

**FARIBAULT COUNTY ZONING ORDINANCE
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ACRONYMS

AU – Animal Units

CLUP – Comprehensive Local Land Use Plan

DNR – Department of Natural Resources

FCZA – Faribault County Zoning Administrator

HWL – High Water Level

ISTS – Individual Sewage Treatment System

MDH – Minnesota Department of Health

MPCA – Minnesota Pollution Control Agency

NPDES – National Pollutant Discharge Elimination System

NRCS – Natural Resources Conservation Service

OHWL – Ordinary High Water Level

SWCD – Soil and Water Conservation District

USF&W – United States Fish and Wildlife Service

SECTION 1 - PURPOSE

The purpose of this Ordinance is: to promote the health, safety, morals and general welfare throughout Faribault County by lessening congestion in the public rights-of-way; securing safety from fire, panic and other dangers; providing adequate light and air; facilitating the adequate provision of water, sewage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land, pursuant to "an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls and providing penalties for the violation thereof" as enabled by Minnesota State Statutes 103F and 394 and Rule 6120.2600.

SECTION 2 - TITLE

This Ordinance shall be known as the "Faribault County Zoning Ordinance" when referred to herein, it shall be known as "this Ordinance".

SECTION 3 - JURISDICTION, SCOPE AND INTERPRETATION

A. Jurisdiction

The jurisdiction of this ordinance shall apply to all the area of Faribault County outside the incorporated limits of municipalities.

B. Scope

From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Faribault County shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended or changed subject to the special regulations herein provided with respect to non-conforming properties or uses.

C. Interpretation

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SECTION 4 - RULES AND DEFINITIONS

A. RULES

1. Word Usage:

For the purpose of this ordinance, words used in the present tense shall include the future; words in the singular shall include the plural; and the plural the singular; the word "lot" shall include the word "plot", and the word "shall" is mandatory and not discretionary.

2. Permitted Uses:

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or land shall be located, except for the following exceptions:

- a. Uses lawfully established prior to the effective date of this ordinance.
- b. Essential services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements, except for height limitations in any Airport Zone and except as provided in SECTION 15, Subdivision G.
- c. Public utility buildings not customarily considered industrial in use, are permitted in all zoning districts. However, no such building or essential service structures such as electric substations, gas regulator stations or waterworks shall be located within fifty (50) feet of any lot line of an abutting lot in any residential district or in conflict with setback requirements.
- d. Conditional uses allowed in accordance with SECTION 4, A.3.

3. Conditional Uses:

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 16.

4. All distances, unless otherwise specified, shall be measured horizontally.

B. Definitions

For the purpose of this ordinance, certain items and words are defined as follows:

1. Accessory Structure or Facility - Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
2. Agriculture - The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall not include the processing or manufacturing of feed or foodstuffs not raised on the premises for sale or resale.
3. Animal Unit (AU)* - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. The following equivalents shall apply:
 - a. one mature dairy cow, 1.4 animal unit;
 - b. one slaughter steer or heifer, 1.0 animal unit;
 - c. one horse, 1.0 animal unit;
 - d. one swine over 55 pounds; 0.4 animal unit;
 - e. one duck, 0.02 animal unit;
 - f. one sheep, 0.1 animal unit;
 - g. one swine under 55 pounds, 0.05 animal unit;
 - h. one turkey, 0.018 animal unit;
 - i. one chicken, 0.01 animal unit.

*As amended by Minnesota Pollution Control Agency.

For animals not listed in items a to i, the number of AU shall be defined as the average weight of the animal divided by 1,000 pounds.

4. Automobile Wrecking - See Junk Yards
5. Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope rises at least twenty-five (25) feet above the OHWL of the water body;
 - c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the OHWL averages thirty (30) percent or greater; and
 - d. The slope must drain toward the water body.
6. Bluff Impact Zone - A bluff and land located within twenty (20) feet from the top of a bluff.

7. Boathouse - A structure designed and used solely for the storage of boats or boating equipment.
8. Building - Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party walls without openings, such portion of such building so separated shall be deemed a separate building.
9. Building Height - The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
10. Building Line - A line parallel to a lot line or the OHWL at the required setback beyond which a structure may not extend.
11. Commercial Use - The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
12. Commissioner - The Commissioner of the Department of Natural Resources (DNR).
13. Community Water and Sewer Systems - Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county and the State of Minnesota.
14. Conditional Use - A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this ordinance exist, and (2) the use or development conforms to the Comprehensive Land Use Plan (CLUP) of the county and (3) is compatible with the existing neighborhood.
15. Corner Lot - A lot situated at the junction of and fronting on two or more roads or highways.
16. Deck - A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.
17. Depth of Lot -The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
18. Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.
19. District - A section of the county for which the regulations governing the height, area, use of buildings and premises are the same.
20. Dwelling - A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.

