of the dwelling.

HOMEOWNERS ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

HOMESTEADED DWELLING. A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statute §273.124.

HORSE TRAINING FACILITY, COMMERCIAL. An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

HORSE TRAINING FACILITY, PRIVATE. An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in 9.11.6.2 of this ordinance.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

IMPERVIOUS SURFACE. See Lot Coverage.

INDIVIDUAL PARCEL. A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Zoning Ordinance.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. See Chapter Eight of the Washington County Development Code.

KENNEL. Any establishment except a licensed veterinary clinic, where more than three dogs over the age of six months are kept for any purpose including pets, boarding, treatment, breeding, sales or sporting purposes.

KENNEL, BUSINESS. A place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

KENNEL, COMMERCIAL. A place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

KENNEL PRIVATE. A place where four but not more than eight (8) dogs over the age of six months are kept and where the business of selling, breeding, grooming, or training dogs is conducted and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income.

LAND ALTERATION. The reclaiming of land by depositing or moving material so as to alter the grade or topography.

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.

LEAN-TO. A “lean to“ shall mean any attachment to a building consisting of a roof and column support with two open sides where the square footage of the ground area covered by the roof is not more than 700 square feet. Any lean to must meet the setback requirements for a structure from streets and adjoining property lines. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

LIGHT FIXTURE, OUTDOOR. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.

LIGHT SOURCE. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

LIGHTING, OUTDOOR. Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

LIVESTOCK. Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.

LIVING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

LOADING AREA. A completely off street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT AREA, MINIMUM PER DWELLING UNIT. The minimum number of square feet or acres of lot area required per dwelling unit.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT COVERAGE. That portion of a lot containing an artificial or natural surface through which water, air, or roots cannot penetrate. This definition includes, but is not limited to driveways, structures, patios, and decks.

LOT, DOUBLE FRONTAGE. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

LOT LINE, FRONT. That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

LOT LINE, REAR. That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT LINE. A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured at the setback line.

LOT, BUILDABLE. A lot which meets or exceeds all requirements of the West Lakeland Township Zoning Ordinance without the necessity of variances.

LOT, CORNER. A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).

LOT, DEPTH. The mean horizontal distance between the front and rear lines of a lot.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT. An individual parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Auditor-Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MAJOR HIGHWAY. Those highways and/or roadways which are classified as principal and minor arterials and collectors in West Lakeland Township: Interstate-94, Manning Avenue.

MDH. The Minnesota Department of Health.

METES AND BOUNDS: A property description in which successive sides are described by direction and distance as one would walk around the area being described.

MINIMUM DESIGN STANDARDS: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay or other deposits. For the purposes of this Zoning Ordinance mining shall not include excavation, removal, or storage of rock, sand, dirt, gravel, clay or other material for the following purposes: Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage; On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by West Lakeland Township, agriculture or conservation purposes, sod removal, or other public utilities; Landscaping purposes on a lot used or to be used as a building site; Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year; The removal of excess materials in accordance with approved plats or highway construction.

MINOR STRUCTURES. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls, and fences.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under “Motor Vehicle Repair, Major”.

MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

MPCA. The Minnesota Pollution Control Agency.

MULTIPLE USE COMMERCIAL CENTER (MUCC). Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NATURAL DRAINAGEWAY. A depression in the earth’s surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

NATURAL GAS. A product in gaseous form designed and used for the purpose of combustion in furnaces and appliances to supply energy for public or private consumption, and which is sold by Utility companies subject to the regulatory authority of the Minnesota Public Utilities Commission, including Natural Gas, manufactured gas, mixture of Natural Gas and manufactured gas or other forms of gas energy.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in proximity to one another.

NOISE, AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominant source.

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this Zoning Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Zoning Ordinance or amendments thereto.

NONCONFORMING USE. Any legal or lawful use of land, or any legal or lawful use of a structure existing on the effective date of this Zoning Ordinance, or any amendments thereto, which does not conform with the regulations for the District in which it is located after the effective date of this Zoning Ordinance or such amendment.

NONRESIDENTIAL SUBDIVISION. A subdivision whose intended use is other than residential, such as commercial or industrial.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

NOXIOUS MATTER. Material which is capable of causing injury, or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the physical or mental health of human beings.

OFFICE. Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps and have been adopted by West Lakeland Township.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space. See Chapter Two, Part 3, Section 4 of the Washington County Development Code.

