

ARTICLE 22
PERFORMANCE STANDARDS

Section 22.01. PURPOSE. The performance standards established in this section are designed to encourage high standards of development while protecting the public health of county residents, protect the quality and quantity of water resources, conserving the natural and scenic beauty of the county and minimizing environmental pollution. The standards are designed to prevent and eliminate those conditions, which cause blight and provide assurance that neighboring land uses will be 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.

Before any land use permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the applicable performance standards. The developer and/or landowner shall supply all data deemed necessary to demonstrate such conformance. The County Board of Commissioners shall be responsible for enforcing the standards.

Section 22.02. ACCESS, ACCESS DRIVES AND DRIVEWAYS.

A. Building Access.

1. Every building erected, moved or structurally altered shall be on a lot or parcel having direct physical access for emergency vehicles along the frontage of the lot or parcel from an existing dedicated public roadway or an existing private roadway approved by the County Board or Township Board.

B. Access Drives.

1. Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any residential or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow. The access drives must have a 16 foot wide drive surface, a clearance of 16 feet from the road surface and a curve in the access road with a radius 100 feet or greater except if the private road serves 3 or more dwelling then the road shall have a 20-foot drive surface with a 26-foot graded base.
2. Access drives onto county roads shall require a review by the County Engineer. 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. Access drives onto township roads shall be approved by the appropriate township board. Access drives onto state highways shall be reviewed and approved by the State District Highway Engineer.

Section 22.03. ACCESSORY BUILDINGS AND USES. Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations.

A. All Districts.

1. Two accessory buildings may be constructed or developed on a lot prior to construction of the dwelling.
2. No accessory building shall be used for dwelling purposes except by interim use permit during construction of the principal dwelling.
3. In case an accessory building is attached to the principal building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this Ordinance as applicable to the principal building.
4. All accessory buildings shall be sited on the same lot or tract.
5. A detached accessory building shall not be located in any required front or side yard except as provided otherwise by this Ordinance.
6. An accessory building shall not be closer than five (5) feet to the principal building.
7. A detached accessory building on a corner lot shall not project beyond the front yard setback requirement of the principal building.
8. A mobile/manufactured home or any parts of them, a semi-trailer or any parts of them and/or a recreational vehicle or any parts of them shall not be used as an accessory building or to construct an accessory building.
9. One (1) detached storage building may be constructed and/or moved onto the site without a permit, provided it does not exceed ten (10) feet in height, and has two hundred (200) square feet or less of floor area. This detached storage building may be as close as five (5) feet from the side lot line but must meet all the other required setbacks, including frontyard, rear yard, Ordinary High Water Line, bluff, wetland, etc, as stated in the Meeker County Zoning Ordinance.

B. Residential and Shoreland Districts.

1. No accessory building shall be located in the minimum side or rear lot line setbacks in said district.
2. Detached accessory buildings shall not:
 - a. Exceed twenty (20) feet in height.

- b. Occupy more than thirty (30) percent of the area of any rear yard.
 - c. Be used as a dwelling, except by Interim Use.
3. No private garage, storage, or accessory building shall:
- a. No detached private garage, storage, or accessory building shall exceed the following total combined maximum square footage for the permitted two (2) accessory buildings. The total square footage area of all floors with a ceiling height of seven (7) feet or more shall not exceed the maximum square footage as stated herein

Parcel Size	Maximum Building Area	Maximum Sidewall Height
Less than 20,000 sq. ft.	1040 square feet	14 feet
20,000 sq. ft. -.99 acres	1600 square feet	16 feet
1-2.49 acres	2400 square feet	16 feet
2.5-4.99 acres	3200 square feet	16 feet
5-9.99 acres	4000 square feet	16 feet
10+ acres	No size limitation	

1. The above listed maximum size accessory buildings denote the total combined allowed square footage for the permitted two (2) detached accessory buildings allowed on a site. The maximum allowed square footage is subject to all setbacks, impervious surface coverage standards and all building standards set forth in the Meeker County Zoning Ordinance of 1992.
2. In addition to the two (2) permitted accessory buildings detached from the principal dwelling unit, each parcel may have one (1) storage building that is 200 square feet or less in total area and shall meet the requirements as stated in Section 22.03.A.9 of this ordinance.
3. Contain an access door or other opening exceeding fourteen (14) feet in height.
4. Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location.
5. Farm storage bins or farm equipment storage building adjacent to a farm building site shall be exempt from Section 22.03B, provided said structure is located at least 300 feet from the ordinary high water level of all public water basins.

6. Commercially zoned property in a shoreland district shall be exempt from Section 22.03.B, provided said structure is located at least 300 feet from the ordinary high water level of all water basins.

C. Commercial and Industrial Districts.

1. Accessory buildings and uses may occupy any of the lot area which the principal building is permitted to occupy.
2. No accessory building shall exceed the height of the principal building except by conditional use permit.
3. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front or side yards setbacks in the I-1 District.

Section 22.04. AUTO SERVICE STATIONS. The following standards shall be applicable to auto and truck service stations in all districts.

- A. A surface water drainage system, subject to approval by the County Engineer, shall be constructed.
- B. The developed area site other than that taken up by a structure or planting, shall be surfaced with a dust-free material approved by the Planning Commission.
- C. Each service station shall have at least two (2) driveways.
- D. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service.
- E. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands.
- F. All areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened.
- G. When adjacent to residential zoned property, there shall be a screening fence.

Section 22.05. BUILDING RELOCATION. A conditional use permit shall be required for all permanent relocation of structures to be used as a dwelling, except new structures moved from the manufacturers construction site. An interim use permit shall be required for all temporary relocation of structures to be used as temporary dwellings. All persons before raising, holding up or moving any building to be used as a dwelling, shall obtain such permit. An application for such a permit shall include the following:

- A. The origin and destination of the building to be moved.
- B. Photographs showing all sides of the building to be moved.
- C. Site plan of the lot on which the structure is to be relocated including proposed location of the structure, dimensions of the lot and the setback distances.
- D. Map indicating surrounding land uses and location of structures.
- E. The route over which it is to be moved and the time during which it shall be moved.
- F. Any such building or structure shall conform to all the provisions of this Ordinance in the same manner as a new building or structure. The Planning Commission shall also consider the compatibility of the building to be relocated with buildings and uses on surrounding lots shall be considered. If the Planning Commission determines that the relocation of the building would substantially depreciate the value of the buildings or lots surrounding the lot upon which it is to be moved, then the permit shall be denied.

Section 22.06. DISPOSAL OF PETROLEUM CONTAMINATED SOILS.

- A. Applicant shall comply with all requirements of the Minnesota Pollution Control Agency and shall have obtained their permit, subject to county approval, prior to any public hearing held in conjunction with the conditional use permit application.
- B. Applicant shall, along with a completed application, also submit to the Zoning Administrator at the time of application:
 - 1. A detailed site plan on a minimum scale of one (1) inch to one hundred (100) feet and contoured at two (2) foot levels showing the proposed disposal site and the area surrounding same for a distance of two thousand (2,000) feet which plan shall show, at a minimum:
 - a. Specific location of all buildings and labeling same.
 - b. Specific location of all surface waters including lakes, rivers, streams, ditches, ponds and wetlands as defined by the Minnesota Department of Natural Resources.
 - c. Specific location of proposed disposal site.
 - d. Detailed plans of the disposal site and locations of any dams, berms or other drainage controls.
 - e. Current use of the property and brief description of general history of past use.

- f. Locations of all access points to underground water including wells and sandpoints, together with their depth.
 - g. Locations of all borings and test sites.
2. Baseline test data prior to the application for the following areas:
- a. All wells in the site plan area for levels of contaminants.
 - b. If there are no wells in the site plan area less than forty (40) feet in depth, at least one sample shall be drawn from the disposal site at forty (40) feet.
 - c. Soil borings on site at the rate of one (1) for every five acres for ground water levels and contaminants in the ground water. Two (2) tests shall be conducted prior to application, one in April and one in November.
 - (1) Soil borings will also test soil types and contaminants, including topsoil depth and types.
 - d. All testing done hereunder shall be performed by an independent laboratory or testing service certified by the Minnesota Pollution Control Agency (MPCA) and shall be conducted in accordance with MPCA rules and regulations regarding methodology.
 - e. All test data and results shall be provided to the Meeker County Zoning Administrator along with the application.
3. Copies of any MPCA permits or applications therefore in the possession of the Applicant.
4. A resume of the Applicant and any related individuals or businesses reciting their financial viability, their past history of engaging in the business of disposal of hazardous or solid waste and an operational plan for the site. Included shall be a listing of prior MPCA permits received or denied.
- C. Minimum Site Characteristics. To be eligible for a conditional use permit, a proposed site for the disposal or treatment of petroleum contaminated soil must meet the following minimum characteristics:
- 1. The outermost boundaries must be located a minimum of one thousand (1,000) feet from any open body of water including lakes, rivers, streams, ditches, ponds or wetlands.
 - 2. The outermost boundaries must be located a minimum of one thousand (1,000) feet from any open tile, open well or sandpoint casing, or septic or drainage system.

3. Said minimum outermost boundaries may be reduced by making specific application therefore to the members of the Planning Commission, and after specific recommendation by the Planning Commission as part of the conditional use permit herein.
 4. Minimum depth for ground water at the site shall be six (6) feet, or ten (10) feet in sandy soils as the governing body requires.
 5. The site shall be diked or bermed in such a manner that there will be no surface runoff and/or run-on during heavy rains equal to a "25 year" rain.
- D. When applying petroleum impacted soils to approved sites, the following minimum requirements shall apply to all conditional use permits granted hereunder:
1. For each approved site, the maximum number of individual leak sites that may be treated is ten (10) and the maximum amount of soil that may be deposited is two thousand (2,000) cubic yards.
 2. Once soil has been used for disposal of petroleum contaminated soils, it may not be reused for the same purpose. Soil may be used to treat petroleum contaminated soil only once.
 3. Application of the soils shall be at a maximum rate of two (2) inches, unless lower levels are recommended by MPCA.
 4. All application sites shall be tilled at least every two weeks during the growing season through September 1, thereafter a cover crop shall be administered if possible to prevent wind erosion.
 5. Application and tilling may only occur between sunrise and sunset. No application may be performed during the remaining hours.
 6. Only petroleum impacted soils may be treated. No industrial or other hazardous wastes may be disposed of or treated pursuant to this section.
 7. Contaminated soils must be applied as soon as possible after delivery to the disposal site. Stockpiling of contaminated soil will only be allowed when field conditions prevent spreading. All stockpiled soils must be set on and covered by at least 6 mil plastic. All tears must be repaired immediately.
 8. Stockpiling of contaminated soils is not permitted between November 1 and the following April 1.
 9. All plots where contaminated soil is placed must be mapped and a log kept of the test results of the contaminated soils, its origin and the amounts placed. A copy of said log and map shall be forwarded to the County Zoning Administrator within five (5) working days of the application.

10. All spreading shall be accomplished using methods approved by the Planning Commission and capable of providing uniform spreading at the required level.
 11. Upon completion of the treatment process, all rock four (4) inches in diameter or greater, and all other foreign material shall be removed from the soil.
- E. Testing. Before, during and after application, representatives of the County may conduct whatever soil and water testing they deem proper. Said testing shall be conducted by persons selected by the County through its Zoning Administrator. Applicant shall reimburse the County for the cost of said testing, making payment within five (5) days of demand either before, during or after testing is conducted. Failure to allow testing, or to pay for same upon demand, shall be cause for immediate suspension of the conditional use permit at the option of the Zoning Administrator. Thereafter, said permit may be revoked by the County in accordance with the conditions herein.
1. Testing by the County under the provisions herein may continue until such time as the soil's original baseline levels have been achieved.
 2. Applicant shall notify County ten (10) working days in advance of the date and time contaminated soil is scheduled for delivery to a disposal site. County may conduct testing of the soil prior to application to determine its content. If testing shows discrepancy between soils and MPCA permits or certificates of origin, the disposal of the soil may be immediately halted until the discrepancies are rectified.
 3. Applicant shall forward all test results it is required to take by MPCA regulations to the Zoning Administrator within five (5) days of receipt. Test results conducted by Applicant must be accompanied by a chain of custody document showing who took the sample, where it was taken from, when it was taken, and who analyzed it.
- F. Performance Bond and Insurance.
1. No application for a conditional use permit shall become effective until such time as the Applicant posts a bond, surety, or letter of credit (collectively referred to as "bond") in favor of the County guaranteeing that the Applicant will follow all federal, state, and local laws, rules and regulations in the application, treatment, and disposal of petroleum contaminated soils. In the event the Applicant shall fail to perform as required, the County may, at its sole discretion, complete performance of proper disposal and testing and make claim against said bond for reimbursement of any costs connected therewith. The amount of said bond shall equal the sum of five thousand dollars (\$5,000.00). Said bond shall remain in effect for a period of two (2) years after disposal. Said bond shall be in a form approved by the County Attorney.
 2. No application for a conditional use permit shall become effective until such time as the Applicant procures a policy of liability insurance in favor of the County. Said liability insurance shall be payable to County in the event Applicant is responsible for treating and cleaning any soil or water contamination resulting from the disposal of petroleum

impacted soil. Additionally, any private citizen may make claim against said liability policy, subject to first priority in governmental agencies, for any damages incurred as a result of said contamination. The amount of said insurance policy shall be one million dollars (\$1,000,000.00). The County shall be named beneficiary on the policy, and shall be notified directly by the insurer of any cancellation or failure to make premium payments. Said policy shall remain in effect for a period of four (4) years after disposal.

3. Cancellation of either the bond or insurance policy shall result in the immediate revocation of the conditional use permit. The County shall have the option of continuing to make premiums for the bond or insurance, at its sole discretion, in the event of cancellation, which costs shall be recoverable from the Applicant, bond, or policy.
- G. Applicant shall record with the County Recorder every conditional use permit issued hereunder within five (5) days of the granting of the permit. Said recording shall constitute notice of the use of the property as a decontamination site.
- H. Access to site. County authorities are hereby granted access to the disposal site whenever they deem necessary.
- I. The fee for a conditional use permit of this type shall be the sum of one thousand dollars (\$1,000.00).
- J. No person may dispose of any hazardous waste or petroleum impacted soils unless the terms of this Ordinance are complied with. In the event of a violation, the County Zoning Administrator or his designees may order an immediate suspension of the conditional use permit and shall notify the Planning Commission of his recommendation to revoke, reinstate or modify the conditional use permit.
1. Once suspended, no further disposal of contaminants may continue without approval from the Zoning Administrator.
 2. Applicant may appeal the decision to suspend the conditional use permit to the Planning Commission, then to the County Board, if necessary. Pending appeals, the conditional use permit shall be suspended.
 3. Once suspended, and after a violation is found to exist after hearing, the conditional use permit may be reinstated, revoked or amended after recommendation of the Planning Commission and subsequent action of the County Board.
 4. Hearings before the Planning Commission shall be held within thirty (30) days of the suspension of the permit. A decision must then be rendered within fifteen (15) days. A hearing before the County Board must be scheduled within thirty (30) days of the decision rendered by the Planning Commission, with a decision due within fifteen (15) days of the hearing. At the hearings, Applicant will be allowed the opportunity to present evidence in support of his position, as will other interested parties in the discretion of the commission or board.

5. In the event of contamination that is in need of immediate response, the Zoning Administrator is empowered to arrange for and commence corrective action immediately, with all costs being the responsibility of the Applicant and subject to the claim against the bond.
- K. Severability. In the event any of the provisions of this Ordinance are deemed unenforceable, said ruling shall not affect the remaining terms.
- L. The term of a conditional use permit herein is specifically limited to two (2) years from date of issue. Thereafter, an application for renewal to continue application of petroleum impacted soil must be made in the same manner as the original application. A new application may be made or the original application updated with the required information.
- M. In the event a conditional use permit expires, is suspended or revoked, Applicant must still perform whatever measures are necessary to ensure completion of the soil disposal on soil that has previously been placed on site, as well as continue testing requirements.
- N. In addition to the considerations contained herein and in Article 6 of this Ordinance, the prior history of the Applicant or any person or entity involved in the disposal process relating to compliance with federal, state and local laws relating to disposal of hazardous or solid waste is a consideration in the granting or denial of the conditional use permit. A conditional use permit may be denied solely due to previous violations by said parties.
- O. Exception to conditional use requirement:
 1. Regardless of what other provisions of this ordinance require, a conditional use permit shall not be required, and disposal of petroleum contaminated soils shall be a permitted use in A-1 and A-2 classified land as indicated in this paragraph.
 2. The treating site cannot accept more than one thousand five hundred (1500) cubic yards of contaminated soil per one quarter (1/4) section of land and must be no closer than one quarter (1/4) mile to any other land treatment site.
 3. During disposal and treatment, all requirements of the Minnesota Pollution Control Agency shall be complied with, including those contained in Guidance Documents 11, and 24-28, issued in May 1992, and their successors.
 4. All soil to be disposed of and/or treated hereunder shall originate in Meeker County.