21. Dwelling, One (1) Family Detached - A dwelling designed for or occupied exclusively by one (1) family in a single building.
22. Dwelling, Multiple - A dwelling designed for or occupied by two (2) or more families.
23. Dwelling Site - A designated location for residential use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
24. Dwelling Unit - Any structure or portion of a structure, or other shelter designed as short-term or long-term living quarters for one (1) or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.
25. Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
26. Essential Services - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
27. Extractive Use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals other nonmetallic minerals, and peat not regulated under Minnesota Statutes Section 93.44 to 93.51.
28. Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.
29. Farming - The cultivation of the soil and all activities incidental thereto; agriculture.
30. Farmstead - That area which includes the farm dwelling and other buildings in close proximity to the farm dwelling.
31. Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
32. Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls.

33. Floodway - The channel and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of a specific size without unduly raising upstream water surface elevation.
34. Forest Land Conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
35. Garage, Private - A garage which is erected as an accessory building.
36. Garage, Public - Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.
37. Hardship - As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.
38. See Building Height.
39. High Water Level (HWL) - The highest recorded water level.
40. Highway - Any public thoroughfare or vehicular right-of-way with a federal or state numerical route designation; any public thoroughfare or vehicular right-of-way with a Faribault County numerical route designation.
41. Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the persons residing on the premises.
42. Intensive Vegetation Clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
43. Junk Yard - A place or site where waste is discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products and residual parts and materials resulting from the wrecking of motor vehicles, farm machinery, and industrial equipment. A place or site where more than five (5) unlicensed and/or inoperable motor vehicles are stored at any one time will be presumed to be a junk yard.
44. Lake, Natural Environment - Waters which need a significant amount of protection because of their unique natural characteristics or their unsuitability for development and sustained recreational use.

45. Lake, Recreational Development - Waters which are capable of absorbing additional development and recreational use.
46. Lake, General Development - Waters which are at present highly developed or which, due to their location, may be needed for high density development in the future.
47. Landfill, Demolition - A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition.
48. Livestock Waste Lagoon - A diked enclosure for disposal of livestock waste by natural processes.
49. Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
50. Lot Area - The lot area is the land within the lot lines.
51. Lot Area per Family - The lot area per family is the lot area required by this ordinance to be provided for each family in a dwelling.
52. Lot, Double Frontage - An interior lot having frontage on two streets.
53. Lot, Interior - A lot other than a corner lot.
54. Lot Lines - The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.
55. Lot Width - The shortest distance between lot lines measured at the midpoint of the building line.
56. Lot Depth - The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
57. Lot, Substandard - A lot recorded with the County Recorder prior to the adoption of this ordinance which does not comply with the regulations or standards of the appropriate zoning district.
58. Manufactured Home - A structure, transportable in one(1) or more sections, which in the traveling mode, is eight(8) body feet or more in width or forty(40) body feet or more in length, or, when erected on site, is three hundred twenty(320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect

to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established.

59. Manufactured Home Park - A contiguous parcel of land which has been planned for the placement of two (2) or more manufactured homes or manufactured home lots.
60. Motel - A building or group of buildings used primarily for the temporary residence of motorists or travelers.
61. Municipal Waste Lagoon - A diked enclosure for disposal of municipal wastes.
62. Non-Conformity - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date is was established, recorded or authorized.
63. Ordinary High Water Level (OHWL)- The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For watercourses, the OHWL is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.
64. Parking Space, Automobile - A space containing a minimum area of not less than three hundred(300) square feet, including access drives, a width of not less than nine(9) feet, and a depth of not less than twenty(20) feet.
65. Patio - An at-grade (no higher than six (6) inches) surface of wood, stone, brick, concrete, asphalt or other material.
66. Persons - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
67. Plot - A tract other than one (1) unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.
68. Premises - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this ordinance.
69. Public Waters - Any waters as defined in Minnesota Statutes, Section 103G.005.

70. Road - A public right of way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
71. Salvage Operation, Temporary - Land or buildings where waste, discarded, or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. This operation may exist for a period of not more than one (1) year.
72. Semipublic Use - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
73. Sensitive Resource Management - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
74. Setback - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, sewage treatment system, top of a bluff, road, highway property line or other facility.
75. Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this ordinance.
76. Sewer System - Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
77. Shore Impact Zone - Land located between the OHWL of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
78. Shoreland - Land located within the following distances from public waters: one thousand (1,000) feet from the OHWL of a lake, pond or flowage; and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
79. Significant Historic Site - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery that falls under the provisions of Minnesota Statutes Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historic sites.

80. Steep Slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty(50) feet or more, that are not bluffs.
81. Story - That portion of a building included between the surface of any floor above it, the space between the floor and the ceiling next above it.
82. Story, Half - That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
83. Structure - Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
84. Structural Alterations - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
85. Subdivision - A described tract of land which is to be or has been divided into two (2) or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area, (exclusive of road right of way) or greater than three hundred (300) feet in width for the purpose of transferring ownership or building development; or if a new street is involved, any division or development; or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of land provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements. In shoreland, all division of land for purpose of sale, rent or lease are considered subdivisions.
86. Toe of the Bluff - The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
87. Top of the Bluff - The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
88. Use - The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.
89. Use, Accessory - A use clearly incidental or accessory to the principle use of a lot, or a building located on the same lot as the accessory use.

