

Section 900-035 Interim Uses

The Town Board, following the procedures outlined in Section 1400-060 of this Ordinance, may permit the following uses with the approval of an Interim Use Permit.

1. Extractive Uses – see Section 1300.

Section 900-040 Minimum Lot Sizes and Setbacks

The following requirements shall apply to all structures in the Agricultural District. Requirements in Section 1100 Performance Standards shall also apply.

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| A. | <i>Lot Size:</i> | 10 acres |
| B. | <i>Lot Width:</i> | 300 feet |
| C. | <i>Lot Depth:</i> | 200 feet |
| D. | <i>Lot Coverage:</i> | not more than 10% |
| E. | <i>Setbacks:</i> | |
| | 1. Front yard: | 65 feet |
| | 2. Side Yard - residential dwellings and accessory structures to residential uses | 20 feet |
| | 3. Side Yard - all other permitted and conditional uses unless otherwise specified | 25 feet |
| | 4. Rear yard - residential uses | 10 feet |
| | 5. Rear yard - agricultural uses | 25 feet |
| F. | <i>Maximum Building Height:</i> | 35 feet, except for agricultural uses such as silos |

ARTICLE III - REGULATIONS APPLYING TO ALL DISTRICTS

SECTION 1100 PERFORMANCE STANDARDS

Section 1100-010 Purpose

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to prevent and eliminate conditions that cause blight. Before any permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. An applicant shall supply data necessary to demonstrate such conformance.

The performance standards shall apply to future development and to existing development within compliance periods as noted in individual sections. Compliance may be waived by the Township if a building condition created under prior ordinances physically precludes the reasonable application of the standards.

Section 1100-020 Standards for Single and Two Family Dwellings and Property

The following standards shall apply to all single and two family dwelling units, unless specifically exempted:

1. All single and two family dwellings shall have a minimum floor area of five hundred (500) square feet.
2. All single and two family dwellings shall be attached to a permanent foundation.
3. All single and two family dwellings, except mobile homes in a mobile home park, shall have a minimum width of twenty (20) feet.
4. Only one principal structure is permitted per lot unless otherwise permitted by district regulations.

Section 1100-030 Accessory Structures

1. No accessory building or structure, unless an integral part of the principal building shall be constructed, altered, or moved within 5 feet of the principal building. (amended 2-13-06, Res. #2006-01).
2. In the Residential District (R), no accessory building shall exceed 18 feet in height and shall not exceed 1,500 square feet in floor area. (amended 10-12-06, Res. #2006-02).
3. In Rural Residential District (RR), no accessory building shall exceed 24 feet in height and shall not exceed 2,000 square feet of floor area. (amended 10-12-06, Res. #2006-02).

Section 1100-040 Sanitation Standards

Any Premises used for human occupancy must be provided with an adequate method of sewage treatment and water supply, as follows:

1. For new construction, or if a building permit is issued for an addition to an existing structure for a bedroom, bathroom or kitchen, the private sewage treatment system must meet or exceed the Hubbard County Environmental Service Department standards for individual sewage treatment contained in the document titled, "Hubbard County Zoning Ordinance".
2. All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health. Private wells must be located, constructed, maintained and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
3. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with the Hubbard county Zoning Ordinance standards.

Permits for private sewage treatment systems must be obtained from the Hubbard County Environmental Service Department, prior to construction.

Section 1100-050 Exterior Storage

In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

1. Laundry;
2. Construction and landscaping materials currently being used on the premises;
3. Agricultural equipment and materials if these are used or are intended for use on the premises;

4. Firewood;
5. Fish houses in good repair;
6. Off-street parking of passenger automobiles and pick-up trucks;
7. Boats and trailers, less than forty (40) feet in length, are permissible if stored more than ten (10) feet distance from property line; and
8. RVs and campers and recreational equipment.

Existing uses shall comply within twelve (12) months following enactment of this Ordinance. In other districts, no materials or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises.