Section 22.07. DRIVE-IN BUSINESSES. A conditional use permit shall be required for development and construction of any drive-in business in any district. An application for such a permit shall include the following information.

- A. Location and legal description of proposed site.
- B. Name and address of developer and owner of the property.
- C. Map indicating surrounding land uses and location of structures.
- D. Floor plans and elevation drawings of the proposed building.
- E. Site plan of the lot on which the structure will be built showing all proposed developments and meeting the following requirements:
 1. The entire developed area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage. The drainage shall be approved by the County Engineer.
 2. The site plan shall clearly indicate suitable storage containers for all waste materials. All commercial refuse containers shall be screened.
 3. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
 4. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property and any public street.
 5. The design of any structure shall be compatible with other structures in the surrounding area.
 6. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within two hundred (200) feet of any residential zoning district.
 7. No service shall be rendered, deliveries made or sales conducted within the required front yard. Customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
 8. No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.

9. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.
 10. A fence or screen of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line. In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground may be required to be constructed around the property.
 11. The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.
 12. Each food or beverage drive-in business shall place refuse receptacles at all exits.
- F. The following additional regulations shall apply to drive-in business.
1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, an indoor food and beverage service seating area.
 2. The hours of operation shall be set forth as a condition of the conditional use permit for drive-in business.
 3. Each drive-in business serving food may have outside seating.

Section 22.08. ESSENTIAL SERVICES. Essential service facilities shall be regulated according to the procedures described herein. Required maintenance or rebuilding of any essential service facility, when such maintenance or rebuilding does not change, expand the capacity or change the capability of the existing facility, shall be exempt from the regulation of this Section.

- A. Applications for locating any essential service line or essential service structure in any zoning district shall require a conditional use permit prior to any condemnation action or construction in addition to being governed by the following procedures. Pipelines as defined in Minnesota Statutes 116I.06, Subdivision 3 (1979 supplement) shall conform to procedures identified in 116I.02-.05 in addition to this Section. No conditional use permit shall be required for high voltage transmission lines under the control of the Environmental Quality Board pursuant to Minnesota Statutes, Section 116C.61. No conditional use permit shall be required if the essential services are included in an application for a plat, in which case the plat application shall be subject to this Section. No conditional use permit shall be required if the essential service has a maximum capacity of serving two (2) dwellings, subject to maintaining all performance standards as set forth herein.
1. The applicant shall file an application in duplicate with the Zoning Administrator on forms provided by the County. The application shall include such maps indicating location, alignment and type of service proposed, together with the status of any applications made

or required to be made under state or federal law to any state or federal agency. The application shall provide the name, address and telephone number of a contact person to which post construction inquiries related to exact location and depth of essential service facilities may be addressed. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak or explosion occurring during operation of the pipeline. The operator of the pipeline shall demonstrate its capability and readiness to execute the contingency plan. The County Planning Commission shall have sixty (60) days from the date of initial completed application to accept, reject or modify the application.

2. One (1) set of the above information shall be furnished to the County Engineer, who shall review the information and forward his comments and recommendations to the County Planning Commission and County Board of Commissioners.
3. The maps and accompanying data, shall be submitted to the County Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.
4. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed essential service line and essential service structures and shall file such report with the County Board of Commissioners.
5. Upon receipt of the report of the Planning Commission on the essential service line or structures, the County Board shall consider the application, maps and accompanying data and shall indicate to the applicant its approval, disapproval or recommend modifications considered desirable to carry out the intent of this Section.
6. The following conditions and standards are established as minimum requirements in the construction of essential service lines and facilities.
 - a. All drainage facilities and patterns shall be repaired to preconstruction condition as soon as possible after construction.
 - b. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within thirty (30) working days of the commencement of major essential service construction on that individual section of land. Section of land is defined as a numbered section as defined by the Government Land Survey or a portion thereof. For purposes of this Section, working days are defined as all days except days between November 15 and April 15 or any day when more than one-half (1/2) inch precipitation has fallen.
 - c. Shelterbelts, windbreaks, fences and vegetation shall be restored to preconstruction condition with the following exceptions.

- (1) Shelterbelt and windbreak replacement shall be replaced with transplant nursery stock to preconstruction density and may allow for operation and maintenance of essential service lines.
 - (2) Critical areas (slopes greater than twelve (12) percent, drainage ditch banks and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched a minimum of sixteen and one-half (16 1/2) feet in width from the top of the ditch spoil banks on each side of the ditch.
- d. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
 - e. Essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements, access to agricultural fields or the economical operation of an existing operating farm.
 - f. Where proposed essential service lines are located in or traverse the Recreation River District, the standards and criteria of MN Rules, parts 6105.0170 and 6105.0180 shall apply.
 - g. Minimum Standards--see table in this Section.
7. Waiver of Depth Requirement. In any easement granting right-of-way for a pipeline over agricultural land, the grantor of the easement may waive the minimum depth of cover with respect to all or part of the pipeline to be buried under that land. Such waiver of the minimum depth of cover shall be effective only if the waiver:
- a. Is separately and expressly stated in the easement agreement and includes an express statement by the grantor acknowledging that he has read and understood the waiver and is signed by the grantor.
8. Variances. Variances from standards established may be granted upon showing that:
- a. A depth or height less than that required is reasonably necessary to allow transition from this county to a bordering county.
 - b. A variance is reasonably necessary to allow for a transition in depth from agricultural land for which a variance has been granted to adjoining parcels of land or rights-of-way.
 - c. A variance is reasonably necessary for the installation of necessary essential service structures or appurtenances and the variance is for the immediate vicinity of the essential service structure.

No variance shall be granted so as to allow the essential service line to be placed at a depth less than the minimum depth established in this section for drainage facilities or the right-of-way of roads.

9. Inspections. The board may require that a qualified inspector be on the site of installation of essential service lines or structures. The board will establish a fee schedule for inspections consistent with applicable state laws and county policies. Before beginning construction, a person proposing to construct a pipeline other than a water pipeline shall pay an inspection fee to the County Treasurer. The fee shall be an amount for each mile or fraction of a mile of pipeline that will be constructed in the county and shall be established by the County Board of Commissioners. With respect to pipelines the following shall apply:
 - a. The County Board shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Ordinance.
 - b. The inspector shall promptly report to the County Board any failure or refusal to comply with the provisions of this Section and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply.
 - c. During on-site inspections, the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the County Board.
- B. Permits. Permits granted shall be valid for one (1) year and all conditions of this Section shall be complied with within a one (1) year period unless otherwise specified.

Section 22.09. EXTERIOR STORAGE. Open storage of materials shall be regulated as follows:

A. Residential Districts.

1. All materials and equipment not stored within a building shall be fully screened so as not to be visible from adjoining properties except for the following:
 - a. Recreational equipment or watercraft owned by a person leasing, renting or owning real estate. Also one additional recreational camping vehicle as defined in Section 23.97 and one additional watercraft as defined in Section 23.134 not owned by person leasing, renting or owning real estate may be parked on said lot.

- b. Construction and landscaping materials and equipment temporarily being used on the premises, unless such materials and equipment is associated with a home occupation of the said premises. Material and equipment associated with a home occupation shall conform to the provisions set forth in Section 22.12 of this Ordinance.
 - c. Agricultural equipment and materials if used or intended for use on the premises.
 - d. Off-street parking of passenger automobiles and pick-up trucks.
2. Unless otherwise provided in this Ordinance, motor vehicles, recreational camping vehicles, watercraft and trailer, or trailers of any kind or type without current license shall not be parked or stored except in a completely enclosed building.
 3. No commercial vehicles or equipment exceeding nine thousand (9,000) pounds gross weight shall be parked, stored or otherwise contained in a Residential District unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.
- B. Commercial and Industrial Districts. Open storage of materials in any required front, side or rear yard shall be prohibited. Any other outdoor storage shall be screened so as not to be visible from any class of Residential District.
- C. All Districts. Bulk Storage. All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids in excess of two thousand five hundred (2,500) gallons, shall require a conditional use permit in order that the County Board may have some assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. The County Board shall require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity to one hundred fifteen (115) percent of the largest tank capacity. Any existing storage tank that, in the opinion of the County Board, constitutes a hazard to the public safety, shall discontinue operations within five (5) years following enactment of this Ordinance.
- D. Existing Storage Compliance. Existing uses shall comply with the above provisions within twelve (12) months following enactment of this Ordinance. The County Board may require a conditional use permit for any exterior storage if it is demonstrated that such storage is or may become a hazard to the public health, safety, convenience, morals or has a depreciating effect upon nearby property values, or impairs scenic views or constitutes threat to living amenities.

Section 22.10. FEEDLOTS. Every animal feedlot located, enlarged, constructed or operated after the effective date of this Ordinance shall comply with the requirements of this Section.

A. General Requirements.

1. The owner of a proposed or existing animal feedlot for greater than fifty (50) animal units located outside the Shoreland District shall make application to the Meeker County Zoning Office for a permit when any of the following conditions exist:

- a. A new animal feedlot is proposed;
 - b. A change in operation of an existing animal feedlot is proposed if said proposal meets any or all of the criteria listed in 22.10.3, letters a to e;
 - c. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
2. A proposed new animal feedlot or a manure storage area must not be constructed within the shoreland district, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable.
3. An existing animal feedlot or manure storage area located in the shoreland district:
- a. that has been unused for ten years or more must not resume operation.
 - b. that has been unused for less than ten years is a pollution hazard and may resume operation after applying for and obtaining an interim permit. (7020.2005 subp. 1A)
 - c. may not expand to a capacity of 1,000 animal units or more or the manure produced by 1,000 animal units or more.
 - d. expanding in shoreland shall not locate any portion of the expanded feedlot or the manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or the manure storage area. (7020.2005 subp. 2)
 - e. An existing animal feedlot or manure storage area located in a floodplain may not expand (7020.2005 subp3)
4. All animal manure shall be stored, transported and disposed of in accordance with applicable state rules and regulations and the following:
- a. Unless incorporated within four (4) hours of application, there shall be no spreading of liquid animal manure within five hundred (500) feet, if surface applied, of a Residential R-1 or R-2 Zoned District, active church, school, park, city, or municipal limits.
 - b. Unless incorporated within four (4) hours of application, there shall be no spreading of solid manure within three hundred (300) feet, of a Residential R-1 or R-2 Zoned District, active church, school, park, city, or municipal limits.

- c. There shall be no spreading of liquid animal manure by the process of irrigation within one thousand (1000) feet, of a Residential R-1 or R-2 Zoned District, active church, school, park, city, or municipal limits.
- d. The Land Application of Manure or process wastewater from livestock and poultry operations shall follow Minnesota Rules part 7020.2225 for minimum state requirements.

Minimum manure application setbacks (in feet) near sensitive features.

	WINTER Frozen or snow covered soils	NON-WINTER With immediate Incorporation (<24 hrs.)		NON-WINTER Not incorporated within 24 hours	
		With phos. Mgmt.	No phos. Mgmt.	With vegetated buffer	Inadequate vegetated buffer
Lake, stream	300	25	300	100	300
Intermittent stream, * DNR Protected wetland,** Drainage ditch w/o beams*	300	25	300	50	300
Open tile intake***	300	0	0	300	300
Well, mine or quarry	50	50	50	50	50
Sinkhole with no diversion berm	Downslope 50' Upslope 300'	50	50	Downslope 50' Upslope 300'	Downslope 50' Upslope 300'

* Intermittent streams and ditches pertain to those identified on United States Geological Survey (U.S.G.S) quadrangle maps, excluding drainage ditches with berms that protect from runoff into the ditch and segments of intermittent streams which are grassed waterways. U.S.G.S. quadrangle maps can be found at County Soil and Water Conservation District Offices or can be viewed on the Internet at <http://terraserver.microsoft.com/default.asp> (Type in nearest town and state click “go”. Then select “U.S.G.S. topo map.”)

** Wetland setbacks pertain to all protected wetlands identified on Department of Natural Resources protected waters and wetlands maps (these maps are often located in County Soil and Water Conservation District offices and typically include all wetlands over 10 acres).

*** The open-tile intake setbacks do not take effect for solid manure applications until the year 2005.

(Distances derived from “Applying Manure in Sensitive Areas”, a publication of the MPCA & NRCS, also table 3 of the “Feedlot Ruler Summary, May 2001)

- e. Within the rights-of-way of public roads
5. The change of ownership of an existing feedlot will not require a conditional use permit, but all proposed or existing feedlots proposing a change in operations shall require a conditional use permit if:
- a. any part of the feedlot will be located less than two thousand six hundred and forty feet (2,640) of a school, active church, municipality, a community or County park, or a residential R-1 or R-2 district;
 - b. any part of the feedlot will be located less than one thousand feet (1,000) from another residence;
 - c. any part of the feedlot is located less than one thousand three hundred twenty feet (1,320) from a lake, or within three hundred (300) feet of a continuous flowing river or stream as identified in Section 19.03A of this ordinance;
 - d. a feedlot with three hundred (300) or more animal units.
 - e. the feedlot will be located within five hundred feet (500) of a property line not running through a public road or within One Hundred (100) feet of the centerline of a public road.

For the purposes of this section, "change of operations" shall be as defined in the Meeker County Zoning Ordinance or any successor thereto which reads:

"Change in operation" means an increase beyond the permitted maximum number of animal units, an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

6. If an animal confinement structure on an existing feedlot is destroyed by any means including, but not limited to natural occurrences such as wind, flood, lightning, tornado, snow or storm, said feedlot shall be allowed to replace said building without obtaining a new conditional use permit if it meets the following:
- a. The feedlot has a valid conditional use permit and is following all conditions,
 - b. The feedlot has a valid registration or permit from the Minnesota Pollution Control Agency,
 - c. There will be no increase in the number of animal units allowed by the conditional use permit to be housed at the feedlot,

- d. There will be no change in how manure is stored, handled, transferred or applied,
- e. The building will be constructed to the same square footage or less as the previous building,
- f. The building will not encroach closer on any setbacks, and
- g. The reconstruction is completed within eighteen (18) months of such happening.

7. The classes of feedlots are as follows:

- a. Class A: any feedlot consisting of 299 animal units or less.
- b. Class B: a feedlot consisting of between 300 and 1000 animal units no more than 30 percent of which are swine.
- c. Class B-h: a feedlot consisting of between 300 and 1000 animal units more than 30 percent of which are swine.
- d. Class C: a feedlot consisting of between 1001 and 2000 animal units no more than 15 percent of which are swine.
- e. Class C-h: a feedlot consisting of between 1001 and 2000 animal units more than 15 percent of which are swine.
- f. Class D: a feedlot consisting of more than 2000 animal units no more than 15 percent of which are swine.
- g. Class D-h: a feedlot consisting of more than 2000 animal units more than 15 percent of which are swine.

8. Feedlots and waste storage structures shall be prohibited within:

- a. Wetlands, as defined by U.S. Fish and Wildlife Circular 28, Types 3-8, any size.
- b. Flood plains.
- c. Areas of excessive slope (twelve percent (12%) or greater) adjacent to and uphill of lakes, rivers, streams, drainage ditches, or other water conveyance system.
- d. Setback distances established by Minnesota Public Health Rules Chapter 4725 or their successors.

- e. Shoreland districts.
- f. Within 300 feet of a sinkhole.
- g. Within 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05,
- h. A private school excluding home school sites.
- i. A licensed child care center where the well is vulnerable.
- j. Setback distances defined as follows:

Class A Feedlot: within one hundred (100) feet of a property line. If the feedlot is located within one thousand (1000) feet of a non-owner/operator residence, municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of application, the feedlot shall be required to obtain a Conditional Use Permit.

Class B Feedlot: within one quarter (1/4) mile of a non-owner/operator residence or a municipal well or within one half (1/2) mile of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

Class B-h Feedlot: within one-quarter (1/4) mile of a non owner/operator residence or a municipal well or within one and one half (1/2) miles of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

Class C Feedlot: within one-quarter (1/4) mile of a non owner/operator residence or a municipal well or within one (1) mile of a municipal border, school, park, active church, or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

Class C-h Feedlot: within one-half (1/2) mile of a non owner/operator residence or a municipal well or within two (2) miles of a municipal border, school, park, active church or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

Class D Feedlot: within one-quarter (1/4) mile of a non owner/operator residence or a municipal well or within one and one-half (1 1/2) miles of a municipal border, school, park, active church or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

Class D-h Feedlot: within one-half (1/2) mile of a non owner/operator residence or a municipal well or within three (3) miles of a municipal border, school, park, active church,

or a residential R-1 or R-2 zoned district, all existing on the date of the application, of which 150 feet must be on property owned by applicant/operator.