90. Variance - Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
91. Water-oriented Accessory Structure or Facility - A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and decks. A water-oriented accessory structure or facility shall not be designed for human habitation nor shall they contain water supply or be connected to an individual sewage treatment facility.
92. Wetland - A surface water feature classified as a wetland in the United States Fish and Wildlife (USF&W) Service Circular No. 39 (1971 edition).
93. Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky, except for fences five (5) feet or less in height and trees and shrubs.
94. Yard, Front - A yard extending across the front of the lot between the side yard lines and lying between the centerline of the road or highway and the nearest line of the building.
95. Yard, Rear - An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
96. Yard, Side - An open, unoccupied space on the lot with a building between the building and the side line of the lot and extending from the front lot to the rear of the back yard.

SECTION 5 - CLASSIFICATION OF DISTRICTS

A. Districts

For the purpose of this ordinance, Faribault County is hereby divided into classes of districts which shall be designated as follows:

1. Agricultural Districts

A-1 SHORELAND AGRICULTURE DISTRICT

A-2 GENERAL AGRICULTURE DISTRICT

2. Residence Districts

R-1 RURAL RESIDENCE DISTRICT

R-2 SHORELAND RESIDENTIAL DISTRICT

R-3 MANUFACTURED HOME PARK DISTRICT

3. Business Districts

B-1 HIGHWAY SERVICE BUSINESS DISTRICT

B-2 GENERAL BUSINESS DISTRICT

4. Industry Districts

I-1 LIGHT INDUSTRY DISTRICT

I-2 HEAVY INDUSTRY DISTRICT

B. Zoning Map

The location and boundaries of the districts established by this ordinance are hereby set forth on the Zoning Map, and said map is hereby made a part of this ordinance; said map shall be known as the "County Zoning Map". Said map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the County Courthouse in the Office of the County Recorder.

C. District Boundaries

The boundaries between districts are, unless otherwise indicated, the centerlines of highways, roads, streets, alleys or railroad rights of way or such lines extended or lines parallel or perpendicular thereto; or plot lines or lot lines; or section, half-section, quarter-section, quarter-quarter section or other fractional section lines of United States public land surveys, as established by law where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line

runs parallel to the road centerline at a distance there from equivalent to the number of feet so indicated, unless otherwise indicated.

D. Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this ordinance in the future shall be placed in the A-2 GENERAL AGRICULTURE District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

SECTION 6 - A-1 SHORELAND AGRICULTURE DISTRICT

A. Purpose

The intent of the A-1 SHORELAND AGRICULTURE DISTRICT is to provide a district that will: (1) allow limited agricultural activities because of topographic and physiographic characteristics and the public water resource; (2) retain major areas of natural ground cover and surface water for conservation purposes; (3) reduce scatter, non-farm growth and manage it to protect the water resource; and (4) secure economy in governmental expenditures for public services, utilities and schools.

B. Shoreland Regulations

All uses will be subject to applicable regulations found in SHORELAND REGULATIONS, Section 20.

C. Permitted Uses

The following uses shall be permitted in the A-1 SHORELAND AGRICULTURE DISTRICT:

1. Agriculture and incidental agricultural related uses including farm dwellings and agricultural buildings.
2. Feedlots located outside of one thousand (1,000) feet of lakes and three hundred(300) feet of river's OHWL, no larger than one thousand (1,000) AU.
3. Farm drainage systems, flood control and watershed structures, and erosion control structures.
4. One (1), one-family detached dwelling per lot.
5. Home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling and by persons residing in the home.
6. Open space, wildlife areas and sensitive resource management.

D. Conditional Uses

The following uses may be allowed in the A-1 AGRICULTURE SHORELAND DISTRICT, subject to the provisions of SECTION 16.

1. Forest management
2. Parks and recreational areas owned or operated by governmental agencies
3. Nurseries and tree farms
4. Riding academies and stables

5. Additions to organized group camps and other campgrounds provided they comply with the requirements in MN Shoreland Regulations 6120.3800
6. Home occupations
7. Churches
8. Cemeteries and memorial gardens
9. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar essential public utility and service structures
10. Golf courses, golf club house, country club, public swimming pool, private swimming pool serving more than one (1) family
11. Feedlots located between one thousand (1,000) feet and three hundred (300) feet of the OHWL of lakes and any feedlot over a cumulative of one thousand (1,000) AU
12. Feedlot additions within three hundred (300) feet of lake's and river's OHWL and all livestock waste lagoons
13. Gun clubs
14. Railroad rights of way, but not including railroad yards
15. Facilities for the care and/or breeding of animals including kennels
16. Temporary dwelling for one (1) year, non-renewable
17. Mineral extraction
18. Radio or television transmitting stations and towers
19. Schools having a curriculum equivalent to public schools
20. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county

E. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the A-1 SHORELAND AGRICULTURE DISTRICT:

1. Private garage, shed, gazebo, deck, porch, boat house, patio
2. Keeping of not more than two (2) boarders by a resident family

3. Living quarters of persons employed on the premises
4. Structures for permitted business purposes
5. Other accessory uses customarily incidental to the uses permitted in this section

F. Height, Yard, Area, Lot Width and Depth, Setback & Elevation Regulations

1. Height Regulations:

- a. No height regulations shall be required for agricultural buildings.
- b. No other building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

2. Front Yard Regulations:

- a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways; one hundred thirty (130) feet from the centerline of US Highways and State Highways; and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.
- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of other public rights of way.
- c. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
- d. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of proposed building within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right of way line.