Section 1100-060 Refuse and Junk Vehicles

Mantrap Township will defer to Hubbard County Solid Waste Ordinance # 18

Section 1100-070 Maintenance

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics.

Section 1100-080 Fences

A fence is defined as any partition, structure, wall or gate erected within the property. This section shall apply to all fences constructed after adoption of this Ordinance.

1. All boundary line fences shall be entirely located upon the property of the person constructing 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.
2. Fences shall not exceed six (6) feet in height in residential districts. Fences higher than these shall require a Conditional Use Permit.
3. Any posts or similar structural member used in the construction of a solid board fence shall be constructed to face inward towards the property being fenced, so as not to be visible from adjacent properties. Fence designs which partially conceal posts and structural members such as alternating board and basket weave fences are exempt from this requirement.

Section 1100-090 Special Provisions for Type II and Type III Home Occupations

A. Customary Type II home occupations shall be allowed with the issuance of a conditional use permit provided that they meet the following conditions. Type III home occupations must meet the provisions of this sections in addition to any standards or conditions prescribed by the Planning Commission in the issuance of an interim use permit:

1. Such occupation is carried on in the principle building and may not be conducted in an accessory building other than a private garage. In the Rural Residential and Agricultural districts such occupation can be conducted in an accessory building.
2. In the Residential district, no more than twenty-five percent (25%) of the gross floor area of the residence or garage is used for this purpose. This requirement will be discussed on a case by case basis.
3. No articles for sale shall be displayed so as to be visible from the street unless permitted under the terms of a conditional / interim use permit.

4. Not more than three (3) persons other than those who reside on the premises shall be employed.
5. No mechanical or electrical equipment shall be used if the operation of such equipment violates existing nuisance controls, creates a public nuisance, or otherwise interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
6. Such occupation does not generate more than two (2) vehicles at one time.
7. Such occupation must provide off-street parking, but no more than two (2) spaces.
8. There shall be no exterior storage of equipment or materials used in the home occupation unless permitted under the terms of a conditional / interim use permit. Personal automobiles used in the home occupation may be parked on site.
9. The approval of signage type and size will be part of the conditional / interim use permit.
10. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM unless said occupation is contained entirely within the principle building and does not require any on-street parking facilities.
11. An owner of a home occupation shall maintain adequate sewage treatment facilities, and shall provide documentation of compliance with the standards prescribed in section 1100-040 upon request of the Planning Commission.
12. No home occupation shall require exterior or significant interior renovation or alteration not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
13. Home occupations which create noise, odor, dust, electrical glare or vibrations discernable off of the premises shall not be permitted.

Section 1100-100 Telecommunication Towers Purpose

The purpose of the Telecommunication Towers Section shall be to establish regulations that protect the public health, safety and general welfare of the Township. These regulations are intended to:

- A. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Mantrap Township;
- B. Minimize adverse visual effects of towers through careful design and site standards
- C. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful site and setback requirements; and
- D. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the Township.

Section 1100-110 Definitions

Antenna: any structure or device used for the purpose of collecting or radiating electromagnetic waves including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes and omnidirectional antennas such as whip antennas.

Commercial wireless telecommunication services: all commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Public utility: persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone services to the general public. For the purpose of the Ordinance, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

Search ring: the area for coverage requested by a wireless service provider.

Tower: a structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

- a. **Communication tower, freestanding, self-supporting**—a ground mounted tower consisting of a pole, spire, structure or combination thereof constructed without guy wires and anchors.
- b. **Communication tower, guyed**—a tower that is supported in whole or part by guy wires and ground anchors.
- c. **Communication tower, monopole**—a ground mounted tower consisting of a single pole constructed without guy wires and anchors.
- d. **Tower height**—determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

Section 1100-120 Permits Required

It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower, unless it shall replace a like tower, without first making application to the Township and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

Section 1100-130 Permit Requirements

In addition to the information required elsewhere, applications shall include the following information:

- A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
- B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow, when possible the shared use of the tower;
- C. The location of all public and private airports within a three (3) mile radius of the tower site;
- D. FCC licensure and approval as required for various communications applications; and

- E. For towers over five hundred (500) feet, an Environmental Assessment Worksheet (EAW) is required and the applicant shall be responsible to complete the EAW prior to the issuance of a permit from the Township.