For the purposes of this section, "owner/operator residence" includes any residence where an adult owner of the property has an ownership interest in the feedlot or is employed by the feedlot on at least a .50 full time equivalent basis.

Additionally, the setback requirements for non-owner/operator residences may be waived on an individual basis in the discretion of the planning commission or county board, but only with the specific written consent of the owners of the property.

9. New waste storage structures: Lagoon or earthen basin; Non- Ruminant Animals. A conditional use permit shall include a requirement that all lagoons, earthen basins or similar structures designed to store liquid waste or manure from non-ruminant animals either built or expanded after the effective date of this provision, excluding under building ventilated pits, shall either be:
 - a. Completely covered using one of the following methods as approved by the Planning Commission/County board:
 1. A synthetic, floating cover; or
 2. A completely enclosed wooden, steel, concrete, or glass lined steel structure that is not capable of venting to outside air except through a controlled release designed to discharge dangerous gasses; or
 - b. Shall use an aerobic manure and waste handling system that is approved by the Planning Commission/County Board.

This paragraph (7) may be waived to correct an existing feedlot run-off problem on a site with less than 500 animal units.

10. Containment Abatement. In the event any feedlot (I) is determined to be the cause of a public health nuisance, as defined herein; and (ii) there is a requirement to abate the public health nuisance that is issued by any governmental agency; then the permit holder, owner, and/or occupant, jointly and severally, shall be responsible for taking, and paying for, all actions necessary to comply with the order. In the event the permit holder, owner, and/or occupant fail to comply with the order, the County Board of Public Health may take action pursuant to Minnesota Statutes Chapter 145A and its successors, and, pursuant to that chapter, assess all costs against the property. The costs assessed may also include any costs incurred by other governmental agencies that perform duties the Board of Health may perform herein.
 - a. The term "public nuisance" includes pollution and contamination of ground and surface water and air, as well as any activity or failure to act that adversely affects public health.
 - b. The procedure for assessing costs shall be pursuant to Minnesota Statutes

'145A.04, Subd. 8.

- c. The Meeker County Board of Commissioners is specifically authorized to act on behalf of, or in lieu of, the Board of Health with regards to this section.
- d. Nothing in this section shall be construed to place a duty on Meeker County or any of its agencies to assume responsibility for abating the nuisances described herein.

11. Prior to construction of feedlot facilities, a Meeker County land use permit is required. This permit requires:

- a. A Notice of Construction or Expansion for all existing feedlots with animal units greater than ten (10) animal units when located in a Shoreland District as per Section 22.10.A.3 and existing and/or proposed feedlots in Meeker County with animal units greater than fifty (50) animal units when located outside the Shoreland District. Said notice shall be filed with both Meeker County and the MPCA a minimum of 30 days prior to the commencement of construction.
- b. An Approved Manure Management Plan for all existing feedlots with animal units greater than ten (10) animal units when located in a Shoreland District as per Section 22.10.A.3 and existing and/or proposed feedlots in Meeker County with animal units greater than fifty (50) animal units when located outside the Shoreland District.
- c. An approved MPCA permit for feedlots with over 1000 animal units.
- d. An approved MPCA permit or NPDES permit for feedlots that have an existing wastewater and/or surface water pollution hazard.

B. Conditional Use Permit

- 1. Persons requesting a conditional use permit for an animal feedlot shall submit the following information as part of the application:
 - a. Owner and operator's name and address.
 - b. Proposed location of the feedlot and any waste storage structures.
 - c. Animal types and maximum number of animals of each type which will be confined at the feedlot.
 - d. Description of the geological conditions, soil types, ground water elevations, topography and drainage pattern(s) of the site and surrounding area.
 - e. A map or aerial photograph at a sufficient scale depicting the location of all lakes, watercourses, dwellings, roads and buildings within five thousand two hundred eighty feet (5,280) of the proposed feedlot and/or waste storage structure for class A, B, B-h, C and C-h feedlots, and 10,560 feet for class D and D-h feedlots.
 - f. A facility operation and manure and waste management plan including:
 - (1) Manure handling and application techniques including transfers and

- application equipment, planned times of manure transfer, planned periods of land application and incorporation techniques, if applicable.
- (2) Planned manure storage system.
 - (3) Method and techniques of the disposal of dead animals.
 - (4) Leases or agreements allowing the applicant to dispose of manure on land not owned by the applicant.
 - (5) How the odor will be managed during waste storage, waste transfer, land application and building ventilation.
 - (6) A listing of involvement in feedlot operations, in excess of three hundred (300) animal units, in the United States in the past five (5) years including location, position within the organization, and the current owners, including name and address.
 - (7) Certification that applicant has not had a feedlot permit revoked by Minnesota Pollution Control Agency (MPCA) within the past five (5) years.
 - (8) Provisions addressing general facility management and neighbor relations issues described as follows:
 - A) Minimizing visibility of the production site.
 - B) Any concerns relating to the distance and direction of neighbors and communities from the site.
 - C) Locating the facilities to accommodate land application of manure.
 - D) Maintenance of facilities.
 - E) Education of the public regarding expansion or modification plans.
 - F) Evaluation of current or proposed farm sites for potential environmental hazards.
 - G) Responding to complaints of citizens and governmental entities relating to the operation of the facility.
- g. Such additional information as contained in the application or as requested by the Planning Commission or the County Board.
- h. Applications for any permits required by other state and federal agencies.
- i. Any environmental impact statements (EIS) or environmental assessment worksheets (EAW) that may be required by other federal and state agencies.
- j. The proposed conditional use permit shall not be approved unless the following findings are applicable.
- a. The general requirements of this Section have been met and can be adhered to.
 - b. All other applicable requirements of this Ordinance have been met.
 - c. At the discretion of the Planning Commission, a certificate of compliance

or permit from the MPCA is obtained pursuant to Minn. Rules Ch. 7020.

2. The County may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary including conditions relating to any of the management practices and other items required to be submitted with the application.
3. Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted in the conditional use permit shall be considered only as a new application for a conditional use permit, unless the Zoning Administrator and Planning Commission determines the change to be inconsequential, following which the existing Conditional Use Permit may be amended.
4. Conditional use permits shall be in effect only as long as the land specified for spreading purposes is available for such purpose and as regulated otherwise by this ordinance, the owner shall have obtained and possess a valid certificate of compliance or permit from the Minnesota Pollution Control Agency pursuant to Minnesota Rules Chapter 7020 or any successor rules or regulations, and subject to any time limitation the planning commission or county board may recommend.
5. All conditional use permits issued under prior ordinance provisions that are not in conformity with the provisions herein shall remain in full force and effect, and must be adhered to until such time as there is a change in operation or discontinuance of the non-conforming use pursuant to Article 4 of this ordinance.
6. All conditional use permits issued for the proposed construction and/or change shall be valid for the entire feedlot and shall continue to be valid if the proposed construction and/or change does not occur and must be adhered to until such time as there is a need to re-apply for a conditional use permit or until a discontinuance of the feedlot operation occurs.

Section 22.11. FENCES. The following regulations shall apply to all fences in all districts except the agricultural districts and as otherwise provided in this Ordinance.

- A. All boundary line fences shall be entirely located upon the private property of the person, firm, or corporation constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. No setback requirement shall apply.
- B. No privacy/solid fence shall be constructed on the road right of way line or within the road right of way in all Zoning Districts.
- C. Privacy/solid fences in all Zoning Districts shall meet the required structure setback to the road centerline or right of way line as indicated in the appropriate Article of this Ordinance.

- D. Fences in the Residential Districts shall not exceed six (6) feet in height in the side and rear yards and shall not exceed forty-two (42) inches in height in the front yard.
- E. Privacy/solid fences in the Shoreland District shall meet the required structure setback from the Ordinary High Water Level for the respective lake classification. Split rail or chain link fences may extend down to the Ordinary High Water Level provided they are not more than 42” in height.
- F. Fences in the Commercial and Industry Districts shall not exceed six (6) feet in height except security fences, which shall not exceed eight (8) feet in height including barbed wire toppings. A fence shall be permitted, to be constructed on the right of way line in the Commercial and Industry Districts provided it is a chain link fence or a type similar to a chain link fence.
- G. No fences shall be constructed within utility easements unless provisions exist or can be made for access by the utility company.
- H. All fences shall be constructed in such a manner that the person, firm or corporation owning said fence can maintain the fence.
- I.. All junkyards, salvage yards and open storage yards screened by a fence shall submit plans for the erection of such fence to the Planning Commission for approval.

Section 22.12. HOME OCCUPATIONS. The purpose of this classification is to prevent competition with business districts, protect the natural resources of the County and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses.

A. Level 1 Home Occupation.

- 1. A Level 1 home occupation is defined as a business, profession, occupation or trade conducted entirely within a residential building which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

2. Level 1 Home Occupation Criteria. A Level 1 home occupation shall be allowed as a permitted use in agriculture and residential districts provided that it meets the requirements of this Ordinance herein and the following:

- a. Such use shall be conducted only within the principal accessory building or structure. Attached or detached private garages may be used for storage of supplies, equipment or items associated with the home occupation if sufficient room is maintained for the number of vehicles for which the garage is designed.
- b. The occupation is to be conducted solely by the permanent occupants of the dwelling in which it is located except that one (1) accessory person necessary to the occupation may be employed.
- c. Such use shall be clearly incidental and secondary to the use of the residence as a dwelling and shall not change the character thereof.
- d. Such use shall not occupy an area of more than twenty-five (25) percent of the total floor area of the principal dwelling.
- e. There shall be only the sale of products made at the home occupation or of products associated with said occupation and such sale shall be conducted within the principal dwelling.
- f. Except for the allowed vehicles, equipment, materials and sign for a home occupation allowed in this Section, and as expressly authorized by this Ordinance, there shall be no evidence of the occupation, activity or business use visible, audible or with an odor detectable from the exterior of the dwelling.
- g. Such home occupation shall not require external alterations or involve construction features not customarily found on dwellings.
- h. A Level 1 home occupation shall not include the repair of internal combustion engines, motor vehicle repair, automobile body shops, machine shops, welding, ammunition, manufacturing or any other objectionable uses as determined by Zoning Administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than 110 voltage.

B. Level 2 Home Occupation.

1. A Level 2 home occupation is defined as a business, profession, occupation or trade conducted entirely within an accessory building or structure which use is accessory, incidental and secondary to the principal dwelling located on the site and does not change the essential residential character or appearance of the property.
2. Level 2 Home Occupation Criteria. A Level 2 home occupation shall be allowed as an interim use in an agricultural and residential district provided that it meets the requirements of this

Ordinance herein and the following:

- a. Such use shall be conducted only within an accessory building or structure that is accessory to a principal dwelling. The home occupation may not be conducted in a principal dwelling or an attached private garage. Attached or detached private garages may be used for storage of supplies, equipment or items associated with the home occupation if sufficient room is maintained for the number of vehicles for which the garage is designed.
- b. The occupation is to be conducted solely by the permanent occupants of the dwelling located on the property on which it is located except that three (3) accessory persons necessary to the occupation may be employed.
- c. Such use shall be clearly incidental and secondary to the use of the property for residential purposes and shall not change the character thereof.
- d. An accessory structure shall not contain a floor area of over one thousand four hundred (1400) square feet in residential districts. Accessory structures within three hundred (300) feet of an Ordinary High Water Line shall not exceed one thousand forty (1040) square feet of floor area. There shall be no size restrictions in agriculture districts, except home occupation accessory buildings in agriculture districts that are located within five hundred (500) feet of a residential district shall not exceed two thousand (2000) square feet of floor area.
- e. There shall be only the sale of products made at the home occupation or of products associated with said occupation and such sale shall be conducted within the accessory building.
- f. Except for the allowed vehicles, equipment, materials and sign for a home occupation allowed in this Section, and as expressly authorized by this Ordinance, there shall no be evidence of the occupation, activity or business use visible, audible or with an odor detectable from the exterior of the accessory building.
- g. A Level 2 home occupation in a residential district shall not include the repair of internal combustion engines, motor vehicle repair, automobile body shops, machine shops, welding, ammunition, manufacturing or any other objectionable uses as determined by Zoning Administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than 110 voltage. A level 2 home occupation in an Agriculture District may include these uses, subject to being issued a conditional use permit and the requirements otherwise provided in this Ordinance.
- h. Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a rural or residential area and shall be specifically compatible in design and scale with other development in the area.

- i. As a conditional use, a Level 2 home occupation may be required to conform to additional standards as determined by the Planning Commission.
- C. General Restrictions. The following requirements are for both Level 1 and 2 home occupations in residential or agriculture districts:
1. Said use shall not create odor, dust, smoke, heat, noise, electrical disturbances, light, glare or vibrations noticeable or extending beyond the property line.
 2. The existence of a home occupation shall not be used as a justification for a zone change.
 3. Junk and scrap yards are prohibited home occupations.
 4. One (1) non-illuminated sign measuring not more than eight (8) square feet in area and mounted flat against the primary dwelling or home occupation accessory building is allowed for home occupations in residential districts. A home occupation in a residential district may also place signs for the home occupation off the premises of the home occupation in a A-1, R-2, C-1, C-2 or I-1 zoning district provided said sign conforms to the provisions of Section 22.23 of this Ordinance. A home occupation in an agriculture district shall be permitted to place signs in conformance with the provisions of Section 22.23 of this Ordinance.
 5. The use of dumpsters in conjunction with a home occupation is prohibited in residential districts. No more than one (1) dumpster is allowed for home occupations in agriculture districts.
 6. No business activity may be conducted which is illegal or prohibited under any other County ordinance or applicable law.
- D. Residential District Restrictions. The following apply to home occupations located in a residential district:
1. Storage on the premises of materials or equipment used in connection with the home occupation in residential districts shall be within an enclosed building.
 2. Traffic shall not be generated which significantly affects the rural or residential character of the area. No more than three (3) vehicles related to the home occupation, including customer, supply and delivery vehicles, shall be parked on the property outside an enclosed building in a residential district. Such vehicles shall be parked off-street in conformance with the off-street parking provisions of this Ordinance.
 3. In residential districts, a use associated with the home occupation may be made of a backyard for activities not involving manufacturing, assembly or fabricating if such use occurs no more than two (2) consecutive days or eight (8) days in a calendar month and does not create a nuisance or violate other County and State ordinances and standards.

4. Customer visits related to a home occupation in a residential district shall be allowed only during the hours 7:00 a.m. and 10:00 p.m.

Section 22.13. SUBSURFACE SEWAGE TREATMENT SYSTEMS. Every subsurface sewage treatment system installed, replaced, altered, extended or repaired after the effective date of this Ordinance shall comply with the requirements of this Section. Systems shall be designed and conform with Minnesota Rule Chapter 7080-7081 regulating Subsurface Sewage Treatment Systems and the Meeker County Zoning Ordinance. This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Section 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082; or successor rules.

- A. Licensing. All individual sewage treatment system installers, pumpers, site evaluators, designers and inspectors must be licensed by the MPCA and keep the license current along with any other requirements listed in this section. No person, firm or corporation shall engage in the business of installing and constructing sewage treatment systems or pumping and hauling sewage within the County without first obtaining a license from the MPCA. Any installation, replacement, construction, alteration or repair of a sewage treatment system by a licensee in violation of the provisions of this Section or refusal on the part of the licensee to correct such defective work performed by such licensee shall be cause for reporting to the State of Minnesota licensing Department and or the MPCA.

1. License Exemption. Property owners doing own work:

- a. An individual who may be permitted to construct or repair SSTs on their own property shall be exempted from providing proof of a State license but shall be required to execute a signed indemnification agreement pursuant to Section 22.13 A1a1. The person that conducts the site evaluation and design must have a Designer or Advanced Designer license from the Minnesota Pollution Control Agency. The designer shall be responsible to verify this installation per design and be present at the time of the inspection. Pressurized systems cannot be constructed by anyone other than a licensed installer. Property owners doing their own work must comply with all other provisions of this ordinance.

- (1) Indemnification Agreement. The permittee shall provide a signed agreement to the Zoning Administrator which indemnifies and saves the County, holding it harmless from all losses, damages, costs and charges that may be incurred by the County due to the failure of the permittee to conform to and comply with the provisions of this Ordinance.

- b. An individual who performs labor or services under a licensee.
- c. A farmer who pumps sewage waste from individual sewage treatment systems from dwellings owned by the farmer and disposes of those wastes on land that is owned or leased by the farmer.

d. A property owner who personally gathers information, evaluates, or investigates the SSTS on or serving the property to provide disclosure information required by MN Stat. 115.55, Subd.6.

B. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to Meeker County Planning and Zoning with the construction permit application for review and approval. Meeker County Planning and Zoning shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

1. Management plans shall be required for any system requiring a permit for repair, modification or expansion; and
2. For systems without a management plan when a property is transferred.
 - a. Management plans shall follow Minnesota Rules, Chapter 7082.0600, Subp. 1 and include:
 - (1) Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
 - (2) Monitoring requirements;
 - (3) Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
 - (4) Statement that the owner is required to notify Meeker County Planning and Zoning when the management plan requirements are not being met;
 - (5) Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
 - (6) A description of the system and each component;
 - (7) A plot plan of the system;
 - (8) Equipment specifications;
 - (9) Emergency Operating Procedures in the event of a malfunction;
 - (10) A troubleshooting guide;
 - (11) Other requirements as determined by Meeker County Planning and Zoning.

C. Permits. No person, firm or corporation shall install, replace, alter, repair or extend any

individual sewage treatment system without first obtaining a permit from the Zoning Administrator for the specific installation, replacement, alteration, repair or extension. At the time of applying for said permit, a fee established by the County Board of Commissioners shall be paid. Such permits shall be valid for a period of twelve (12) months from the date of issue.

Permits shall not be required for repair or replacement of a crushed pipe, pump, floats or other electrical devices of the pump, baffles in a septic tank, septic tank access cover or extension ring(s), or inspection pipes.

1. Applications for permits shall be made in writing upon forms furnished by the Zoning Administrator and containing the following information:
 - a. Name, address and phone number of the property owner, legal description of the property on which the construction or installation is to take place.
 - b. Site plan illustrating the:
 - (1) Location of existing and proposed buildings, roads, etc.
 - (2) Location of existing water supply facilities, which may be affected.
 - (3) Lot boundaries and proposed setbacks.
 - (4) System layout, property lines, lakes, wells and their depths within 100 feet of the SSTS, etc.
 - (5) Lots created after January 23, 1996, must be able to support two (2) type I soil treatment systems.
 - (6) Please note it is the responsibility of the SSTS designer and the homeowner to protect the primary and secondary soil treatment areas. Both areas must be protected by staking, fencing, posting, or other effective method to prevent any type of construction traffic or other compaction or disruption that would render the sites worthless for an SSTS soil treatment area.
 - c. Name, address, phone number and State SSTS License Number of person, firm or corporation who designed the system and who is to install or repair the system.
 - d. Proposed system components and sustaining data including:
 - (1) Size of septic tank.
 - (2) Type and size of distribution system.
 - (3) Soils data for the site.

- e. Evidence that the approval of said plans and specifications has been secured from the appropriate state agencies as applicable.
 - f. Any other information as deemed necessary by Zoning Administrator to assure compliance with this Section.
2. Application Review and Approval. If, after consideration of the application for a permit, a qualified employee or authorized licensee of the Zoning Administrator shall be satisfied that the work contemplated conforms to and complies with the provisions of this Section, the Zoning Administrator shall issue a written permit granting preliminary approval authorizing initiation of construction of the system as designed. The septic permit fee must be paid before review and approval of the design. Any changes to the approved design either before or during installation shall cause the construction permit to be suspended until a revised design is submitted and approved. If a change is made to a design before or during installation a separate permit revision fee shall be charged. Said fee shall be fifty (50) dollars, or the actual cost to the County, whichever is greater.
 3. Application review and Denial. If after consideration of the application for a permit, the Zoning Administrator shall be satisfied that the work contemplated will not conform to or comply with the provisions of this Section, the Zoning Administrator shall deny the application of a permit. Notice of such denial shall be served on the applicant or permittee. The notice shall state the reason for denial. The permit application may be revised or corrected and resubmitted to the Zoning Administrator at any reasonable time for reconsideration.
- D. Operating Permit. An Operating Permit shall be required of all owners of new Type IV and V systems or MSTs or any other system deemed by Meeker County Planning and Zoning to require operational oversight. Sewage shall not be discharged to a holding tank or MSTs until Meeker County Planning and Zoning certifies that the MSTs or holding tank was installed in substantial conformance with the approved plans, received the final record drawings of the MSTs, and a valid Operating Permit is issued to the owner.
1. Application for an Operating Permit shall be made on a form provided by the Meeker County Planning & Zoning Office and shall include:
 - (a) Owner name, mailing address, telephone, and e-mail address
 - (b) Construction Permit reference number and date of issue
 - (c) As built drawings of the treatment system.
 - (d) Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.
 2. Monitoring and Disposal. Owners of holding tanks shall provide to the Meeker County Planning and Zoning Department a copy of a valid monitoring and disposal

contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules Chapter 70820.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3). However, all rules from Title 40, Part 503 Standards for Land Application of Sewage must be followed.

3. Department Response. The Meeker County Planning & Zoning Office shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of Meeker County Planning and Zoning. If the submitted documents fulfill the requirements, the Meeker County Planning and Zoning Office shall issue an operating permit within ten (10) working days of receipt of the permit application.
4. Operating Permit Terms and Conditions. The operating Permit shall include the following (see Minnesota Rules, Chapter 7082.0600, Subp.2.B):
 - (a) System performance requirements
 - (b) System operating requirements
 - (c) Monitoring locations, procedures and recording requirements
 - (d) Maintenance requirements and schedules
 - (e) Compliance limits and boundaries
 - (f) Reporting requirements
 - (g) Department notification requirements for non-compliant conditions
 - (h) Valid contract between the owner and a licensed maintenance business
 - (i) Disclosure, location and condition of acceptable soil treatment and dispersal system site
 - (j) Descriptions of acceptable and prohibited discharges
5. Permit Expiration and Renewal. Operating permits shall be valid for the specific term stated on the permit as determined by Meeker County Planning and Zoning.
 - (a) An Operating Permit must be renewed prior to its expiration. If not renewed, Meeker County Planning and Zoning may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety (90) calendar days of the expiration date, the County may require that the system be abandoned in accordance with Minnesota Rules 7080.2500 System Abandonment.
 - (b) Meeker County Planning and Zoning shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least thirty (30) calendar days before the expiration date.
 - (c) Application shall be made on a form provided by Meeker County Planning

and Zoning which includes:

1. Applicant name, mailing address and phone number.
 2. Reference number of previous owner's operating permit.
 3. Any and all outstanding Compliance Monitoring Reports as required by the Operating Permit.
 4. Certified treatment system inspection signed and/or sealed by a certified maintenance contractor, or operator at the discretion of the County.
 5. Any revisions made to the operation and maintenance manual
6. Amendments to Existing Permits not allowed. Meeker County Planning and Zoning may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.
7. Transfers. The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with 22.13.D of this Ordinance. Meeker County Planning and Zoning shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, Meeker County Planning and Zoning may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
8. Suspension or Revocation.
- (a) Meeker County Planning & Zoning may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
 - (b) Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
 - (c) If suspended or revoked, Meeker County Planning and Zoning may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Minnesota Rules 7080.2500 System Abandonment.
 - (d) At the discretion of Meeker County Planning and Zoning, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
9. Compliance Monitoring.

- (a) Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- (b) A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to Meeker County Planning and Zoning on a form provided by Meeker County Planning and Zoning on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - 1. Owner name and address
 - 2. Operating Permit number
 - 3. Average daily flow since last compliance monitoring report
 - 4. Description of type of maintenance and date performed
 - 5. Description of samples taken (if required), analytical laboratory used, and results of analyses
 - 6. Problems noted with the system and actions proposed or taken to correct them.
 - 7. Name, signature, license, and license number of the licensed professional who performed the work.

E. General Requirements. The system shall consist of an approved SSTS. The system shall be located and designed:

- 1. Requirements for Systems not operated under a Management Plan (*Minnesota Rules, Chapter 7082.0100, Subp. 3.(L)*) SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.
- 2. So that all sewage generated in unsewered areas of Meeker County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance 7080 and 7081 or by a system that has been permitted by the MPCA.
- 3. Class V Injection Wells. All owners of a SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental

Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

4. The top of sewage tanks for both new and existing dwellings may be buried deeper than four (4) feet but must not exceed manufacturers maximum designed depth for burial of the tank.
5. To receive all sewage from the dwelling, building or other establishment served, including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system.
6. To prevent raw sewage, septic tank effluent or seepage from an SSTS being discharged to the ground surface, into abandoned wells, surface water bodies, rock formations or any structure, which is not conducive to purification of water by filtration.
7. So that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance or endanger the safety of any domestic water supply nor pollute or contaminate any waters of the County. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance and possible expansion of the system. The following rules and regulations shall apply to individual sewage treatment system site requirements:
 - a. The lot size shall be as required by this Ordinance or larger if not sufficient to permit installation of the individual sewage treatment system in accordance with all legal setback requirements from existing and proposed buildings and property lines; water supply wells, buried water pipes and utility lines; the ordinary high water mark of lakes, rivers, streams, flowages; the location of all individual systems and water supply wells on adjoining lots.
 - b. No part of the system shall be located so that it is nearer to any water supply than outlined hereinafter or so that surface drainage from its location may reach any domestic water supply.
 - c. Installations of individual sewage treatment systems shall not be made in low swampy areas or areas, which may be subject to flooding.
 - d. Percolation tests, soil tests and test borings in areas of shallow ground water level, and in areas of disturbed soils shall be conducted as outlined in Chapter 7080-81. Data from such tests shall be submitted to the Zoning Administrator for approval prior to issuance of an individual sewage treatment system and/or land use permit. In all cases, a site evaluation shall be conducted following standards contained in Chapter 7080-81. Percolation tests may be required at the discretion of the Zoning Administrator. It is the responsibility of the site evaluator to utilize the proper professional methods, tools and judgments, and number of soil observations to verify that Minnesota Rules Chapter 7080-81 standards will be met and that the site

evaluation is a true and correct representation of the soils and site using table 1xa from MN Rules Chapter 7080.2150 Subp. 3(E).

- e. In areas of shallow ground water, the depth of the water table shall be determined. No individual sewage treatment system shall be installed in an area where the water table is at any time less than three (3) feet below the bottom of the drainfield.
- f. Holding tanks may be allowed only as replacements for existing failing systems, systems which pose an imminent threat to public health or safety, or on existing lots as of January 23, 1996 and only where it can conclusively be shown that a Type I system as described in Chapter 7080, cannot be installed. In no case shall holding tanks be allowed for new structures. New structures include any building in which or from sewage may be generated. A holding tank for existing structures may also be allowed with the approval of the Zoning Administrator in situations where the cost of a Type I, II, or III system would be greater than 20% of the assessed market valuation (unlimited) of the property used by local governments for property tax purposes. Sizing and installation of tanks shall be to Chapter 7080 standards. Holding tanks need a signed pumping agreement with an MPCA certified, licensed pumper and must be pumped a minimum of one (1) time per year with the records being sent to Meeker County.
- g. When installing a replacement SSTS the existing SSTS must be abandoned in accordance with Minnesota Chapter 7080.2500. If the old existing system is to be used for the discharge of the water softener, then the old tank must be pumped and cleaned of all sewage, and the plumbing connection to the new SSTS must be inspected by Meeker County to insure that no sewage is discharging into the old existing system.
- h. Septic tank effluent shall not be discharged into an agricultural tile line, drainage ditch or other water resource.
- i. It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
- j. Disputes between SSTS professionals shall be resolved as per Minnesota Rules 7082.0700 Subp 5.
- k. Sizing. The soil treatment system shall be dependent on the daily sewage flow, soil sizing factor and/or the percolation rate of the soil for a drainfield. The soil treatment system shall be designed in accordance with Minnesota Rule Chapter 7080.

(1) Table IX from Minnesota Rules, Chapter 7080.2150, Subp 3 (E) entitled
“Loading Rates for Determining Bottom Absorption Area for Trenches and

Seepage Beds for Effluent Treatment Level C and Adsorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.

EFFLUENT TREATMENT

(2) All systems for commercial and for 4 unit dwellings or more shall maintain accurate records of water usage for a minimum of 3 years.

(3) Minimum Sewage Tank Capacities in Gallons:

Number of Bedrooms	Minimum Liquid Capacity
3 or less	1,000 gallon
4 or 5	1,500 gallon
6 or 7	2,000 gallon
8 or 9	2,500 gallon
Over 9	See Minnesota Rules 7080

(a) Over 3 bedrooms with a pressurized drainfield must have an additional minimum 1000-gallon pump tank.

1. Location and Setbacks.

(a) Subsurface disposal fields, sewage treatment mound or other permitted treatment systems shall be located such as to provide not less than the stated distances from the following:

Minimum Setback Distances (feet)	Sewage or Holding Tank Sealed Privy	Absorption Area Unsealed Privy	Building Sewer or Supply Pipes
Water supply wells*	50	50	50**
<i>50 feet of continuous casing or encountering 10 feet of impervious material</i>	50	100	50**
Water supply wells*			

Minimum Setback Distances (feet)	Sewage or Holding Tank Sealed Privy	Absorption Area Unsealed Privy	Building Sewer or Supply Pipes
<i>Less than 50 feet of continuous casing</i>	50	50	50**
Buried water suction pipe*			
Buried pipe distributing			
Water under pressure	10	10	10
Dwellings***	10	20	X
All other accessory buildings	5	5	X

Property lines****	10	10	X
Road Right of way lines, if no easements exist	2	2	X

The ordinary high water mark of the following:

Wild and Scenic River	100 or 150	100 or 150	X
North Fork Crow River (RD Classification)	75	75	X
Natural Sensitive Lakes	150	150	X
Natural Environment Lakes	150	150	X
Recreational Development Lakes	75	75	X
General Development Lakes	75	75	X
Surface and subsurface agricultural drainage systems or other water ponds	50	50	X
Field tile lines	X	10	10
Wetland (Type3, 4,5 or 6)	50	50	X

* Setbacks from buried water pipes and water supply wells are governed by Minnesota Rules, chapters 4715 and 4725, respectively.

** The setback can be reduced from 50 to 20 feet if the buried sewer is air tested and approved piping is used.

*** These setbacks may be reduced if necessary due to site conditions (as determined by the department), but in no case shall any part of the individual sewage treatment system be located under or within a structure. In no case shall a sewer tank be located less than five feet from a footing or an absorption area less than ten feet from an occupied building.

**** These setbacks may be reduced if necessary due to site conditions (as determined by the Zoning Administrator). Infringement on property line setbacks requires written permission from affected property owner(s), written agreement on location of property lines between affected parties and approval of the department.

F. Inspection Requirements.

1. General Requirements

- a. SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the

bottom of the dispersal system and seasonal saturation bedrock. SSTS built after March 31, 1996 or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a fifteen (15%) percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. 7080.1500, Subp. 4

- b. Compliance Inspection. Compliance inspections for construction, replacement, alteration or repair work on an SSTS shall be conducted by a qualified employee or under a licensee authorized by the Zoning Administrator who is independent of the owner and the installer.
 - c. Access to Premises and Records. Upon the request of the Zoning Administrator, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purposes of regulating and enforcing this Section.
 - d. Interference Prohibited. No person shall hinder or otherwise interfere with the Zoning Administrator in the performance of said duties and responsibilities pursuant to this Section. Refusal to allow reasonable access to the Zoning Administrator shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
2. Inspections. The permittee or contractor shall notify the Zoning Administrator prior to the completion and covering of the SSTS. The installation and construction of the SSTS shall be in accordance with the permit requirement and application design. If any SSTS component is covered before being inspected and approved by the Zoning Administrator, it shall be uncovered upon the direction of the Zoning Administrator. Proposals to alter the permitted construction shall be reviewed and the proposed change accepted by the Zoning Administrator prior to construction. Inspections shall be conducted at least once during the construction of the SSTS at such time as to assure that the system has been constructed per submitted and approved design.
 3. Notifications for Inspections
 - a. It shall be the duty of the permittee or contractor to notify the Zoning Administrator on the workday preceding the normal workday the inspection is desired. Notification to the Zoning Administrator for inspections shall not be construed as an obligation to appear for an inspection unless prearranged by the inspector at least 24 hours before the inspection time.