3. Side Yard Regulations:

- a. No side yard regulations shall be required for agricultural buildings.
- b. For other buildings there shall be a side yard having a minimum width of not less than thirty (30) feet on each side of a building.

4. Rear Yard Regulations:

- a. No rear yard regulation shall be required for agricultural buildings.

- b. For other buildings there shall be a rear yard having a minimum depth of not less than fifty (50) feet.
- 5. Lot Area Regulations:
 - a. Every lot or plot of land on which a one family dwelling is erected shall contain a minimum lot area of not less than five (5) acres.
- 6. Lot Width and Depth Regulations:
 - a. Every lot or plot of land on which a one (1) family dwelling is erected shall have a minimum width of not less than four hundred (400) feet at all points, including the waterline, and a minimum depth of not less than four hundred (400) feet.
- 7. Setback Regulations.
 - a. All buildings shall have a minimum setback of two hundred (200) feet from the OHWL.
 - b. Individual sewage treatment systems shall have a minimum setback of one hundred fifty (150) feet from the normal high water mark.
 - c. The placement of shrubs and trees for windbreaks shall have a minimum setback of not less than one hundred (100) feet from the centerline of public roads. (Does not apply to existing sites, 2/3/98)

The foregoing minimum is not to apply to groves or shrubbery around building sites nor to any established windbreaks on the date hereof, 12/18/79.
- 8. Elevation Regulations:
 - a. No buildings or structures shall be erected at an elevation of less and three (3) feet above the OHWL or the highest known water level, whichever is higher.

G. Dwelling Regulations

All dwellings must be attached to permanent foundations or have tie downs.

H. General Regulations

Additional requirements and other regulations in the A-1 SHORELAND AGRICULTURE DISTRICT are set forth in SECTION 15.

SECTION 7 - A-2 GENERAL AGRICULTURE DISTRICT

A. Purposes

The intent of the A-2 GENERAL AGRICULTURE DISTRICT is to provide a district that will: (1) allow suitable areas of Faribault County to be retained in agricultural use; (2) reduce scattered, non-farm development; and (3) secure economy in governmental expenditures for public services, utilities and schools.

B. Permitted Uses

The following uses shall be permitted within the A-2 GENERAL AGRICULTURE DISTRICT:

1. Agriculture and incidental agricultural related uses; including farm dwellings and agricultural buildings
2. Feedlots up to one thousand (1,000) AU
3. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by governmental agencies
4. Flood control, watershed structures, farm drainage systems and erosion control structures
5. One (1), one-family detached dwelling per lot
6. Nurseries and tree farms
7. Public schools or private schools having a curriculum equivalent to a public elementary or public high school
8. Riding academies, stables
9. Churches
10. Cemeteries, memorial gardens
11. Hospital, convalescent or nursing homes
12. Home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling and by persons residing in the home

C. Conditional Uses

The following uses may be allowed in the A-2 GENERAL AGRICULTURAL DISTRICT, subject to the provisions of section 16.

1. Extraction of minerals as regulated in SECTION 15

2. Golf and country clubs, gun clubs, miniature golf courses, golf driving ranges and race tracks
3. Dumping grounds, waste treatment lagoons, sanitary landfill operations and demolition landfills, as regulated by State and County Ordinances and similar essential public utility and service structures
4. Local and municipal administration and service buildings, airports and air facilities
5. Home occupations
6. Feedlots over one thousand (1,000) AU
7. Livestock waste lagoon as defined in SECTION 4
8. Grain and produce collection and storage as a primary use
9. Agricultural related retailers and/or business on existing farmsteads when the use is clearly incidental (secondary) to the normal farming operations
10. Dog kennels
11. Radio or television transmitting stations and towers
12. Commercial outdoor recreation areas and accessory buildings
13. Essential public utilities or services and service buildings, including storage yards
14. Two (2) family dwellings
15. Temporary dwelling for one year, non-renewable
16. Junk yards
17. On existing farmsteads, all uses permitted under Section 13 of the I-1 LIGHT INDUSTRY DISTRICT
18. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county

D. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the A-2 GENERAL AGRICULTURE DISTRICT:

1. Private garage, shed, gazebo, deck, porch, boat house, patio

2. Keeping of not more than two (2) boarders by a resident family
3. Living quarters of persons employed on the premises
4. Structures for permitted business purposes
5. Other accessory uses customarily incidental to the uses permitted in this section

E. Height, Yard, Area, Lot Width, Depth, Setback and Dwelling Regulations

1. Height Regulations:
 - a. No height regulations shall be required for agricultural buildings.
 - b. No other building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways; one hundred thirty (130) feet from the centerline of US Highways and State Highways; and one hundred(100) feet from the centerline of all County State Aid Highways and County Roads.
 - b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
 - d. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of proposed building within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right of way line.
3. Side Yard Regulations:
 - a. No side yard regulations shall be required for agricultural buildings.
 - b. For other buildings there shall be a side yard having a minimum width of not less than thirty (30) feet on each side of a building.
4. Rear Yard Regulations:
 - a. No rear yard regulation shall be required for agricultural buildings.

b. For other buildings there shall be a rear yard having a minimum depth of not less than fifty (50) feet.