Section 1100-140 Tower Setbacks

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

- A. Towers shall be setback from all property lines an amount equal to the height of the structure. Tower setback may be reduced to within an approved engineered collapse zone as evidenced by a signed letter from a professional engineer.
- B. Guy wires for towers shall be located no closer than twenty-five (25) feet to any property line and shall meet the setback from the public right-of-way.
- C. Suitable protective anti-climbing fencing, with a minimum height of four (4) feet shall be provided around any tower and guy wires.
- D. Towers less than one hundred ninety-nine (199) feet in height shall be located a minimum of one-half (½) mile from the end of an airport clear zone as measured from the center point of the base of a free-standing tower.
- E. Towers that are one hundred ninety-nine (199) feet or more in height shall be located a distance of at least three (3) miles from any public or private airport.

Section 1100-150 Tower Location

Towers are allowed only on property zoned agricultural with a conditional use permit.

Section 1100-160 Co-Location Requirements

All commercial wireless telecommunication towers erected, constructed or located within the Township shall comply with the following requirements:

- A. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
- B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost;
 - 2. Existing or approved towers within the search radius that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

3. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.

Section 1100-170 Accessory Utility Buildings

All buildings and structures accessory to a tower shall:

- A. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.
- B. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screen better reflects and compliments the architectural character of the surrounding neighborhood.

Section 1100-180 Tower Lighting

Towers shall be illuminated only as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC) or state agency.

Section 1100-190 Screening and Landscaping Requirements

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures and security fencing shall be submitted. The plan shall show the location, size, quantity and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

Section 1100-200 Unmaintained /Abandoned Towers

Unmaintained towers that do not meet current FCC standards shall be removed within eighteen (18) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within the eighteen (18) months of the cessation of operations at the site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

Section 1100-210 Nonconforming Towers

In order to avoid requiring new towers and to minimize the number of towers needed to serve the Township, the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:

- A. Tower safety concerns including tower collapse, falling ice and airplane traffic;
- B. Disturbance or conflict with agricultural uses on the property; and

- C. Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

SECTION 1200 NONCONFORMING USES AND STRUCTURES

Section 1200-010 Existing Uses

The lawful use of any structure or use existing upon the effective date of the adoption of this Ordinance may be continued subject to the following provisions:

1. No such use and structure shall be expanded or enlarged except in conformity with the provisions of this Ordinance. (For purposes of this section, a structure that is nonconforming only because of setbacks shall be allowed to expand as long as the new addition meets all structure setbacks and other provisions of the Ordinance.)
2. If any non-conforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged, then the structure or its replacement shall thereafter conform to this Ordinance (amend. 2-14-05, Res.#2005-4).
3. A nonconforming use of a structure, which has been discontinued for a period of twelve (12) months, shall not be re-established and any further use shall be in conformance with this Ordinance.
4. Normal maintenance of a nonconforming use and structure is permitted. Maintenance may include necessary non-structural repairs and incidental alterations that do not enlarge or intensify the non-conforming use.
5. When any lawful non-conforming use of any structure or land has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
6. A lawful nonconforming use of a structure or parcel of land may be changed to a similar nonconforming use or to a more restrictive nonconforming use. Once a structure or parcel of land has been placed in a more restrictive nonconforming use, it shall not return to a less restrictive nonconforming use.
7. Alterations may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or outside dimension of a building.

Section 1200-020 Nonconforming Lots

A lot-of-record existing upon the effective date of this Ordinance that does not meet the minimum lot sizes may be used for the erection of a structure without meeting the minimum lot area and lot width requirements provided that all other requirements of this Ordinance, such as setbacks, are complied with.