- b. If the permittee or contractor provides proper notice as described above and the Zoning Administrator does not appear for an inspection within two hours after the time set, the installation may be completed. The permittee or contractor shall then file a signed As-Built (drawing of the SSTS), including photographs of the system prior to covering, with the Zoning Administrator within five working days. The As-Built shall include a certified statement that the work was installed in accordance with the submitted design and permit conditions and that it was free from defects.
4. Inspection Report. A Certificate of Compliance or Notice of Noncompliance shall be prepared by the Zoning Administrator following an inspection or review of As-Built plans submitted in accordance with Section 22.13 D3b. A Certificate of Compliance or Notice of Noncompliance must include a signed statement by the inspector identifying the type of SSTS inspected and whether the system is in compliance with Minnesota Rules Chapter 7080-7081. A copy of the Certificate of Compliance or Notice of Noncompliance shall be provided to the property owner after the compliance inspection and a copy kept on file in the Zoning Administrator's Office.
- G. Inspection Requirements for Existing Systems. Only a qualified employee or authorized licensee or licensed Designer I or Inspector independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing SSTS. A copy of the Certificate of Compliance or Notice of Noncompliance resulting from a compliance inspection shall be provided to the property owner and the Zoning Administrator within fifteen (15) days of the inspection.
- H. Existing sewer information shall be on forms furnished by the Zoning Administrator. Inspections shall be valid for 3 years, except that where a new on-site system has been installed; the information shall be valid for 5 years unless an imminent health threat is identified.
- I. Mandatory Compliance Inspections of Existing Systems. An SSTS shall require a compliance inspection when any one of the following conditions occur:
- 1. Any time that a permit or variance is applied for in a Shoreland Management Area;
 - 2. When a transfer of land occurs pursuant Section 4.08 herein;
 - a. If the seller fails to provide a Certificate of Compliance, or if a compliance inspection indicates a notice of noncompliance or if the seller is unable to complete a compliance inspection due to frozen soil conditions, the seller shall provide the buyer sufficient security in the form of an escrow agreement to assure the installation of the complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney at law, or federal or state-chartered financial institution. The amount escrowed shall be equal to 150% of a written estimate to install a complying SSTS provided by a licensed installation business or certified installer or if a written estimate cannot be completed due to frozen soil conditions, the amount escrowed shall be equal to 150% of the annual average cost of a mound system as determined

by the Department. The escrow agreement shall list Meeker County as having the “release authority” of the escrow monies which shall not be released until a Certificate of Compliance is issued by the Department or its agent. After a complying SSTS has been installed and a Certificate of Compliance issued, the Department shall provide the escrow agent a copy of the Certificate of Compliance which shall cause the escrow to be released. A copy of the escrow agreement and written estimate must be submitted to the Department.

3. Addition of a bedroom on the property, or a variance issued in accordance with Minnesota Rules Chapter 7082.0100 Subp. 3 (General Requirement for Local Units of Government);
 - a. If a request for an additional bedroom or variance is received between November 1 and April 30 the County may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1 and the applicant submits a Certificate of Compliance by the following September 30.
 - b. If a system constructed between May 27, 1989 and January 23, 1996 does not comply with applicable requirements, and is not an imminent public health threat, a property owner applying for a Land Use Permit to construct a bedroom addition has five (5) years from the date of issuance of such Land Use Permit to bring the system into compliance.

J. Type II & III Systems

1. Type II systems are allowed only in areas where a Type I system cannot be installed or is not the most suitable treatment. Standards for Type II systems are specified in Minnesota Rules Chapter 7080.2250 for the following conditions:
 - a. Rapidly Permeable Soils (Minnesota Rules Chapter 7080.2260)
 - b. Floodplain areas (Minnesota Rules Chapter 7080.2270)
 - c. Privies (Minnesota Rules Chapter 7080.2280)
 - d. Holding tanks (Minnesota Rules Chapter 7080.2290)
2. Type III systems may be used in areas where a Type I system cannot be installed. Standards for Type III systems are specified in Minnesota Rules Chapter 7080.2300.

K. Land Application of Septage.

1. Intent. Septage is a resource containing nutrients and can be of beneficial use when properly applied on crop, pasture or forest land. Septage can be utilized as a fertilizer and proper application techniques will protect ground and surface waters and prevent nuisance

conditions. Conversely, the improper disposal of septage can lead to pollution of ground and surface waters, cause public health hazards, and create nuisance conditions. The purpose of this Ordinance is to protect the surface and ground waters of the state and to promote the public health and general welfare.

- a. This Ordinance is intended to apply only to persons who remove septage from septic or holding tanks or other parts of an individual sewage treatment system which receive domestic waste such as that from homes, campgrounds, resorts, restaurants, laundromats, and the sanitary facilities of businesses and industry for the proper disposal of said septage.
- b. This ordinance is not intended to cover the proper removal of septage, but is intended to address the proper application and utilization. Proper removal of septage is addressed in Minnesota Rules Chapter 7080.2450.

2. Land Spreading Location.

- a. The land spreading site must be located such that the minimum setback distances designated in Table I below are maintained.

TABLE I

<u>Feature</u>	<u>Surface Application or Incorporation</u>	<u>Lime Treatment or Immediate Incorporation</u>
a. private water well	200 feet	200 feet
b. municipal well	1000 feet	1000 feet
c. intermittent stream	100 feet	100 feet
d. place of habitation	200 feet	100 feet
e. residential development	600 feet	300 feet
f. commercial developments	600 feet	300 feet
g. recreation areas	600 feet	300 feet
h. property lines	10 feet	10 feet
i. public right-of-ways	10 feet	10 feet
j. surface tile inlet	100 feet	100 feet
k. recreational trails	200 feet	100 feet

These minimum setback distances will be maintained unless written permission is obtained from the owners and occupants to decrease the separation distances from d, e, f, g, and k.

- b. Separation from Surface Waters. The following setback distances from surface waters and drainage ditches must be observed.

TABLE II

<u>Slope</u>	<u>Soil Texture</u>	<u>May - Oct.</u>	<u>Separation Distances**</u>	
				<u>Nov. - April</u>
0-6%	Coarse	200 feet		400 feet
0-6%	Medium and Fine	300 feet		600 feet
6-12%	Coarse	600 feet		1000 feet
6-12%	Medium and Fine	300 feet*		Not allowed
>12%	Coarse, Medium, Fine			Land spreading not allowed

* Land spreading will not be allowed without immediate incorporation so that runoff will not occur.

** All setback distances may be reduced by 50 percent if septage is immediately incorporated, except where land spreading is not allowed without immediate incorporation.

3. Suitable Soil Conditions.

- a. A soil profile shall be of sufficient depth to provide at least three (3) inches of available water-holding capacity above bedrock and/or the water table.
- b. In no case shall the soil depth be less than three (3) feet above bedrock and/or the water table.
- c. Where septage is injected or incorporated into the soil, the three (3) inches of water-holding capacity and the three (3)-foot separation distance shall exist between the bottom of the injection or incorporation zone and the water table and/or bedrock.
- d. For the purpose of a., a perched water condition, in which a zone of saturated soil exists between zones of unsaturated soil in the upper five feet of the soil profile, shall not be considered a water table.
- e. For the purpose of a., the depth to subsurface drainage tiles shall be considered the depth to the seasonal high water table for tile drainage systems that are designed according to or equivalent to NRCS engineering standards and criteria.
- f. If, according to available information such as NRCS web soil surveys and soil interpretation sheets, the required three (3) inches of available water-holding capacity is not provided in the upper five (5) feet of soil for any given soil type, a boring shall be made to the depth in which three (3) inches of available water-holding capacity would be provided. If indication of a water table or bedrock is found before this depth is accomplished, that soil type shall not be used for land spreading.
- g. The soil texture by the United States Department of Agriculture soil textural classification system, at the zone of septage application shall be one of the following:

fine sand, loamy sand, sandy loam, loam, silt loam, silt, sandy clay loam, sandy clay, clay loam, silt clay loam, silty clay, or clay.

- h. Septage shall not be spread on soils with surface permeability slower than two-tenths (0.2) inch/hour unless the septage is immediately incorporated.
- i. Surface application of septage shall not be allowed on land with a slope greater than twelve (12) percent unless the area is covered with a hay or equivalent crop in which case the slope may not exceed eighteen (18) percent.

4. Land Spreading Practices and Rates.

- a. Septage must not be applied on soils classified as coarse sands, gravels, or on peat or muck soils which have not been adequately drained.
- b. Septage shall not be applied such that ponding or runoff occurs.
- c. Septage must not be applied on soils unless the soil has dried adequately from previous application or rainfall so that saturated soil conditions or ponding does not occur.
- d. Incorporation of septage shall be conducted as necessary to prevent nuisance conditions and excessive accumulation of septage solids on the soil surface.
- e. Provisions such as additional setbacks shall be made to prevent aerosol drift from the application site.
- f. Annual septage application amounts shall not exceed the agronomic rates as found in Table III.
- g. Septage shall be spread as uniformly as possible over the area to which the septage is applied.
- h. Total daily surface applications of septage shall not exceed the following:
 - (1) For coarse textured soil, one inch (1) of liquid (twenty seven thousand (27,000) gallons per acre).
 - (2) For medium textured soil, one-half (2) inch of liquid (thirteen thousand five hundred (13,500) gallons per acre).
 - (3) For fine textured soil, one-fourth (1/4) inch of liquid (seven thousand (7,000) gallons per acre).
- i. Soils that are wetter than the plastic limit shall not be used for land spreading.

- j. Septage shall not be applied on or into any fractured bedrock, cave, sinkhole, or wetland.
- k. Septage shall not be applied on any land without the permission of the responsible party.
- l. Septage land spreading sites must be identified as such if required by the permitting authority.
- m. Septage land spreading sites must not be used for the growth of crops for direct human consumption for at least two (2) calendar years after the last septage application.
- n. Septage land spreading sites must not be used for the growth of food chain crops for at least thirty (30) days and within seven (7) days following the cutting of hay for harvest.
- o. Septage land spreading sites must not be used for the growth of pasture crops for at least one (1) year after the last spreading date.

TABLE III

Maximum Allowable Septage Application for Various Crops, Yields and Application Methods

<u>Crop</u>	<u>Yield/Acre</u>	<u>Maximum Allowable Septage Application (gallons/acre)</u>	
		<u>Surface Application</u>	<u>Injection</u>
Alfalfa	4 ton	90,000	69,000
	6 ton	140,000	108,000
Barley	80 bushel	50,000	38,000
Bluegrass	3 ton	90,000	69,000
Corn	75 bushel	50,000	38,000
	100 bushel	65,000	50,000
	125 bushel	75,000	58,000
	150 bushel	90,000	69,000
	175 bushel	105,000	81,000
Oats	75 bushel	40,000	31,000
	100 bushel	65,000	50,000
Soybeans	30 bushel	60,000	46,000

	40 bushel	90,000	69,000
	50 bushel	115,000	88,000
	60 bushel	140,000	108,000
Wheat	50 bushel	50,000	38,000
	75 bushel	78,000	62,000

Maximum Amounts of Septage (gallons per acre)
That Can be Land Spread Annually on
Non-Cropped, Non-Harvested Land, with Vegetative Cover

Coarse	27,000
Medium	39,000
Fine	52,000

5. Other Septage Disposal Methods and Regulations.

- a. In accordance with Minnesota Rules Chapter 7035 (1500 to 1900) septage must not be disposed of in a sanitary landfill.
- b. Septage may be disposed of in a municipal sewage treatment plant only with written authorization by the municipality owning said plant and by the plant operator.

6. Land Spreading Site Requirements.

- a. Information included with the soil survey map or obtained from actual on-site investigations should include the following items for each soil type present at the land-spreading site.
 - (1) Texture and thickness of each soil horizon to sixty (60) inches of depth.
 - (2) Permeability of each soil horizon to sixty (60) inches of depth.
 - (3) Available water-holding capacity of each soil horizon to sixty (60) inches in depth.
 - (4) Soil depth required to obtain six (6) inches of available water-holding capacity.
 - (5) Depth to seasonal high water table.
 - (6) Flooding hazard.
 - (7) Depth of bedrock.
 - (8) Slope of land surface.

- b. The application should also include a copy of a United States Geological Service quadrangle map or aerial photo which shows the location of and distance to each of the following features, if within one-quarter (1/4) mile of the land spreading site.
 - (1) Lakes and ponds.
 - (2) Rivers and streams.
 - (3) Wetlands.
 - (4) Intermittent streams.
 - (5) Ten-year flood plain if existing information is available.
 - (6) Sinkholes and fractured bedrock outcrop.
 - (7) Water supply wells.
 - (8) Places of habitation.
 - (9) Residential developments.
 - (10) Commercial developments.
 - (11) Recreational areas.
 - (12) Road right-of-ways.
 - (13) Drainage tile surface inlets.
 - (14) Property lines.
 - (15) Airports within five thousand (5,000) feet.
 - (16) Drainage ditches.
- c. The application should include a legal description of the land spreading site, including township, range, section, quarter section, township or city name, and county.
- d. Site management. Applications should include site management. This includes the following:
 - (1) A description of the proposed method or methods of septage application.
 - (2) The name and address of the person who will apply septage to the proposed land

spreading site.

- (3) The maximum annual application rate in gallons of septage per acre per year.
- (4) A description of the crop to be grown or dominant vegetation at the site and intended use of the crop.
- (5) A description of how public access to the site is proposed to be controlled.
- (6) Months and approximate dates when septage will be land spread.
- (7) The acreage of the land-spreading site.
- (8) The name and address of the landowner and any renter, leasee or occupier of the land-spreading site.

7. Septage Application Requirements for Annual Land Spreading.

- a. The purpose of these requirements is the annual application of the generator's residential septage on the generator's property.
 - (1) The site for one time land spreading of septage cannot be used for crops that are directly consumed by humans or considered a root crop.
 - (2) The site for one time land spreading of septage cannot be in a drainage way or a river bottom with a frequent flooding hazard.
 - (3) The slope requirements for the site to be used for land spreading of septage for November through April would be six (6) percent or less and for May through October, twelve (12) percent or less, except as allowed in Section D.3.i.
 - (4) The site to be used for land spreading of septage must have a cultivated crop or, if pastureland is used, the septage must be applied uniformly directly behind the truck.
 - (5) The site to be used for land spreading of septage must meet all the required setback criteria in Tables I and II.
 - (6) The application rate will not exceed ten (10) pounds of nitrogen per acre (six thousand seven hundred (6700) gallons per acre).

Section 22.14. LAND ALTERATIONS, GRADING AND FILLING. In order to prevent erosion and siltation of public waters, impairment of fish and aquatic life, and minimize the possible adverse effects on neighboring properties, the following standards are established regulating land alterations, grading and filling.

A. All Districts.

1. A conditional use permit shall be required in all cases where excavation, grading and/or filling of any land which, in the opinion of the Zoning Administrator, would:
 - a. Result in a substantial alteration of the existing landscape or ground contour. Substantial alteration shall mean the extraction, grading or filling of land involving movement of earth and materials in excess of one thousand (1,000) cubic yards, except that the following shall not be considered a substantial alteration.
 - (1) Drainage tile installation and related activities such as terracing and/or waterway installation and ditch cleaning in agricultural districts.
 - (2) That excavation, grading and filling normally necessary for the construction and development of a permitted or conditional use.
 - b. Change existing drainage patterns and result in significant soil erosion, vegetation destruction or drainage damage to adjoining properties.
 - c. Deprive an adjoining property owner of adequate lateral ground support.
 - d. Destroy the present ground cover resulting in a less beneficial cover for present and proposed development or future uses.
2. An application for a land alteration conditional use permit shall include the following information:
 - a. A full legal description of the land proposed to be altered.
 - b. Nature of the proposed alteration, rough grade estimates and future use of the property.
 - c. The type of fill material proposed to be used.
 - d. The specific time when the proposed alteration is to begin and will be completed.
 - e. The names of all owners of the land to be altered.
 - f. The names and addresses of all owners of the adjoining lands which may be affected by the proposed land alteration.
 - g. Scale map illustrating the relationship to surrounding land uses, present contours and proposed contours.
 - h. The Planning Commission may require the applicant to prepare a soil conservation

plan if, in their judgment, significant soil erosion, vegetation destruction or drainage damage may occur during the project. This plan shall consist of specific written recommendations approved by the local Soil Conservation District on how to protect the soil, vegetation and drainage patterns during the project.

3. The land alteration work shall be subject to the following conditions:
 - a. The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - b. Methods to prevent erosion and trap sediment shall be employed.
 - c. Fill shall be stabilized to accepted engineering standards, dependent on the proposed use of the property and future development.
 - d. Where construction of homes or other buildings is being done over an extended period of time, temporary ground cover, such as mulch, shall be used on those areas subject to erosion.
 - e. All original cover that has been removed shall be replaced by seeding or sodding within thirty (30) days after completion of grading.
 - f. The site shall be maintained to control nuisances and dangerous situations during the land alteration, with fences if necessary or required.
 - g. The time period allowed to complete the proposed project shall be the minimum necessary, provided work is carried out in a timely manner.
4. The County Board may, in addition to all other remedies available for violation of this Ordinance, institute proceedings necessary to complete any work not meeting reasonable standards of health and safety and assess all costs and expenses thereof against the property.
5. The County may require the applicant for a land alteration conditional use permit to provide a performance bond, sufficient to cover the expense of the completion of the proposed work in order to bring the project to a safe grade and elevation and to provide adequate drainage so as to not create a public nuisance or dangerous situation.
6. The County shall not require a conditional use permit for road construction projects supervised by the federal, state, county or local governments providing they have in writing all required easements for the project. This exemption does not apply to gravel pits or bituminous plants opened or used for a construction project.