5. Lot Area Regulations:

a. Every lot or plot of land on which a one (1) family dwelling is erected shall contain a minimum lot area of not less than five (5) acres.

6. Lot Width and Depth Regulations:

a. Every lot or plot of land on which a one (1) family dwelling is erected shall have a minimum width of not less than four hundred (400) feet at all points, including the waterline, and a minimum depth of not less than four hundred (400) feet.

7. Setback Regulations.

a. All buildings shall have a minimum setback of two hundred (200) feet from the OHWL.

b. Individual sewage treatment systems shall have a minimum setback of one hundred fifty (150) feet from the normal high water mark.

c. The placement of shrubs and trees for windbreaks shall have a minimum setback of not less than one hundred (100) feet from the centerline of public roads. (Does not apply to existing sites - 2/28/98.)

The foregoing minimum is not to apply to groves or shrubbery around building sites nor to any established windbreaks on the date hereof, 12-18-79.

8. Elevation Regulations:

a. No buildings or structures shall be erected at an elevation of less and three (3) feet above the OHWL or the highest known water level, whichever is higher.

G. Dwelling Regulations

All dwellings must be attached to permanent foundations or have tie downs.

H. General Regulations

Additional requirements for other regulations in the A-2 GENERAL AGRICULTURE DISTRICT are set forth in SECTION 15.

Additional requirements for junk yards are set forth in SECTION 19.

SECTION 8 - R-1 RURAL RESIDENCE DISTRICT

A. Purpose

The intent of the R-1 RURAL RESIDENCE DISTRICT is to provide a district that will allow low density residential development and on-lot utilities where municipal utilities are not available.

B. Permitted Uses

The following uses shall be permitted within the R-1 RURAL RESIDENCE DISTRICT:

1. One (1), one-family detached dwelling per lot.
2. Agriculture, farming and truck gardening, except feedlots and kennels operated for commercial purposes, provided that no agriculture building or be located within one hundred (100) feet of any lot line abutting residential property.
3. Farm drainage systems, flood control, watershed structures and erosion control structures.

C. Conditional Uses

The following uses may be allowed in the R-1 RURAL RESIDENCE DISTRICT subject to the provisions of SECTION 16:

1. Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
2. Golf courses, clubhouses, miniature courses and driving tees operated for commercial purposes
3. Water supply buildings, reservoirs, wells, elevated tanks and similar essential service structures, except that no structure shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
4. Country clubs, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
5. Home occupations, when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling.
6. Railroad rights of way, but not including railroad yards

7. Cemetery, memorial gardens
8. Parks and recreational areas owned or operated by governmental agencies
9. Churches and schools having a curriculum equivalent to public schools
10. Hospital, convalescent or nursing home
11. Wind electrical generators and towers, provided that there is at least a ratio of one (1) to one (1) between the distance from the closest property line to any part of the tower (excluding guy wires) to the height of the tower.
12. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county.

D. Permitted Accessory Uses

The following uses shall be permitted accessory uses within R-1 RESIDENCE DISTRICT.

1. Private garage, shed, gazebo, deck, porch, patio
2. Private swimming pool, when area is completely enclosed within fence five (5) feet high.
3. Keeping of not more than four (4) boarders or roomers by a resident family.
4. Living quarters of persons employed on the premises.
5. Accessory uses customarily incidental to the uses permitted.

E. Height, Yard, Area, Lot Width, Depth and Dwelling Regulations

1. Height Regulations: No Building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred and thirty (130) feet from the centerline of US Highways, and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.

- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.

Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard line of either road.

3. Side Yard Regulations:

There shall be a side yard having a width of not less than ten (10) feet on each side of a building.

4. Rear Yard Regulations:

There shall be a rear yard having a depth of not less than fifty (50) feet.

5. Lot Area, Width and Depth Regulations:

Every lot or plot of land on which a dwelling is erected shall contain an area of not less than one (1) acre; have a minimum width of one hundred fifty (150) feet, have a minimum depth of one hundred fifty (150) feet.

6. Dwelling Regulations:

- a. All dwellings must be attached to permanent foundations or have tie downs.
- b. All dwellings shall have a minimum width of twenty (20) feet.

F. General Regulations

Additional requirements and other regulations in the R-1 RURAL RESIDENCE DISTRICT are set forth in SECTION 15.

SECTION 9 - R-2 SHORELAND RESIDENTIAL DISTRICT

A. Purpose

The purpose of the SHORELAND RESIDENTIAL DISTRICT is to provide a district which will (1) allow Shoreland residential development in compliance with the Laws of Minnesota, and (2) allow certain essential shoreland service activities under specified conditions and standards.