Section 1300 EXTRACTIVE USES

Section 1300-010 All Extractive Use Operations

Extractive uses are permitted by obtaining an Interim Use Permit. The Town Board may, as a condition of granting the Interim Use Permit, impose such conditions on said use as it determines are necessary to protect the health, general well being, welfare and safety of the inhabitants of the Township and individuals neighboring the site of the extractive operation.

Section 1300-020 New Extractive Use Operations

New extractive uses are only allowed in the Agricultural Land Use District as interim uses. New extractive uses are not permitted within the Shoreland District. All new extractive uses must obtain an

Interim Use Permit from the Township. For the purposes of this Ordinance, a new extractive use is one established after May 1, 2009.

Section 1300-030 Existing Extractive Use Operations

Extractive uses that exist as of the date of the enactment of this Ordinance are allowed to continue in any district. They shall not be allowed to expand or intensify beyond the parcel or lot on which the present use is located without obtaining an Interim Use Permit. Existing uses shall file a report with the Township within one year of the adoption of this Ordinance with information concerning the operation on the form required by the Township. An existing operation shall be defined as one that was established prior to the first effective date of this Ordinance and which has been in operation within the past 12 months or has an active lease existing on the property. Extractive uses issued a conditional use permit by the Township after the first effective date of this Ordinance and May 1, 2009 may continue to operate in accordance with the terms and conditions of the conditional use permit. Any proposed change or expansion of the use beyond what is allowed in the conditional use permit shall require an Interim Use Permit.

Section 1300-040 Types of Extractive Uses

The application for an Interim Use Permit shall specify the type of extractive use for which the applicant is applying. The type of extractive use that is approved by the Township will be specified in the Interim Use Permit. Only the type of extractive use that is specified in the Interim Use Permit will be permitted.

1. Extractive Use Type G1. Removal of top soil for commercial purposes, including peat and humus extraction and temporary borrow sites that are incidental to construction. There shall be no processing of materials or stockpiling of recyclable bituminous or demolition materials on the site. Extraction and reclamation must occur in same construction season.
2. Extractive Use Type G2. All Type G1 uses and material removal only. Screening is allowed, but no other processing of the material is permitted. The site may be developed in phases. The site may also be used for stockpiling of screened materials.
3. Extractive Use Type G3. All Type G1 and G2 uses, and the site may also include crushing, screening, washing and processing of bituminous and demolition materials. Stockpiling of recyclable demolition and bituminous materials may also occur on the site.
4. Extractive Use Type G4. All Type G1, G2 and G3 uses, and the site may include hot mix asphalt

operations and bituminous reprocessing.

5. Extractive Use Type G5. All Type G1, G2, G3 and G4 uses, and the site may include a ready mix concrete plant.

Section 1300-050 Application Information

An application for an Interim Use Permit for an extractive use shall be submitted to the Township on a form supplied by the Township. Information required for the application shall include, but not be limited to, the following:

1. A map of existing conditions on the entire site which includes areas within one mile of the site, which must include the property boundaries, contour lines at 10 foot intervals, existing vegetation, existing drainage and permanent water areas, existing structures, existing wells and individual sewage treatment systems, existing pipelines, power lines and other utilities and easements;
2. A written description of the extractive use and operations on the site, including the type of material to be extracted, mode of operation, estimated quantity of material to be extracted, plans for blasting and other pertinent information to explain the request and the proposed operation in detail;
3. Phasing plan and estimated timeframe to operate the site;
4. A description of all vehicles and equipment estimated to be used in the operation of the site, including a description of the estimated average daily and peak daily number of vehicles accessing the site;
5. A description of the measures that will be undertaken in order to control dust;
6. A description of the amount of existing natural screening that exists at the property lines and road right-of-way lines, along with a description of any safety barriers to be established to protect people and livestock from entering the site;
7. A general description of groundwater conditions, including the depth to groundwater on the site;
8. A recent survey of the property that includes the full legal description of the property and shows the location of all easements;
9. A reclamation plan;
10. A description of the site hydrology and drainage characteristics during extraction for each phase of extraction;
11. A site plan of the proposed operation including a statement of the total acreage showing the location of the structures to be erected, the location of the sites to be extracted showing the depth of proposed excavation, the location of processing areas and machinery to be used, the location of extracted materials storage (showing height of storage deposits), the location of vehicle parking, the location of explosive storage, the location of erosion and sediment control structures and the location of all haul routes;
12. The proposed hours and days of the week for operation broken down, to the extent applicable, for each type of activity proposed to occur on the property;