B. Shoreland Overlay District.

1. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water shall require a conditional use permit.

- a. A conditional use permit shall not be required for steep slopes and shore and bluff impact zones that are allowed in Section 19.04 C,2,c,1 and 2.

C. Recreation River Overlay District.

1. Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the Recreation River Overlay District.
2. Grading and filling which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, vegetation removal, and the destruction of natural amenities.

D. Clearwater River Watershed Overlay District.

1. Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the Clearwater River Watershed Overlay District.
2. Grading and filling which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, vegetation removal, and the destruction of natural amenities.

E. Conservation Overlay District(If included in this Ordinance)

1. Grading and filling in of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the Conservation Overlay District.
2. Grading and filling which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, vegetation removal, and the destruction of natural amenities.

Section 22.15. MINERAL AND MATERIAL EXTRACTION. Any person, firm or corporation desiring to commence, expand or enlarge a commercial mining, processing or similar activity shall comply with the requirements of this section (22.15). This includes, but is not limited to, the following types of commercial or processing operations:

- I. Sand;
- II. Gravel;
- III. Crushing;
- IV. Washing;
- V. Other minerals or earthen materials;
- VI. Any similar production or manufacturing process related to the above activities.

A. Interim Use Permit.

1. No person, firm, or corporation shall dig, excavate, enlarge, or maintain an operation listed

above in Article 22.15, Subsection I-VI, upon property owned or used by said person, firm or corporation without an Interim Use Permit (Article 6B). An Interim Use Permit shall not be required if the operation consists only of aggregate mining, the mining consists of one thousand (1000) cubic yards or less of material per calendar year and all cubic yards of material shall be used on property owned by the individual doing said aggregate mining and who owns said aggregate mining pit.

2. Persons requesting a Interim Use Permit for a mining operation shall submit the following information as part of the application:
 - a. A complete Mining and Reclamation Plan Application as provided by the Zoning Administrator (see letter I of Section 22.15). This Application must be signed by both the primary applicant (landowner) and secondary applicant (operator), however, the ultimate responsibility for executing the Mining and Reclamation Plan and the Interim Use Permit rests with the landowner.
 - b. The mapping and site plan requirements of the Mining and Reclamation Plan Application shall be used in place of the mapping and site plan requirements of the Interim Use Permit as found in Article 6B of this Ordinance.
3. Notice. All property owners of record within a one-half (1/2) mile of the affected property, or to the ten (10) properties nearest to the affected property, whichever is greatest, shall be provided with a written notice of the time, place and purpose of the public hearing on the proposed Interim Use Permit.
4. Application Revisions. In the event the applicant finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original mining and reclamation plan by mutual consent of the applicant, operator and the County Board. Such changes shall preserve, as much as possible, the original reclamation plan, and shall also provide for the previously unknown variables.
5. Change of Landowner. All gravel mining Interim Use Permits expire once a property changes ownership. The new landowner must receive a new Interim Use Permit if any gravel mining activities occur on the property. However, all reclamation and other responsibilities identified in the expired Interim Use Permit are transferred to the new landowner.
6. Change of Operator. A landowner who has a gravel mining Interim Use Permit may change operators on said property without obtaining a new Interim Use Permit provided:
 - a. The new operator fulfills all of the requirements set forth in the Mining and Reclamation Application, and
 - b. The new operator meets all the requirements and/or conditions of the sites Interim Use Permit.

B. Time Limit.

1. All mining and reclamation activities shall be completed within six (6) years from the issuance of the Interim Use Permit. A new Interim Use Permit and Mining and Reclamation Application must be approved to continue any mining activity beyond the six (6) year time limit. Reclamation activities may continue after the permit expires with written permission from the Planning and Zoning Administrator for a period of time not to exceed one (1) year.
 - a. There shall be an inspection by Meeker County Planning and Zoning which shall occur at approximately three (3) or mid-point of the duration of the permit whichever is least.

C. Use Restrictions. Activities other than the initial mining, crushing, washing and screening of material shall be considered as a separate Interim use as required in Section 22.29 of this Ordinance. Such uses shall include but are not limited to the following:

1. Concrete block, drain tile or similar concrete product manufacture;
2. Production or manufacture of ready-mixed concrete;
3. Hot mix plant, including related bituminous recycling;
4. Concrete/bituminous recycling; and
5. Any similar production or manufacturing processes related to the mining operation.

Exception for existing gravel pits operating with a Conditional/Interim Use Permit. The stockpiling of recycled bituminous may be allowed if it is to be used within one (1) calendar year after obtaining written permission from the Zoning Administrator. If stockpiling occurs for over one (1) calendar year or if the combined total of recycled bituminous exceeds 1000 cubic yards, a Interim Use Permit is required as per Section 22.29.

D. General Requirements.

1. Setback. Mining operations shall not be conducted within the following minimum distances:
 - a. Within five hundred (500) feet of R-1, R-2, C-1, C-2 zoned property, a COD (Conservation Subdivision Overlay District) or within five hundred (500) feet of a residential structure located in any other zoned property.
 - (1) Except the residential structure of the owner or operator of the mining operation.
 - b. Sixty-five (65) feet to the centerline of any existing or platted street, road, or highway; but at least thirty (30) feet from the right-of-way line, provided the slope is at least four (4) feet horizontal to one (1) foot vertical.

- c. One hundred (100) feet to the property line of any other adjoining property.
 - d. All equipment and stockpiling must be at least 100 feet from the centerline of any existing or platted Township or County Road; at least 130 feet from the centerline of any existing or platted State or Federal Highway; or where such use may create traffic or line-of-site problems.
2. Clearing. Clearing of the mining site shall conform to the development and reclamation plan. Existing trees and shrubs shall not be prematurely removed. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner and in no instance shall this be greater than ten (10) acres at any one (1) time.
 3. Screening. Adequate planting, fencing or berming sufficient to screen the operation from public view shall be provided along all public roads adjacent to the property involved. Where possible, existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the required road setback except where traffic safety requires cutting and trimming.
 4. Safety Fencing. Any mining operation adjacent to a residential district or within three hundred (300) feet of two (2) or more residential structures shall comply with the following requirements:
 - a. A fence at least four (4) feet high shall be placed around all collections of water that are one and one-half (1 1/2) feet or more in depth, occupy an area of seven hundred (700) square feet or more, and exist for any period of at least one (1) month.
 - b. A fence of at least four (4) feet in height shall bar access to all excavated slopes steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more.
 5. Access Roads. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. The location of the intersection of mining access roads with any public roads shall be selected so that traffic on access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety. All access points must be approved by the appropriate highway agency having jurisdiction, and shall preferably be located along a secondary road.
 6. Nuisances.
 - a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
 - b. The mining operation shall not adversely affect the quality of surface or subsurface

water resources.

- c. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
 - d. All access roads from mining operations to public highways shall be paved or otherwise maintained so as to minimize dust conditions.
 - e. Precautions shall be taken to minimize the deposit of dirt and mineral material from truck tires and spillage onto the public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed from road surfaces at regular intervals.
7. Hours of Operation. Those portions of the mining operation consisting of excavating, stockpiling, processing or hauling shall be conducted only between the hours of 6 a.m to 9 p.m., Monday through Friday and 6 a.m. to 6 p.m. on Saturdays, and no processing or stockpiling on Sunday or Holidays. The Meeker County Board may authorize different hours of operation, either more or less restrictive, if proven to be necessary on a case-by-case basis.
8. Dust Control.
- a. The owner/operator must construct, maintain and operate all equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the Minnesota Pollution Control Agency. The driveway access to the sand and gravel operation must be set back at least 25 feet from neighboring property lines.
 - b. The owner/operator shall take all appropriate actions to minimize the amount of dust generated by the mining operation, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. In addition, all gravel pit access roads shall be provided and maintained by the owner/operator with an approved method. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized. With Township Board approval, the County Board may require a hard surfaced road at the owner/operators expense if the operation is dependent upon a Township Road for hauling.
 - c. If a gravel tax is implemented and collected by the County for over one (1) year, the County or appropriate Township may help control dust on public roads used for hauling.
9. Disposal. Any waste generated from the mining operation, including sewage, hazardous waste or waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and County requirements.

10. Trucking Operations. The operator shall ensure all loads leaving any pit regulated by this ordinance are loaded so as to comply with State Law.
 11. Fuel Storage. All on-site storage of fuel must meet Federal, State and local standards.
 12. Miscellaneous. All mining operations shall be conducted in compliance with the applicable laws of the State of Minnesota, the federal government, local ordinances and resolutions and any conditions made a part of the Interim Use Permit.
- E. Reclamation. All mining sites shall be rehabilitated within one (1) year after mining operations cease according to the Mining and Reclamation Plan Application. The following standards shall apply:
1. All peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. To minimize erosion no slope shall exceed twenty-three (23) percent in grade.
 2. Graded and backfilled areas shall be covered with sufficient topsoil to provide re-vegetation of ground cover, trees, shrubs, etc.
 3. Trees, shrubs, legumes, grasses or other ground cover shall be planted upon the area in accordance with the approved Reclamation Plan. Such planting shall adequately retard soil erosion.
 4. The finished rehabilitation shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.
 5. Upon completion of excavation, all buildings, plants and equipment shall be dismantled and removed. A temporary variance to this provision may be granted for those buildings, plants and equipment required to process previously mined materials stored on the site.
 6. Within sixty (60) days of completion of the reclamation of the mining site the property owner shall notify Meeker County Planning & Zoning of said reclamation. An inspection shall take place by the Zoning Administrator or his/her designee upon notification of completion of said reclamation to ensure reclamation has been completed appropriately.
- F. Environmental Assessment Worksheets, Environmental Impact Statements and Other Permits.
1. A mandatory Environmental Assessment Worksheet shall be required for development of a facility for the extraction or mining of sand, gravel, stone or other nonmetallic minerals which will excavate 40 or more acres of land to a mean depth of 10 feet or more during its existence. Meeker County will be the responsible governmental unit for the preparation of the Environmental Assessment Worksheet. Costs associated with the preparation of an Environmental Assessment Worksheet shall be borne by the applicant.

2. A mandatory Environmental Impact Statement shall be required for the development of a facility for the extraction or mining of sand, stone or other nonmetallic minerals, which will excavate 160 acres of land or more to a mean depth of 10 feet or more during its existence. Meeker County will be the responsible governmental unit for the preparation of the Environmental Impact Statement. Costs associated with the preparation of an Environmental Impact Statement shall be borne by the applicant.
 3. All provisions of the Minnesota Environmental Quality Board Environmental Review Program must be complied with.
 4. Protection of Water Tables. The maximum depth of excavation may be established by the County Board so that groundwater quality can be protected when such concerns arise during the application process. This depth of excavation shall be based, in part, upon soil characteristics, depth to water table, nature of mining proposed, local use of the aquifer and in all cases, expert advice. Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit.
 5. Permits from the Minnesota Pollution Control Agency may be required for a mining operation in relation to air and water quality. An air quality permit may be necessary for smokestack discharges from processing plants or fugitive dust from operating areas. If the mining operation discharges water (from pit dewatering and/or gravel washing), a State Disposal System permit or a National Pollution Discharge Elimination permit may be necessary from the Minnesota Pollution Control Agency. As a condition of any permit issued pursuant to this Ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
 6. Permits from the Minnesota Department of Natural Resources may be required in the event any type of work is proposed in public waters or if there is a need for de-watering the pit to gain access to sand, gravel and rock. A permit may also be needed for well in connection with a washing facility. As a condition of any permit issued pursuant to this Ordinance, no mining will be allowed until evidence is shown the operator has obtained these permits or that none are necessary.
 7. Any mining operation having access from a State or County highway must obtain an access permit from the respective agency. A turn lane and/or bypass lane may be required by the respective agency to reduce the risk of traffic safety hazards. The cost of construction of a turn or bypass lane shall be the sole expense of the operator.
 8. Abandoned wells must be sealed in accordance with State and County requirements.
- G. Gravel Tax. All aggregate producers, contractors and retailers in Meeker County are subject to the Aggregate Material Production Tax as provided in Minnesota State Statute 298.75, upon action by the Meeker County Board.

H. Existing Mining Operations.

1. Existing mining operations operating with a valid Conditional Use Permit issued prior to the adoption of this Ordinance, may continue operating under the terms and conditions of the Conditional Use Permit, but are subject to the following provisions:
 - a. The operation shall not be permitted to expand, either in size or use, beyond the limits set forth in the approved and recorded Conditional Use Permit without first obtaining a new Interim Use Permit.
 - b. The operation shall be required to follow the General Requirements of this Article (22.15, Subsection D) in order for the County to best manage the public's safety, health and general welfare.
 2. Existing mining operations operating with a Conditional Use Permit that was issued without a time limit condition should complete a Mining and Reclamation Plan Application to be filed with the original Conditional Use Permit within two (2) years from the adoption of this Ordinance in order for the County to best manage the public's safety, health and general welfare.
- I. Meeker County Mining and Reclamation Permit Application. The following application shall be completed as part of the process to obtain a Interim Use Permit for the activities identified in this Article (22.15):

Meeker County Mining and Reclamation Permit Application

Part One: General Information

1. Name of Primary Applicant (Landowner)

Street Address

City, State, Zip Code

Phone No.

2. Name of Secondary Applicant (Operator)

Street Address

City, State, Zip Code

Phone No.

- 3. Describe the business relationship between landowner and the mining operator/company.
- 4. Attach a copy of the leasing agreement, contract or proof of ownership of the land to be mined and reclaimed herein.
- 5. Provide the legal description of the mining site including section, township and range.
- 6. Specify total area (in acres) to be affected by this project. Include areas for future expansion, stockpiling, processing, haul roads, settling basins, buildings and parking facilities.
- 7. Provide a general location map including roads and other pertinent landmarks.
- 8. Is environmental review required for this project?
 9 yes, attach copy of EAW or EIS 9 no
- 9. List other permits necessary for this project, indicate status and provide a copy.

Permit

Status

Part Two: Pre-mining Conditions

10. Describe current land uses within and adjacent to the project area.
11. Is proposed project area within 1,000 feet of a shoreline of a lake or within 300 feet from either bank of a watercourse or the landward extent of a floodplain designated by local ordinance?
9 yes, refer to shoreland regulations 9 no
12. Indicate the observed or estimated (circle one) groundwater elevation in the project area and reference depth to a permanent bench mark. _____ feet
13. Provide a map of the pre-mining conditions as they currently exist both inside the project area and within thirteen hundred twenty (1320) feet of the property at a scale of not less than one (1) inch equals two hundred (200) feet that includes the following information:
 - a) An estimate of the shape and extent of the gravel deposit.
 - b) Location of boundary stakes delineating the project area referenced to a bench mark.
 - c) Ownership within and adjacent to the project area.
 - d) Location of all existing structures within and adjacent to the project area and the purpose for which each structure is used, including buildings, pipelines, cables, railroads and powerlines.
 - e) Contours within the project area at intervals no larger than two (2) feet.
 - f) Existing vegetation within and adjacent to the project area.
 - g) The location of all streams, lakes, wetlands, ditches, waterways and drainage patterns located within or adjacent to the project area.
 - h) Location of previous excavations in the project area.
 - i) Location of wells in the vicinity of the project area.
 - j) Location of known or inferred cultural resources within the project area.
 - k) Location of known or inferred threatened or endangered species within and adjacent to the project.
 - l) Location of roads and right-of-ways.
 - m) The vertical profile of the area to be excavated.

Part Three: Mitigating Impacts

- 14. List resources that may be impacted by this project, identify impacts and describe measures that will be taken to mitigate those impacts.
- 15. Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
- 16. Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed.

Part Four: Description of Mining Activities

Proposed Mining Methods

- 17. Describe the sand and gravel products that will be mined from the project area.
- 18. Describe how the sand and gravel will be mined and what equipment will be used.
- 19. Describe how the material will be transported from the site, the proposed route of transport, and, if known, the normal final destination.
- 20. Describe the methods that will be used to dispose of brush and other vegetative debris.
- 21. Describe the methods that will be used to retain topsoil.
- 22. Estimate the volume of material in cubic yards to be mined in the period covered by this permit. _____ cubic yards.
- 23. List the commencement and completion date (provide month, day, year) of mining activities and the calendar months, days of the week and hours of the day in which mining activities are expected to occur. All mining Interim Use Permits have a five (5) year time limit.

Commencement Date:

Completion Date:

Calendar Months:

Days of the week:

Hours of the day:

- 24. Describe measures that will be taken to control soil erosion, sedimentation, runoff, dust and noise.
- 25. Identify the number of employees expected to work at the site and the facilities that will be

provided.