B. Shoreland Regulations

All uses shall be subject to applicable regulations found in Shoreland Regulations, Section 20.

C. Permitted uses

The following uses shall be permitted within the R-2 SHORELAND RESIDENTIAL DISTRICT:

1. One (1), one-family detached dwelling per lot.
2. Agriculture and incidental agricultural related uses, except commercial kennels and feedlots, including farm dwellings and agricultural buildings provided that no agricultural building shall be located within one hundred (100) feet of any lot line abutting residential property.
3. Farm drainage systems, flood control and watershed structures and erosion control structures
4. Open space, wildlife areas and sensitive resource management

D. Conditional Uses

The following uses shall be conditional uses within the R-2 SHORELAND RESIDENTIAL DISTRICT:

1. Parks and recreational areas owned or operated by governmental agencies
2. Water supply and other essential service structures, not including utility lines, provided that no essential service structure shall be located within fifty (50) feet of any lot line of an abutting residential property.
3. Golf courses, golf club house, country club, public swimming pool or private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting residential property.

4. Home occupations, when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling
5. Temporary dwelling for a period of one (1) year, subject to no renewal
6. Forest management
7. Nurseries and tree farms
8. Riding academies and stables
9. Additions to organized group camps and other campgrounds, provided they comply with the requirements of MN Shoreland Regulations 6120.3800
10. Churches
11. Cemeteries and memorial gardens
12. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar essential public utility and service structures
13. Gun clubs
14. Railroad right of way but not including railroad yards
15. Facilities for the care and/or breeding of animals including kennels
16. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county.

E. Accessory Uses

The following uses shall be permitted accessory uses within the R-2 SHORELAND RESIDENTIAL DISTRICTS:

1. Private garage, shed, gazebo, deck, porch, boathouse, patio
2. Private swimming pool, when area is completely enclosed within a fence five (5) feet high
3. Keeping not more than four (4) boarders or roomers by a resident family
4. Living quarters of persons employed on the premises
5. Accessory uses customarily incident to the uses permitted

F. Height, Frontage, Minimum Lot Size, Lot Width, Setbacks of Buildings, Elevations, Front, 30 Side, and Rear Yard Regulations, Sewage Treatment Setback Regulations.

1. Height Regulations:

- a. No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

2. Frontage, Minimum Lot Size, and Lot Width Regulations:

<u>Minimum Lot Size</u>	<u>Minimum Lot Width at Waterline</u>	<u>Minimum Lot Width at Bldg. Line</u>
40,000 sq. ft.	150 ft.	150 ft.

3. Setback Regulations:

Minimum setback from OHWL: Bass Lake (Public Water #74) Structures – seventy-five (75) feet; Sewage Treatment Systems – fifty (50) feet.

Rice Lake (Public water #7) and Minnesota Lake (Public water #33) Structures – one hundred (100) feet; Sewage Treatment Systems – seventy-five (75) feet.

4. Elevation:

- a. No building or structures shall be built at an elevation of less than three (3) feet above the OHWL or the highest known water level, whichever is higher.

5. Front Yard Regulations:

- a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of us Highways and one hundred (100) feet from the centerline of all County State Aid Highways and County Highways.
- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
- c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard line of either road.

6. Side Yard Regulations:

- a. There shall be a side yard having a width of not less than ten (10) feet on each side of a building.

7. Rear Yard Regulations:

- a. There shall be a rear yard having a depth of not less than fifty (50) feet.

8. Dwelling Regulations:

- a. All dwellings must be attached to permanent foundations or have tie downs.
- b. All dwellings shall have a minimum width of twenty (20) feet.

General Regulations

Additional requirements for other regulations in the R-2 SHORELAND RESIDENTIAL DISTRICT are set forth in SECTION 15.

SECTION 10 - R-3 MANUFACTURED HOME PARK DISTRICT

A. Purpose

The intent of the R-3 MANUFACTURED HOME PARK DISTRICT is to provide a district that will accommodate clustered manufactured home placement in accordance with state statutes.

B. Conditional Uses

1. Manufactured home parks

C. Permitted Accessory Uses

1. Accessory uses customarily incident to the use permitted in B of this SECTION.

D. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the R-3 MANUFACTURED HOME PARK DISTRICT are set forth in SECTION 15.

SECTION 11 - B-1 HIGHWAY SERVICE BUSINESS DISTRICT

A. Purpose

The intent of the B-1 HIGHWAY SERVICE BUSINESS DISTRICT is to provide a district for uses which require large concentrations of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts, and whose service is not confined to any one neighborhood or community.

B. Permitted Uses

The following uses shall be permitted in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Agriculture and incidental agricultural related uses and retailers; including farm dwellings and agricultural buildings
2. Automobile laundries, car washes
3. Automobile service stations for the sale of gasoline, oil, and accessories
4. Bowling alleys
5. Building materials and lumber yards
6. Dance halls
7. Drive-in retail stores or service uses
8. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles
9. Drive-in theaters
10. Feed and fertilizer sales, except the by-products of farming operations
11. Landscape nursery, garden store
12. Marine and boat sales
13. Miniature golf course or archery or golf driving range
14. Motel, motor hotel or tourist camp
15. Professional office
16. Restaurant, tea room, cafe or tavern

17. Signs and billboards as regulated in SECTION 15
18. Upholstery shops
19. One (1), one-family detached dwelling per lot. Amended August 2, 2004.