13. A description of the anticipated vegetative and topographic alterations on the property;
14. A description of the plan to mitigate potential impacts on wildlife and any neighboring cultural or archaeological sites;
15. A description of the site hydrology and drainage characteristics during extraction for each phase of extraction. Identify any locations where drainage of any disturbed areas will not be controlled on the property and the plans to control erosion, sedimentation, and water quality of the runoff;
16. A description of the potential impacts to adjacent properties resulting from the extraction and off-site transportation, including, but not limited to, noise, dust, surface water runoff, groundwater contamination, draw down of groundwater levels, traffic and aesthetics and a description of the plan to mitigate these potential impacts; and
17. Any other information or documentation required for issuance of an Interim Use Permit under Section 1400-065 of the Land Use Ordinance.

Section 1300-060 Permits Required

In addition to applying for an Interim Use Permit, the applicant shall obtain all such other permits and permissions as may be required by law, including from the Minnesota Pollution Control Agency, and provide the Zoning Administrator with evidence of having obtained such permits prior to issuance of the Interim Use Permit. All required permits must be obtained prior to start of extraction operations. Evidence of possession of and future adherence to applicable permit requirements must be presented to the Zoning Administrator upon reasonable request.

Section 1300-070 Review Criteria

The Town Board may deny an application for an extractive use Interim Use Permit if it determines from a consideration of the application or other pertinent information that:

1. The surrounding roads do not have the ability to handle the size or number of vehicles that will be traveling to and from the site;
2. The air quality, dust and noise control measures that will be undertaken are insufficient to reasonably avoid adverse impacts on adjacent residential properties;
3. The groundwater will not be sufficiently protected;
4. The extraction operations will endanger the public safety;
5. The erosion and sedimentation control measures are insufficient;
6. The extraction operations will cause adverse impacts on surrounding wetlands or water bodies;
7. The applicant is not able to implement all of the requirements of this Ordinance;
8. The extraction operation will create specific public health, safety, or welfare concerns that are not adequately addressed or mitigated in the proposed operation; or

9. The extraction operation is not compatible with surrounding land uses or the Comprehensive Plan.

Section 1300-080 Setback Requirements

1. Property Lines. No extractive use shall be carried on or any stock pile placed closer than 50 feet from any property line or road easement. A greater distance may be required by the Board where such is deemed necessary for the protection of adjacent property.
2. Equipment and Machinery. All equipment and machinery must be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives of power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residence in existence at the time of the application or less than 50 feet from the property line if the distance to the nearest residence is over 500 feet. All processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and bluffs in accordance with the structure setback requirements as set forth in this Ordinance.

Section 1300-090 Performance Standards

The following performance standards apply to all extractive use sites in the Township:

1. Owner/Operator. The owner of this site shall be required to provide the Zoning Administrator written notice of each operator on the site. Any person or entity actively engaged in the extraction or processing of materials on the site shall be considered an operator. The notice shall include the name and address of the operator and the name and phone number of a contact person for the operator. Owners and operators, whether operators are lessees, independent contractors or otherwise, shall conform to the terms of the Interim Use Permit and this Ordinance. A violation of this Ordinance or of the Interim Use Permit shall be grounds for revocation of the Interim Use Permit.
2. Shoreland. No new extractive use shall be established within a shoreland area as defined by Minnesota Rule, Part 6120.2500, subpart 15.
3. Additional Uses. An extractive use site shall be solely used for operations directly related to the extractive use as provided in the Interim Use Permit. Any proposal to expand or change use of the land from what is allowed by Interim Use Permit shall require an amended Interim Use Permit or such other Town approvals as required by law. Any other use will require approval by the Town Board. Vehicles, equipment or materials not associated with the extraction facility or not in operable condition may not be kept or stored on the site, except as specifically authorized in the Interim Use Permit. Storage of asphalt and concrete products on the site is permissible provided that the storage is a part of an on-going recycling effort. Portable crushing, concrete mixing or asphalt production facilities for specific projects are also permitted to be stored on the site.
4. Haul Roads. The owner or operator shall be responsible for removal of any debris that is deposited by the hauling vehicles on the haul roads on a regular basis at its own expense. The owner or operator must also repair any damage caused to the haul roads by the hauling vehicles at its own expense.
5. Safety Precautions. Fencing or barriers adequate to reasonably preclude people from entering the site shall be installed and maintained around the perimeter of the site. An entry gate must be installed at all entrances to the site. "No Trespassing" signs must be placed every 250 feet around

the perimeter of the site. "Trucks Hauling" signs must be placed by the owner or operator of the site along all Township roads a distance of not less than 500 feet from the entrance to the site. "Trucks Hauling" signs must be removed or covered by the owner or operator when the site is not in operation.

6. Blasting. If blasting will be performed on the site, the owner or operator must adhere to all applicable state, federal and local regulations relating to this activity.
7. Buffer. A vegetative buffer that is at least 50 feet in width must remain along the border of all of the property lines and road rights-of-way. No extraction activities shall take place within the buffer area and no vegetation shall be removed from this area. In cases where the natural screening will not be adequate to provide screening that would minimize the visual interruption of the surrounding landscape, the Township may require that the owner or operator construct an earthen berm that is at least 15 feet high. The Township may approve a buffer that does not meet the requirements of this Ordinance or allow extraction activities to take place within a buffer zone in situations where a haul road must be placed within the buffer zone for safety reasons or so that a haul road can be constructed in a location that will avoid wetlands.
8. Slopes. The non-working face of the pit shall be maintained at a slope not exceeding 2:1 except at cessation of operations when slopes shall not exceed 3:1. The working face of the pit shall be permitted a slope greater than 2:1 provided that by December 1st of each year all banks that are higher than 15 feet are rounded for safety purposes or are fenced. Permanent pits may be exempted from these requirements if the owner or operator can demonstrate to the Zoning Administrator that these safety measures are not needed in their particular circumstances or that other safety measures are more appropriate.
9. Erosion, Sediment Control and Soil Restoration. Before extraction operations cease each year, areas which have been exhausted of the material being extracted and topsoil has been removed shall be replaced with black dirt or native topsoil sufficient to support vegetation. Restored banks of excavation not backfilled shall not be steeper than 3:1. All banks and restored areas must be seeded and maintained in order to control erosion.
10. Excavation Below the Water Table. Excavation below the water table is allowed provided there is no adverse impact upon the quality and quantity of nearby surface water or wells and all applicable permits are obtained. The intent to excavate below the water table must be disclosed in the permit application.
11. Debris Removal. All trees, brush, stumps and other debris removed for the sole purpose of operation of the site shall be disposed of in a manner acceptable to the fire warden and the Hubbard County solid waste authority. There shall be no dumping or stockpiling of any materials on the site that are not related to the permitted extraction operation.
12. Noise. Maximum noise levels at the site must be consistent with the regulations established by the Minnesota Pollution Control Agency.
13. General Compliance. The owner and operator must comply with all federal, state, county and local laws and regulations applicable to the operation of the extraction facility, including, but not limited to the Minnesota Pollution Control Agency Regulations.