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN STORAGE. Storage of any material outside a building.

ORDINARY HIGH WATER LEVEL: The boundary of public waters and wetlands; an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established high water level by

the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.

OUTLOT. A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.

OVERLAY DISTRICT. A Zoning District shown as an overlay on the zoning map.

OWNER. Includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

PEDDLER. Any person or organization that goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, merchandise or services, and offering or exposing the same for sale, or making unsolicited sales and deliveries to purchasers.

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract, to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards, as adopted by the governing body, and on file in the office of the Zoning Administrator.

PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or time, it shall include the partners or members of any partnership or corporation, and, as to corporation, the officers, agents, or members thereof who are responsible for the violation.

PLANNING COMMISSION. The West Lakeland Township Planning Commission.

PLANT NURSERY. A building or premises used primarily for the growing, wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

PLAT, PRELIMINARY. The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission or Local Township for approval.

PLATTED LAND. Lands with legal descriptions described as lot, block, and plat name.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

POUNDKEEPER, DESIGNATED ANIMAL CONTROL OFFICER. The Town Board shall appoint such person, persons or firm as the Town Board deems appropriate and advisable as Poundkeeper/Designated Animal Control Officer for the Township. This person, persons, or firm shall be compensated in such a way as the Town Board may deem reasonable.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PRINCIPAL STRUCTURE OR USE. One which determines the predominant use as contrasted to accessory use or structure.

PROPERTY. Tangible or intangible, real, personal or mixed property.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties, which constitutes a restriction of the use of a particular parcel of property.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school Districts.

PUBLIC RECREATION FACILITY. An outdoor recreation facility owned and operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.

PUBLIC WAY. All roads, street, alleys, public right-of-ways, Utility easements and public grounds of the Town to which it has the right to grant the use to a Utility.

REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot.

REFUSE. Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on the average frequency in the magnitude of a 100 year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.

RESERVE STRIP. A narrow strip of land placed between lot lines and streets to control access.

RESOURCE INVENTORY. A survey of the land’s features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

RESTAURANT. A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.

RESTRAINT. A dog or other livestock is under “restraint” within the meaning of this ordinance if it is controlled by a leash or by a competent person and immediately obedient to that person’s command or confined within a vehicle being driven or parked on the streets or within the property limits of its owner. A dog or other livestock is not under restraint if it is on private property other than the property of the dog’s owner without permission of the property owner.

RETAIL BUSINESS. Stores and shops selling personal services or goods over a counter.

RIGHT OF WAY. The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROAD, APPROVED PRIVATE. A private road which has been approved by resolution of the Township Board of Supervisors. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.

ROAD, DEAD END. A road or a portion of a street with only one (1) vehicular traffic outlet.

ROAD, PUBLIC. A road owned and maintained by a government jurisdiction.

ROADSIDE SALES STAND. A structure used only for the display and sale of products on a seasonal basis with no space for customers within the structure.

ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel, see also Street definitions.

RUMMAGE SALE. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as “garage sales”. Flea markets are not rummage sales.

SCREENING. Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year. Screening shall be solid six (6) feet or more in height.

SECURITY LIGHTING. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

SELF-SERVICE STORAGE. A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.

SEPTIC PERMIT. A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

SHIELDING. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

SIDEWALK. That portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

SIGN AREA. The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

SIGN, ADVERTISING. A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

SIGN, BUSINESS. A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

SIGN, DEVELOPMENT IDENTIFICATION. A sign that identifies the name of a residential, commercial, or industrial development at a street entrance to the development.

SIGN, FLASHING. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.

SIGN, IDENTIFICATION. A sign which identifies the inhabitant of the dwelling.

SIGN, MOTION. A sign that has revolving parts or signs which produce moving effects through the use of illumination.

SIGN, NAMEPLATE. A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.

SIGN, PEDESTAL. A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

SIGN, REAL ESTATE. A sign offering property (land and/or buildings) for sale, lease, or rent.

SIGN, ROOF. A sign erected upon or above a roof or parapet of a structure.

SIGN, SHOPPING CENTER OR INDUSTRIAL PARK. A business sign designating a group of shops or offices.

SIGN, WALL. A sign attached to or erected against the wall of a structure with the exposed face of the sign parallel to the plane of said wall.