26. Describe dewatering activities and estimate volumes of water to be discharged from the site.
27. Identify the maximum height of all stockpiles and structures.
28. Provide mining plan maps at a scale of no less than one (1) inch equals one hundred (100) feet that include:
 - a) Sequential phases of mining (plan view) with haul roads, equipment, machinery, storage areas, spoil piles, mined material piles and processing areas identified.
 - b) Cross-sectional drawings of any water impoundments, high wall reduction, benching or terracing, and erosion control practices.
 - c) Structures to be erected.
 - d) Location and depths of proposed excavations.
 - e) Location of vehicle parking.
 - f) Location of stored explosives.
- 7) Location of washwater ponds and the location of disposal materials (if applicable).

Proposed Processing Methods

29. Describe the processing methods that will be used at the site.
30. List the proposed calendar months, days of the week and hours of the day for the operation of the processing facilities.

Calendar months:

Days of the week:

Hours of the day:
31. Describe the volume of water needed for gravel washing activities, the source of the water, how the ponds will be maintained and how the washwater will be disposed.
32. Describe how chemical substances will be stored on the site.

Part Five: Staging of Operations

33. Provide a schedule of the projected life of the operation including beginning and ending of operations and any phases or stages.
34. Describe progressive reclamation activities that will occur over the life of the operation.
35. Indicate which stages of the operation will be mined by the landowner, operator (if different than the landowner), and which stages will be mined by subsequent operators.
36. Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
37. Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for an unspecified period of time.

Part Six: Proposed Reclamation

38. List the approximate commencement and completion date (provide month, day, year) of reclamation activities.

Commencement Date:

Completion Date:

39. Describe the type of fill that will be used and depth of restored topsoil.
40. Describe proposed reclamation including final slopes, high wall reduction, benching, terracing and other structural slope stabilization measures and when they will take place.
41. Describe anticipated topography, water impoundments, artificial lakes and future land use of the site.
42. Describe plans for the disposition of surface structures, roads and related facilities after completion of mining and when these activities will occur.
43. Describe the methods proposed for the disposal or reclamation of oversize and undersize material.
44. Describe or attach a copy of a seeding, planting or re-vegetation plan that includes types, densities and methods of tree plantings, seed bed preparation, seed mixtures, seeding rates, mulching and other techniques needed to accomplish site stabilization.
45. Describe long-term maintenance needed to support reclamation and when it will need to occur.
46. Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.
47. Provide a reclamation plan map at a scale of no less than one (1) inch equals one hundred (100)

feet that includes:

- (a) Final grade of the site with elevations and contour lines at two (2) foot intervals.
- (b) The location of any benching, terracing, water impoundments, artificial lakes, vegetative plantings and anticipated future land uses.

Part Seven: Other Information Required

48. The applicant shall provide any other information and exhibits as required by the Meeker County Planning Commission or County Board necessary to make findings, recommendations and dispositions on the application.

To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate. As Primary applicant (landowner), I assume the ultimate responsibility in executing the provisions provided for in this application herein.

Primary Applicants (Landowner) Signature _____ Date

To the best of my knowledge, I certify that the information provided on this application and accompanying documents is true and accurate.

Secondary Applicants (Operator) Signature _____ Date

New Operators (If applicable) Signature _____ Date

Notary's Signature _____ Date

Section 22.16. MANUFACTURED HOME PARKS. It shall be unlawful for any person to establish, maintain, enlarge or operate a manufactured home park unless such person holds a valid permit from the County and a license from the Minnesota Department of Health subject to the provisions of this ordinance and Minnesota Statutes, Chapter 327 and all amendments thereof.

All applications for a conditional use permit shall be made to the Zoning Administrator. The County Board shall approve a conditional use permit upon compliance by the applicant with the provisions of this Ordinance. A permit hereunder shall be issued only upon the filing with the County Auditor of a performance bond or certified check in an amount as determined by the County Board of Commissioners as being sufficient to guarantee the satisfactory performance of the terms for which the permit is granted. Form and execution of said bond or check shall be approved by the County Attorney. Said bond or check may run jointly in favor of the County and any other governmental subdivision or private individual.

A. Permit Application. A conditional use permit application shall be filed with the Zoning Administrator and shall contain the following information:

1. Name and address of developer and land owner.
2. Location and legal description of the proposed park property.
3. Site plan with survey and engineering information including distances with angles, bearings, lengths and legal description of property involved. This shall be shown on drawings with a scale no smaller than one (1) inch equals fifty (50) feet and including the following information:
 - a. Location and size of the manufactured home park.
 - b. Location and size of each manufactured home lot with dimensions and boundary lines.
 - c. Limits and location of proposed or existing streets, cartways, curbs, driveways, sidewalks, easements and rights-of-way.
 - d. Road construction plans and specifications.
 - e. Location of off-street parking facilities.
 - f. Plans for sanitary sewer collection, water systems and storm water drainage system.
 - g. Plans for electrical services, telephone services, fuel systems and garbage collection.
 - h. Detailed landscaping plans and specifications.
 - i. Plans for an overhead street lighting system.

- j. Location and construction plans for park structures such as auxiliary sanitary facilities, laundries, utility buildings and storm shelters.
 - k. Location of required park and/or recreation site including type of equipment.
4. The method of disposing of garbage and waste.
 5. Detailed description of maintenance procedures and grounds supervision.
 6. Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
 7. Such other information as may be requested by the Zoning Administrator or Planning Commission in order to determine if the proposed park will comply with all requirements included in this Ordinance.
- B. Design Requirements. The following general design requirements and regulations shall be incorporated into the manufactured home park site plan and application.
1. General Manufactured Home Park Requirements.
 - a. The manufactured home park shall be located on a well-drained site suitable for the purpose. The manufactured home stands shall not heave, shift or settle unevenly under the weight of the manufactured home, due to frost action, inadequate drainage, vibration or other forces acting upon the structure.
 - b. A manufactured home park shall be large enough to contain not less than forty (40) fully developed, manufactured home sites located on a minimum lot size of ten (10) acres and shall not exceed a gross density of five (5) manufactured homes per acre. A minimum of fifteen (15) sites, together with all required auxiliary buildings and areas, must be fully developed before any manufactured home can be sited.
 - c. All manufactured home parks shall have one (1) or more recreational areas which shall be easily accessible to all park residents. At least ten (10) percent of the land area within each manufactured home park shall be designated for development for recreational use (tennis courts, play areas, etc.). No recreation area shall contain less than twelve thousand (12,000) square feet. Such space shall be of appropriate design and provided with appropriate equipment and maintained by the owner of the park at his expense.
 - d. Each manufactured home park shall have one (1) or more central community buildings with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and public telephones, in addition to public toilets for each sex.

- e. All manufactured home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers and all other equipment not generally stored within the manufactured home or within the utility enclosed shall be stored in a separate place provided and maintained by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a manufactured home lot which is occupied by a manufactured home nor upon the streets within the manufactured home park but may be stored in a designated vehicle parking site with the permission of the park operator.
- f. Each manufactured home lot shall be permanently staked and numbered. Permanent identification markers for each lot shall be clearly visible from the street.
- g. Each manufactured home site shall be provided with a storage structure not less than five hundred (500) cubic feet in volume.

2. Minimum Lot and Setback Requirements.

- a. Each manufactured home lot shall have a minimum area of sixty-six hundred (6,600) square feet.
- b. Minimum lot width shall be sixty (60) feet.
- c. Minimum lot depth shall be one hundred ten (110) feet.
- d. Each manufactured home shall have a minimum fifteen (15) foot side yard.
- e. Each manufactured home shall maintain a front yard setback of twenty-five (25) feet from the travel portion of interior streets in the park.
- f. There shall be a minimum rear yard of fifteen (15) feet.
- g. Each manufactured home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any manufactured home or within five (5) feet of the front or back of the manufactured home.
- h. Manufactured home park lots that are adjacent to public streets or roads shall conform to all setback, side yard and rear yard requirements of the zoning district in which said lot is located.
- i. No manufactured home lot, off-street parking space or structure shall be located within thirty-five (35) feet of the exterior boundary of any manufactured home court or park.
- j. No building or structure, hereafter erected or altered in a manufactured home park, shall exceed twenty-five (25) feet or one and one-half (12) stories in height.

- k. The occupied area of a manufactured home lot, inclusive of manufactured home, off-street parking, accessory buildings and extensions of the manufactured home, shall not exceed fifty (50) percent of the total area of the lot.

3. Roads and Parking.

- a. Entrances to a manufactured home park shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement, and to keep additional traffic out of the park.
- b. Entrances and exits from county or state highways shall have prior written approval of the highway authority having jurisdiction over said roads.
- c. All manufactured home lots shall front only on, and be provided access to, interior roadways.
- d. Interior roadways shall be constructed of at least six (6) inches of gravel or aggregate, stabilized to prevent dust and mud and designed to provide adequate surface drainage. Such streets shall be private streets used by the inhabitants of the park and maintained by the owner thereof.
- e. Interior roads shall be not less than thirty (30) feet in width for two (2) lane roads where no parking is desired. Six (6) feet of additional width shall be required per each side where roadside parking is desired.
- f. Cul-de-sacs shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a turn around having a radius of sixty (60) feet.
- g. The street system shall be lighted to provide for safe movement of pedestrians or vehicles at night.
- h. Grades and plans for each road within a manufactured home park shall be approved by the County Engineer prior to construction.
- i. Each manufactured home site shall have off-street parking for at least two (2) automobiles and shall be twenty (20) feet wide.
- j. Each manufactured home park shall maintain an off-street overload parking lot for guests of occupants in the amount of one (1) space for each four (4) home sites and located within three hundred (300) feet of the unit to be served.

4. Utilities and Services.

- a. An adequate and safe sanitary sewage system shall be provided in all manufactured home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with the State Department of

Health standards and regulations and those contained in this Ordinance.

- b. An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. When a satisfactory public water supply system is not available, a private water supply system may be developed and used as approved by the State of Minnesota until such time as a public supply system becomes available.
- c. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. All installations for disposal of surface storm water shall be approved by the County Engineer.
- d. The source of fuel for cooking, heating or other purposes at each manufactured home site shall be installed and maintained in accordance with applicable codes and regulations governing such systems. The storage of fuel for cooking and/or heating shall be in containers with connections approved by the State Fire Marshall.
- e. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the County Engineer, and there shall be no overhead wires or support poles except those essential for street lighting.
- f. Artificial light sufficient to control vandalism shall be maintained over the entire occupied manufactured home park or court area during all hours of darkness.

5. Landscaping and Aesthetics.

- a. A properly landscaped area of thirty (30) feet, shall be maintained around each manufactured home park. All manufactured home parks shall be screened with a fence or natural screen planting along the property boundary lines separating the park from residential and non-residential uses to protect adjoining property owners.
- b. The area beneath all manufactured homes shall be enclosed with a skirting material that shall be generally uniform and in accordance with the decor of the manufactured home through the entire manufactured home park. Such an enclosure must be so constructed that it does not impede inspection of plumbing, electrical facilities and related manufactured home equipment.
- c. The yards shall be landscaped except for the necessary driveway and sidewalk needs which shall not exceed one-half (2) the width of the site. Landscaping shall include at least one (1) tree.

6. Environmental, Health and Safety Regulations.

- a. Soil conditions, ground water level, drainage and topography shall not create hazards to the property or health and safety of the occupants.
- b. Each manufactured home park shall provide a building which is structurally suitable

to serve as a storm shelter with sufficient space to accommodate all of its residents. Such building may also supply office, laundry and recreation facilities.

- c. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner.
- d. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- e. The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.
- f. Parks shall be maintained free of accumulations of debris. All refuse containing garbage shall be collected at least once a week.
- g. The growth of brush, weeds and grass shall be controlled. Parks shall be so maintained as to prevent the growth of noxious weeds considered detrimental to health.
- h. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

7. Additional Regulations.

- a. The person to whom a license for manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, and keep its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- c. No manufactured home shall be located in the manufactured home park that does not conform to the requirements of the most current Minnesota State Uniform Manufactured Home Standards Code and has the State Seal of Compliance affixed to it.
- d. Land in the manufactured home park shall be used for residential purposes only. No commercial operation shall be conducted within the park other than those necessary to the operation thereof. A common laundering facility is an allowed use. Commercial sales lots for manufactured homes are prohibited within the manufactured home park. There shall be no outdoor camping anywhere in the trailer park except by park

residents or their guests.

- e. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each manufactured home park as it may deem necessary for the protection of adjacent properties and the public interest.

C. Administration.

1. It shall be the duty of the Zoning Administrator to ensure that an approved manufactured home park permit is followed by the owner and/or developer. No departure from the approved manufactured home park permit shall be made without the express written permission of the Planning Commission. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.
2. The Zoning Administrator is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. The Zoning Administrator shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigation conditions relating to the enforcement of this Ordinance.
3. Whenever, upon inspection of any manufactured home park, the Zoning Administrator finds that conditions or practices exist which are in violation of any provision of this Ordinance, the Zoning Administrator shall give notice in writing to the person to whom the license was issued that conditions or practices shall be corrected within a thirty (30) day period. At the end of such period of time the Zoning Administrator shall re-inspect such manufactured home park and, if such conditions or practices have not been corrected, the Planning Commission will give notice in writing of such suspension, and such person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such manufactured home park.
4. Any enlargement or extension to any existing manufactured home park shall require application for a permit as if it were a new establishment. Permits shall not be transferred. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.

Section 22.17. NUISANCES. In order to create a compatible relationship of land uses, certain standards are established to protect the public health and safety, adjacent property values and preserve aesthetic values. No noise, odors, vibrations, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property, except as provided otherwise.

Standards listed herein shall be construed as minimum standards and the County Board may require adherence to approved or suggested State of Minnesota Standards.

Detailed plans relating to the proposed use and operation may be required before issuance of a permit

required by this Ordinance to insure compliance with these regulations.

- A. Nuisances. Creating, maintaining or allowing a nuisance shall not be permitted. All nuisances shall be subject to abatement as provided herein. Nuisances include, but are not limited to, those set forth in this Section:
1. Animal Manure. Stockpiling manure in a shoreland district or one-fourth (1/4) mile from any residence and the accumulation of manure in a quantity that creates an odor detectible from a neighboring property in a R-2 District shall be considered a nuisance. The County Board of Commissioners may order the owner of any such animals to apply for or revoke a conditional use permit if it is deemed to be in the interest of the public health, safety or general welfare.
 2. Exterior Lighting and Light Glare. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining properties and public streets. Direct or sky-reflected glare, whether from floodlights, high intensity lighting or from high temperature processes such as combustion or welding directed into any adjoining property shall also be a nuisance. The source of light constituting a nuisance shall be hooded, directed or controlled in some manner so as not to light adjacent property.
 3. Fumes, Gases and Odors. Fumes or gases emitted at any point in concentrations that are toxic, noxious or corrosive shall be considered a nuisance. Detailed plans for the elimination of fumes or gases may be required prior to commencement of operation. These regulations shall not apply to farm operations.

All uses causing the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located shall be a nuisance. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a land use permit except odors from agricultural land uses.

4. Explosives. Every operation involving explosives carried on without reasonable precautions against fire and explosion hazards shall be a nuisance.

No activity involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as regulated by the State of Minnesota Statutes.

5. Noise. Noise that is or becomes objectionable due to intermittence, beat frequency, shrillness or intensity shall be a nuisance.

6. Rodent Control. Conditions which are conducive to the harborage or breeding of vermin shall be considered a nuisance. All property shall be maintained in such a manner as not to attract or harbor rodents or other vermin in such numbers as to cause damage to property or present a health threat or nuisance to adjoining properties. Vermin infestations include, but are not limited to, rats, mice, skunks, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies.
7. Noxious Weeds. The uncontrolled or excessive growth of noxious weeds shall be a nuisance. The growth of noxious weeds shall be controlled to the greatest degree possible. Each property owner shall be responsible to maintain the area adjacent to the dwelling unit or commercial structure. Enforcement of this provision shall be coordinated with the Office of County Agricultural Inspector.
8. Smoke, Dust and Particulate Matter. Any use emitting smoke or particulate matter to the degree that it is detrimental to or shall endanger the public safety, health, comfort or general welfare of the public or not meeting the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or other particulate matter shall be considered a nuisance.
9. Solid Waste. In all districts, all debris, refuse, garbage or waste material, except crop residues, not kept in an enclosed building or properly contained in a closed container designed for such purposes shall be a nuisance. The owner of the land shall not permit refuse, noxious substances, or hazardous wastes to be pooled, accumulated, left, piled, deposited, buried, discharged upon, or flowing from any property, structure, or vehicle.