C. Conditional Uses

The following uses may be allowed in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT, subject to the provisions of SECTION 16.

1. Sales and storage of new and used automobiles
2. Sales and storage of new and used farm implements
3. Mobile home or trailer sales
4. Other highway oriented business activities of the same general character as listed in B of this SECTION
5. Single family residence, when attached to and associated with a highway business

D. Accessory Uses

The following uses shall be permitted accessory uses within a B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Accessory uses customarily incidental to the uses permitted in B and C of this SECTION

E. Height, Yard and Lot Width and Coverage Regulations

1. Height Regulations:
 - a. No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.

- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard line of either road.
3. Side Yard Regulations:
- a. There shall be a side yard having a depth of not less than fifteen (15) feet on each side of a building, except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any RESIDENCE DISTRICT.
4. Rear Yard Regulations:
- a. There shall be a rear yard having a depth of not less than fifteen (15) feet, except that no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any RESIDENCE DISTRICT.
5. Lot Width Regulations:
- a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
- a. Not more than fifty percent (50%) of the lot or plot area shall be occupied by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT are set forth in SECTION 15.

SECTION 12 - B-2 GENERAL BUSINESS DISTRICT

A. Purpose

The intent of the B-2 GENERAL BUSINESS DISTRICT is to provide a district that will retain and allow general commercial uses in the small, unincorporated urban communities in the county.

B. Permitted Uses

The following uses shall be permitted within the B-2 GENERAL BUSINESS DISTRICT:

1. Antique store
2. Apparel and accessory store
3. Appliance store, sales and service
4. Art supply store
5. Art gallery
6. Artist studio or school
7. Automobile laundries, car washes
8. Automobile service stations for the sale of gasoline, oil and accessories
9. Bakery retail
10. Bank, including drive-in bank
11. Bar, including lounges, night clubs, on sale liquor establishment
12. Barber and beauty shops
13. Bicycle sales and repair shop
14. Billboard and signs as regulated in SECTION 15
15. Book store, antique or gift shop, art and school supply
16. Bowling alleys
17. Business machines store
18. Cabinet or carpenter shop
19. Camera and photographic supply store

20. Candy, ice cream, soda pop or confectionery stores
21. Clinic, dental or medical
22. Clothing or ready-to-wear stores, dry goods or notion stores
23. Dairy store
24. Delicatessen store
25. Department store
26. Dressmaking, seamstress
27. Drive-in restaurants
28. Drug store
29. Dry cleaning or laundry collection stations
30. Floral sales
31. Frozen food lockers for industrial or family use
32. Furniture store and home furnishings
33. Garages (repair)
34. Garden, supplies store
35. Gift, novelty or souvenir store
36. Government or municipal buildings
37. Grocery store
38. Hardware store
39. Health equipment store
40. Hobby shop
41. Hotel
42. Interior decorator
43. Jewelry store

44. Laboratory, dental or medical
45. Laundromats, or self-service laundries
46. Liquor store (off sale)
47. Locksmith
48. Luggage store
49. Marine and boat sales
50. Meat markets
51. Mortuary
52. Motel
53. Music store
54. Office of any type
55. One (1) family dwellings as regulated in SECTION 8
56. Optician
57. Optical goods
58. Paint and wallpaper store
59. Photographic studio or picture processing
60. Postal sub-station
61. Repair, rental, and servicing of any article the sale of which is permitted in this DISTRICT
62. Restaurant, tea room, café
63. Shoe repair shop, or shoe store
64. Sporting goods store
65. Stationary store
66. Tailor
67. Telephone booth (outside) and telephone exchange

68. Theater not including drive-in theater
69. Toy store
70. Travel bureau or agency
71. Variety store
72. Vending machines

C. Conditional Uses

The following uses may be allowed in the B-2 GENERAL BUSINESS DISTRICT, subject to the provisions of SECTION 16.

Other business activities of the same general character as listed in B of this SECTION.

D. Accessory Uses

The following uses shall be permitted accessory uses within the B-2 GENERAL BUSINESS DISTRICT.

Accessory uses customarily incident to the uses permitted in B and C of this SECTION.

E. Height and Yard Regulations

1. Height Regulations:
 - a. No building hereafter shall be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways.
 - b. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of US Highways and State Highways.
 - c. There shall be a front yard setback of not less than eighty-five (85) feet from the centerline of County State Aid and County Roads.
 - d. A front yard setback of forty-five (45) feet from the centerline shall be required on other public rights of way.

3. Side Yard Regulations:

- a. No side yard shall be required, except that no building shall be located within fifteen (15) feet of any rear or side lot line abutting a lot in any RESIDENCE DISTRICT.