SIGN. A display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

SILVACULTURE. The practice of controlling the establishment, growth, composition health and quality of forests to meet diverse needs and values.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

SOLICITOR. Any person or organization who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, merchandise or services, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery.

SPILLAGE. Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

STATE. The State of Minnesota.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER DRAINAGE SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER POLLUTION PREVENTION PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH. The width of the right-of-way measured at right angles to the centerline of the street. The shortest distance between the lines delineating the roadway, including shoulders or parking lanes of a street. On urban designed streets it is face to face of curbs.

STREET, COLLECTOR. A road intended to move traffic from local roads to secondary roads and/or a road designated as a collector by the Minnesota Department of Transportation, the Metropolitan Council functional classification map, or the Washington County Comprehensive Plan. A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

STREET, INTERMEDIATE, OR MINOR ARTERIAL. A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET, LOCAL. A street intended to serve primarily as an access to abutting properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

STREET, PRIVATE. A street serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.

STREET, RURAL DESIGN. A street without curb and gutter having either paved or gravel shoulders.

STREET, SERVICE OR FRONTAGE ROAD. A minor street parallel to and adjacent to high volume arterial streets and highways which provides access to abutting properties and protection of through traffic.

STREET, URBAN DESIGN. A street that incorporates either concrete or bituminous curb and gutter.

STREET. Any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include “sidewalks”. A public right-of-way which affords a primary means of access to abutting property or that portion of a highway improved, designed or ordinarily used for vehicular travel.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE, NONCONFORMING. Any structure lawfully or legally existing on the effective date of this Zoning Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the District in which it is located after the effective date of this Zoning Ordinance or amendments thereto.

STRUCTURE. Any erection or construction, such as buildings, pre-fabricated or pre-built buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

SUBDIVIDER. The owner, agent, or person having control of land with the intended purpose of creating a subdivision.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.

SUBDIVISION, MINOR. Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan or Zoning Ordinance.

SUBDIVISION. The process of dividing land into two (2) or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

SWBCA. Special Well and Boring Construction Area, an area within the Town defined by boundaries established by the Minnesota Department of Health (MDH) and as changed, modified or expanded from time to time by MDH, delineating the area where special well and boring construction, repair and sealing requirements are in effect to minimize or eliminate the public’s exposure to contaminants present in groundwater aquifers.

SWIMMING POOL, PUBLIC. Any swimming pool other than a private swimming pool.

SWIMMING POOL, PRIVATE. A residential or private swimming pool is any pool which is used, or intended to be used, as a swimming pool in connection with a single family residence, and which is available only to the family of the householder and private guests.

TCE. Trichloroethene. The MDH health based drinking water criterion for TCE is 0.4 µg/L; however, for added protection, this Ordinance defines the action level for TCE at 0.1 µg/L.

TRANSIENT MERCHANT. Any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares, merchandise or services within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle or trailer.

UTILITY PIPELINE. Any pipeline, aboveground or underground, which has been installed by any party for the purpose of transmitting Natural Gas, including mains and lines connecting mains to individual buildings.

UTILITY SERVICE AREA. That portion of the Town where gas Utility receives a conditional Service Area license to install and operate a Distribution System.

UTILITY SERVICE CONNECTION/SERVICE LINE. The connection and line from a Utility's Distribution System to a Single Customer's dwelling or building.

VEHICLE, RECREATION. Any vehicle or structure designed and used for temporary, seasonal, human living quarters which meets all of the following qualifications: a) is not used as the permanent residence of the owner or occupant; b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

VEHICLE, ALL TERRAIN. A self-propelled vehicle, other than a licensed motor vehicle, normally used for recreational purposes. An all-terrain vehicle (ATV) also known as a quad, quad bike, three wheeler, or four wheeler is a vehicle that travels on low pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.

VETERINARY CLINIC. Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

VOC. Volatile Organic Compounds, a substance that contains carbon and that evaporates or becomes a vapor or "off-gasses" at room temperature, including but not limited to Benzene, Methylene Chloride, Hexane, Toluene, Trichloroethane, Styrene, Heptane, and Perchloroethylene.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**The following definition shall be added to Section 18 of the current West
Lakeland Township Ordinances.**

COMMUNITY RESIDENCE. A Community Residence is an assisted living facility providing health-related services under a home care license to a maximum of 10 persons. The Community Residence must meet the requirements of Minnesota State Statute 144G.