Section 1300-100 Termination

The Interim Use Permit may be reviewed for compliance by the Planning Commission each year and by the Zoning Administrator at such other times as the Zoning Administrator determines is appropriate. Interim Use Permits shall terminate as of the date of termination or event of termination specified in the Interim Use Permit. The Interim Use Permit may be terminated earlier by the Town Board after notice to the owner or operator and a public hearing, upon its determination that any of the following events have occurred:

1. A violation of a condition under which the permit was issued; or
2. A determination that the facility has been inactive for a period of 12 months or more.

Section 1300-110 Reclamation

A reclamation plan must be submitted by the owner when applying for the Interim Use Permit for approval by the Township. The reclamation plan must address reclamation both during operations and after closing.

- A. Reclamation During Operations. The owner or operator must perform the following reclamation activities during the course of operating the extraction facility:
1. All slopes must be stabilized;
 2. Any unused equipment or structures must be removed;
 3. A minimum of three inches of topsoil must be placed on all graded surfaces;
 4. Soil restoration, seeding, and mulching must occur within each phase as soon as the final grades or interim grades have been reached. Processing, storage and staging areas are exempt from this requirement;
 5. All pits and excavations must be guarded in such a manner that the banks do not pose a risk of caving or sliding;
 6. The tops of all banks must be rounded in such a manner that they conform to the surrounding topography; and
 7. All excavations must be properly drained, filled or leveled.
- B. Closing Reclamation Plan. The closing reclamation plan must meet the following minimum standards:
1. The site must be reclaimed within one year of the expiration of the Interim Use Permit, or within one year of the cessation of operations. If the property is sold or transferred, reclamation must be completed prior to the date of the sale or transfer.
 2. All buildings, structures and plants incidental to the operation must be dismantled and removed by the owner or operator;

3. The peaks and depressions of the site must be graded and backfilled to a surface which will result in a topography in substantial conformance to the surrounding land area and which will minimize erosion caused by rain. No finished slope shall exceed 3:1.
4. Reclaimed areas must be surfaced with soil of a quality at least equal to the topsoil of the surrounding area. Legumes and grasses must be planted. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. All plantings must adequately retard soil erosion, and be based on Hubbard County Soil and Water Conservation District recommendations.
5. Extractive use sites may also be reclaimed for wetland mitigation or creation. If it is the intent of the owner or operator to reclaim in this manner, the plans must be approved by the Township and Hubbard County Soil and Water Conservation District.

Section 1300-120 Security

The Township Board may require either the owner or operator of the site to post a bond, letter of credit or cash escrow in such form and sum as the Board shall determine. The security shall be in an amount the Board determines is sufficient to reimburse the Township for the costs and expenses associated with restoration as set forth in the conditions in the Interim Use Permit. The Board shall review the security on an annual basis and may require that additional security be posted if necessary. A requirement to provide security, or the receipt of security, shall not obligate the Township to restore the site or provide any particular reclamation services. Furthermore, the Township makes no promises of warranties to the owner, operator, or others that it will perform any such services or, if it does, provide any reclamation, that the work is sufficient for any particular purpose.

ARTICLE IV - ADMINISTRATION

SECTION 1400 ADMINISTRATION

Section 1400-010 Zoning Administrator

The Town Board shall appoint a zoning administrator. The zoning administrator shall perform the following duties:

1. Enforce and administer the provisions of the Ordinance subject to any required approval by the Town Board;
2. Upon Board approval, the Zoning Administrator shall issue Land Use and Conditional Use permits for activities which comply with the provisions of this Ordinance;
3. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances and conditional uses which shall be on file at the office of the Zoning Administrator, with oversight of the Township Clerk;
4. Receive, file and forward, along with recommendations, all applications for appeals, variances, conditional uses or other matters to the proper designated official bodies;
5. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided for in the Ordinance, including but not limited to legal actions, and suspending or revoking permits;
6. Inspect development to ensure compliance with Ordinance; and
7. Serve as an ex-officio, non-voting member of the Planning Commission.