All solid waste containing garbage shall be disposed of in such facilities designated by the County Board of Commissioners in compliance with the county landfill regulations. It shall be unlawful for any person to dispose of solid waste in any other manner unless prior approval is obtained from the County Board and such disposal does not provide breeding grounds for rodents or produce noxious effects on adjoining property.

10. Hazards. Any thing or condition which may contribute to injury of any person present on the property, including but not limited to open holes, open foundations, open wells and abandoned refrigerators shall be considered a nuisance.
11. Unlicensed Vehicles.
 - a. It shall be unlawful for any person to store or keep outside of an enclosed building any unlicensed or inoperative vehicle whether such vehicle is dismantled or not, except as provided herein.
 - b. Two (2) unlicensed vehicles shall be allowed to be kept outside of an enclosed building in the agriculture district. More than two (2) unlicensed vehicles in an agriculture district shall be stored in an enclosed building.
 - c. One (1) unlicensed vehicle may be kept within an enclosed building in residential

districts.

- d. Within the agriculture, commercial and industrial districts, any number of unlicensed vehicles may be kept in an enclosed building provided they are not being used for the sale of parts, scrap metal or other components in commercial quantities. The sale of parts, scrap metal or other components from an unlicensed vehicle in commercial quantities shall be considered a junkyard.
 - e. An unlicensed vehicle intended for use, or already has participated, in a race, demolition derby or similar event may occasionally be removed from an enclosed building, so as to prepare the vehicle for the race, derby or event it is intended for provided the said vehicle is returned to the enclosed building as required herein for storage.
13. Junkyards. It shall be unlawful to create or maintain a junkyard or vehicle-dismantling yard except as provided herein.
- a. A junkyard must be completely enclosed within a building, fence, screening or vegetative planting of adequate height and density to screen the junkyard completely from the public's view on adjoining roads and property.
 - b. The Planning Commission and Board of County Commissioners have the authority to determine the types of materials or plantings to be used in each screening and the types of building materials necessary to erect buildings and fences to completely enclose a junkyard from the public's view on adjoining roads or property.
14. Vehicle Sales. It shall be unlawful to offer for sale more than one (1) vehicle within sight of any road right-of-way, unless the responsible party has the necessary permit required herein and is licensed as a motor vehicle dealer by the State of Minnesota.
15. Public Health and Safety. The following are declared to be nuisances affecting public health or safety:
- a. The effluent from any septic tank, drain field or other types of human sewage disposal system, discharging upon the surface of the ground or dumping the contents thereof at any place except as authorized.
 - b. The pollution of any water well or cistern, groundwater, stream, lake, canal or natural body of water by sewage, industrial waste or other substance.
16. Statutes and Common Law Nuisances. Any thing or condition on property, which is otherwise defined by law, the Statutes of Minnesota or the ordinances of Meeker County as a nuisance.

B. Violations.

1. No person shall, directly or indirectly, by act or omission, create or permit a nuisance as defined in this Ordinance.
2. No owner of any truck, trailer, railroad car or flat, or other vehicle shall leave the vehicle standing on or along any street, highway, railroad track, or other property within the County of Meeker carrying or containing any refuse, noxious substance or hazardous waste, except for normal operations, and in no case for more than 24 hours.
3. No owner or responsible party shall permit a nuisance to remain upon or in any property or structure under his or her control.

Section 22.18. OFF-STREET PARKING. In all districts and in connection with all uses, there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents, and/or patrons in conformity with the following requirements:

A. Site Plan. Any application for a permit required by this Ordinance shall include a detailed site plan drawn to scale and dimensioned showing on-site parking and loading space to be provided in compliance with this Section and meeting the following design and construction requirements. Off-street parking requirements will be considered met only when actual spaces meeting the requirements following are provided and maintained as follows:

1. Minimum Space. Each space shall average a minimum area of not less than three hundred (300) square feet, including access drives. Individual spaces shall maintain a width of not less than eight and one-half (8 2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than five hundred (500) square feet.
2. Access. Adequate ingress and egress shall be provided from a public right-of-way. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazards. Frontage roads or service roads may be required when, in the opinion of the County Planning Commission, such service roads are necessary to maintain traffic safety.

Vehicular access to commercial or industrial uses across property in any Residential or Shoreland District shall be prohibited.

3. Location. Required on-site parking space shall be provided on the same lot as the principal building or use, except as provided otherwise herein and except that no off-street parking shall be required within the Neighborhood Commercial District.
4. Setback. On-site parking and loading facilities shall not be subject to the front yard, side yard or rear yard regulations for the use district in which parking is located, except that:
 - a. In any Commercial or Industry District, no parking or loading space shall be located

within ten (10) feet of any property line which abuts a road or highway right-of-way, or any Residential, Shoreland or Agricultural District.

5. Signs. Signing and surface markings for vehicular traffic flow to, from and within the parking area shall be in accordance with the Minnesota Manual of Uniform Traffic Control Devices. No other signs shall be located in any parking area.
6. Lighting. All lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any Agricultural, Residential or Shoreland District.
7. Surface. In all Commercial and Industry Districts, off-street parking area shall be improved with a durable and dustless surface on an adequate gravel base. Such areas shall be graded and drained so as to dispose of all surface water without damage to adjoining property. These requirements shall apply also to open sales lots for cars, trucks, farm machinery and other equipment.
8. Curbing and Screening. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb so as to maintain the required setback. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a Residential or Shoreland District, or any institutional premises by a wall, fence or densely planted compact hedge not less than four (4) feet in height. However, the Board of Adjustment may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential or institutional property line. The screening and landscaping plan shall show plant materials, bed location and other necessary information.

9. Space Computing Requirements. In computing the required number of off-street parking spaces, the following rules shall govern:
 - a. "Floor area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
 - b. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, one (1) additional space shall be required.
 - c. The amount of required off-street parking spaces for new uses or buildings, additions thereto and additions to existing buildings shall be determined in accordance with the following requirements and the space so required shall be irrevocably reserved for

such use. In the case of any building structure or premises, the use of which is not specifically mentioned herein, the provisions for a use, which is mentioned and to which said use is similar shall apply as determined by the Planning Commission. On-site parking areas of sufficient size to provide for parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. An adequate number of parking stalls for handicapped persons shall be designated and reserved for handicapped use only, as determined by the Minnesota State Building Code, Chapter 55. The minimum number of required on-site parking spaces for the following uses shall be as follows:

- (1) One (1) family dwelling--two (2) parking spaces.
- (2) Multiple dwelling or manufactured home Park--two (2) parking spaces per dwelling unit, apartment unit or manufactured home berth.
- (3) Convalescent or nursing home--one (1) parking space for each four (4) beds for which accommodations are offered, plus one (1) parking space for each employee on the major shift.
- (4) Churches--one (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
- (5) Golf course, golf clubhouse, country club, swimming club, tennis club and public swimming pool--twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- (6) Professional offices and animal hospitals--four (4) parking spaces per professional person, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- (7) Automobile service station--four (4) parking spaces, plus two (2) parking spaces for each service stall. Such parking spaces should be in addition to parking space required for gas pump areas.
- (8) Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales and auto repair--six (6) parking spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- (9) Drive-in restaurant--ten (10) parking spaces or one (1) space for each forty (40) square feet of floor area, whichever is greater.
- (10) Motel or hotel--one (1) parking space for each rental room or suite, and one (1) space for each employee on the major shift.
- (11) Miniature golf course, archery range or golf driving range--ten (10) parking

spaces.

- (12) Restaurant, cafe, nightclub, tavern or bar--one (1) parking space for each seventy-five (75) square feet of customer floor area, plus one (1) space for each employee on the major shift.
- (13) Retail stores and service establishments--one (1) parking space for each one hundred fifty (150) square feet of floor area, plus one (1) space for each employee on the major shift.
- (14) Storage, wholesale or warehouse establishments--one (1) parking space for each employee on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.
- (15) Manufacturing or processing plant--one (1) off-street parking space for each two (2) employees on the major shift or one (1) off-street parking space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

- B. Reduction of Parking Spaces. On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.
- C. Expansion of Use. Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.

Nothing in this section shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.

- D. Joint Facilities. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses in the Commercial or Industry Districts, provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately. Such spaces shall be provided directly adjacent to the property(ies) collectively providing the parking. If required off-street parking facilities are provided elsewhere than on the lot, which the principal use is located, a written agreement, lease or other document shall be drawn and executed by the parties concerned, assuring their retention for said off-street parking purposes. This agreement shall be approved in form by the County Attorney and filed with the Zoning Administrator.

- E. Maintenance. It shall be the joint or separate responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences. Such parking lots shall be maintained in useable dustproof conditions and shall be kept graded and drained to dispose of surface water.
- F. Other Uses. Loading space as required by this Ordinance shall not be construed as supplying off-street parking space. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for sale or for rent.

Section 22.19. ON-SITE LOADING SPACES. On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys.

Such space shall be sufficient for the proposed use. Such spaces may occupy all or part of any required yard or open space except where adjoining a Residential District, it shall be set back so as to allow sufficient and effective screen plantings.

The minimum number of off-street loading and unloading spaces are as follows:

- A. Retail stores, service establishments and office buildings--one (1) space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional fifty thousand (50,000) square feet of gross floor area.
- B. Restaurants--one (1) space for each structure over ten thousand (10,000) square feet of gross floor area.
- C. Manufacturing, fabrication, warehousing, storage, etc.--one (1) space for each thirty thousand (30,000) square feet of gross floor area or fraction thereof.

Section 22.19.1. Paintball Ranges. A field or property on which players use compressed-gas powered guns to fire pellets containing paint “paintballs” at opposing players. Paintball ranges usually consist of several fields of play within a single complex or property. The fields generally have staging and spectator areas separated from the playing field by netting or other physical barriers.

- A. The minimum lot size for each outdoor paintball range shall be 10 acres.
- B. A minimum 20-foot buffer zone between the property line of the outdoor paintball range and the playing, staging, and spectator areas shall be maintained.

- C. A minimum 12-foot high, nylon mesh screen or other barrier shall be installed to separate the playing areas from the 20 foot buffer zone. This screen shall be anchored at the bottom and secure by a non-stretchable cable at the top and bottom. If a nylon mesh screen is not incorporated into fencing, a 200-foot buffer zone between the property lines and the playing areas shall be maintained unless other agreements exist with adjacent landowners.
- D. No outdoor lighting shall be allowed other than for building access, parking area, driveway and signage. Nighttime use of a paintball range may be permitted if in the opinion of the Planning Commission such use will not be disruptive to the surrounding area. In these cases, playing, staging, and spectator areas will be required to be lighted per Chapter 4 of this Ordinance.
- E. Only non-toxic paintballs shall be used at the paintball facility.
- F. A description on the procedures for storage, maintenance and use of CO2 and other compressed air fuel stations. No long-term outside storage of CO2 and other compressed air fuel equipment shall be allowed.
- G. The outdoor paintball range operator shall carry field liability insurance and a copy of the insurance shall be filed with the Planning Department.
- H. Any vehicles brought onto the range for use as props shall require prior approval by the Planning Department and the applicant shall submit a surety, at a type and amount determined by the Planning Department, to insure the vehicles are removed when the conditional/interim use permit is expired or terminated.
- I. Off-street parking shall be provided

Section 22.20. PORNOGRAPHY.

- A. Regulated Uses. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operations characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or property. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two such uses within 1,000 feet of each other which would create such adverse effects).

B. Locations.

1. Adult establishments and adult entertainment uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following-specified uses or zones:
 - a. Within, or within one thousand (1,000) feet of, any residential zone, known as R1 or R2, or any single-family or multiple-family residential use.
 - b. Within, or within one thousand (1,000) feet of, any school.
 - c. Within, or within one thousand (1,000) feet of, any church or other religious facility or institution.
 - d. Within, or within one thousand (1,000) feet of, any youth facility or area zoned for a youth facility.
2. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

- D. Conditional Uses. Adult establishments and adult entertainment uses shall not be permitted in any district unless a conditional use permit for such use has been obtained. Requirement for a conditional use permit shall be in addition to all other requirements of the Zoning Ordinance, and shall be in addition to all other requirements of all other applicable ordinances.

Any person desiring a conditional use permit for any use specified in this section shall apply in the manner provided by Ordinance for a Conditional Use plus provide the following information:

1. Applications. In addition to such applicable information as the County may require, an application required by this section shall include the following information:
 - a. The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone number and birth dates of those owners holding more than five percent (5%) of the outstanding stock of the corporation.
 - b. The name, address, phone number and birth date of the manager of such operation, if different from the owners.
 - c. The premises wherein the adult use is to be located.
 - d. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, in the case of a corporation, the owners of more than five percent (5%) of the

outstanding stock of the corporation, have been convicted, and whether or not the applicant has ever applied for or held a license to operate a similar type of business in other communities.

- e. The activities and types of business to be conducted.
 - f. The house of operation.
 - g. The provisions made to restrict access by minors.
 - h. A building plan of the premises detailing all internal operations and activities.
2. Conditional use permits issued under this section shall expire five (5) years after issuance, and may be renewed by the same procedure that an original conditional use permit is granted.
 3. Each permit shall be issued to the applicant only and shall not be transferable to another holder. Each permit shall be issued only for the premises described in the application. No permit shall be transferred to another place without the approval of the County Board.
 4. Persons Ineligible for Permit. No permit shall be granted to or held by any person:
 - a. Under twenty-one (21) years of age;
 - b. Who has been convicted of a felony or of violating any law of this state or local ordinance relating to sex offenses and/or adult use; or
 - c. Who is not the proprietor of the establishment for which the permit is issued.
 5. Places Ineligible for Permit.
 - a. No permit shall be granted for adult uses on any premises where a permittee has been convicted of a violation of this Chapter, or where any permit hereunder has been revoked for cause, until one (1) years has elapsed after such conviction or revocation.
 - b. Except for uses lawfully existing at the time of the adoption of this section, no permit shall be granted for any adult use that is not in compliance with the counties zoning regulations.
 - c. No sexually oriented business shall locate in any place that is also used to dispense or consume alcohol.
 6. Building Standards.
 - a. No commercial building, structure, premises, or part thereof, or facilities therein used by a sexually-oriented business classified as an adult use-principal shall be so constructed, used, designed or operated for the purpose of engaging in, or permitting

persons to engage in sexual activities as defined in this Ordinance.

- b. No person shall own, operate, manage, rent, lease, or exercise control of any commercial building, structure, premises, or portion or part thereof, which contains:
 - (1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture that is designed or constructed to facilitate sexual activity between persons on either side of the partition.
 - (2) Booths, stalls, or partitioned portions of a room, or individual rooms, used for adult uses, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for adult uses are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion pictures or other offered adult uses.
- c. All viewing areas or booths in movie arcades shall be accessible from a continuous main aisle.
- d. All viewing areas or booth shall be located together along a continuous main aisle to eliminate the possibility of secluded booths elsewhere on the premises.
- e. No more than one person shall be permitted to enter or remain in a viewing area or booth at any time.
- f. The viewing areas or booth shall be maintained at all times in a clean and sanitary manner.
- g. All entrances to the business, with the exception of emergency fire exits not usable to enter the business, shall be visible from a public right-of-way.
- h. All performances shall be on a raised stage. The stage must be raised from the surrounding floor by at least two feet (2').
- i. All persons viewing any performance shall be at least three feet (3') from the stage.

7. Conditions of Conditional Use Permit.

- a. Every Conditional Use Permit shall be granted subject to all of the conditions of this Ordinance, and of any other applicable county, state or federal law.
- b. All Conditional Use Permitted premises shall have the permit posted in a conspicuous place at all times.
- c. No minor shall be permitted on the permitted premises. Provisions to restrict access

by minors shall prohibit any entry or view into the portion of the premises in which the sexually oriented business is carried on.

- d. Any designated inspection officer of the County shall have the unqualified right to enter and inspect all public areas of the premises of a permittee during regular business hours and during non-business hours to determine compliance with this Ordinance.
 - e. Every permittee shall be responsible for the conduct of the place of business and shall maintain conditions of order.
 - f. No person to whom a Conditional Use Permit has been issued shall permit to be or remain in any adult entertainment establishment any obviously intoxicated person.
8. Hours of Operation. Sexually Oriented Businesses adult use-principal operations shall be restricted from operating between the hours of 1:01 a.m. and 6:00 a.m. The permittee shall not permit any patron to be in the place of business between the hours of 1:30 a.m. and 6:00 a.m.
9. Existing Permittees Compliance. All existing businesses shall be required to conform to this section on or before June 1, 1995. Failure to comply will result in the permit being revoked effective 12:00 midnight June 1, 1995.
10. In addition to the findings normally required for a conditional use, the following factors may be considered:
- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 - d. That all applicable regulations of the Ordinance, other County Ordinances, State and Federal law will be observed.