4. Rear Yard Regulations:

- a. No rear yard shall be required, except that no building shall be located within fifteen (15) feet of any rear or side lot abutting a lot in any RESIDENCE DISTRICT.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems and other regulations in the B-2 GENERAL BUSINESS DISTRICT are set forth in SECTION 15.

SECTION 13 - I-1 LIGHT INDUSTRY DISTRICT

A. Purpose

The intent of the I-1 LIGHT INDUSTRY DISTRICT is to provide a district that will (1) allow light industrial development related to the existing development in the urban communities of the county, (2) encourage development that is compatible with surrounding or abutting districts, and (3) provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways.

B. Permitted Uses

The following uses shall be permitted within the I-1 LIGHT INDUSTRY DISTRICT:

1. Aircraft rental, sale, servicing manufacturing, and related activities
2. Antennae for radio, television, and broadcasting facilities
3. Art equipment supplies - manufacture
4. Bags, boxes and paper containers, manufacturing and storage
5. Bakery products, wholesale
6. Billboards, signs as regulated in SECTION 15
7. Bottling establishments
8. Blank books, loose-leaf finders - fabrication and assembly
9. Books and bookbinding
10. Building materials, sales and storage, lumber yard
11. Cabinet and woodworking establishments
12. Camera and photographic supplies and manufacturing
13. Cartage and express facilities
14. Cartography and bookbinding
15. Clothing manufacture
16. Cold storage plants, commercial printing, publishing, engraving and reproduction firms
17. Confectionery and related products, manufacture and packaging

18. Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilation, air conditioning, masonry, electrical and refrigeration
19. Dental instruments and supplies
20. Dry cleaning plants
21. Electric light or power-generating stations
22. Electric lighting and wiring equipment manufacture
23. Electrical and electronic products manufacturing
24. Electrical tubes and other components manufacture
25. Electrical service shops
26. Electrical measuring and testing equipment manufacture
27. Engraving, printing and publishing
28. Farm implement sales and storage
29. Footwear, manufacture and fabrication
30. Freight terminal
31. Frozen food lockers
32. Fuel sales and storage
33. Garages for storage, repair and servicing of motor vehicles and farm implements
34. Grain elevators
35. Hand and edge tools (except machine tools) manufacture and assembly
36. Hardware warehousing and distribution operations
37. Highway maintenance shops and yards
38. Ice plants and ice cream plants
39. Jewelry manufacture
40. Laboratory instruments and associated equipment, scientific and testing
41. Laundries, large scale

42. Luggage, handbags, and similar items manufacture and assembly
43. Mail order houses
44. Medical, dental and optical laboratories
45. Medical and surgical instruments and supplies
46. Monument works
47. Newspaper plants and offices
48. Office furniture and supplies
49. Optical instruments and lenses manufacture and assembly
50. Patterns - design and manufacture
51. Pottery shops
52. Precision instruments
53. Plastic extrusion and molding fixture
54. Plumbing fixture and equipment wholesale
55. Public service structures, including power sub-stations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks and water works
56. Radio and television assembly and parts fabrication
57. Railroad rights of way, railroad yards
58. Sport equipment manufacture and assembly
59. Scientific and research instruments and equipment manufacture and assembly
60. Telephone and telegraph technical apparatus manufacture and assembly
61. Temperature controls
62. Trade schools
63. Warehousing facilities
64. Whole business facilities and office establishments

65. Other light manufacturing and component assembly clearly similar to uses permitted in this district

C. Conditional Uses

The following uses may be allowed in the I-1 LIGHT INDUSTRIAL DISTRICT, subject to the provisions of SECTION 16.

1. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products which conform with the performance standards set forth for this DISTRICT
2. Planned industrial parks

D. Accessory Uses

The following uses shall be permitted accessory uses within the I-1 LIGHT INDUSTRIAL DISTRICT:

Accessory uses customarily incidental to the uses permitted in B and C of this SECTION.

E. Height, Yard and Lot Width and Building Coverage Regulations

1. Height Regulations:
 - a. No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and State Highways and eighty-five (85) feet from the centerline of all County State Aid and County Highways.
 - b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front line of either road.
3. Side Yard Regulations:

- a. There shall be a side yard of not less than fifteen (15) feet on each side of a building, except, no building shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Rear Yard Regulations:
 - a. There shall be a rear yard having a depth of not less than fifteen (15) feet.
 - b. Except, no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Width Regulations:
 - a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
 - a. Not more than fifty percent (50%) of the total area of a lot shall be covered by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the I-1 LIGHT INDUSTRY DISTRICT are set forth in SECTION 15.

SECTION 14 - I-2 HEAVY INDUSTRY DISTRICT

A. Purpose

The I-2 HEAVY INDUSTRY DISTRICT is intended to provide a district which will allow heavy industrial uses which, due to their size and nature, would not be compatible with general rural development patterns of Faribault County.

B. Permitted Uses

The following uses shall be permitted within the I-2 HEAVY INDUSTRY DISTRICT;

1. Any uses permitted within the I-1 LIGHT INDUSTRY DISTRICT.

C. Conditional Uses

The following uses may be allowed in the I-2 HEAVY INDUSTRY DISTRICT, subject to the provisions of SECTION 16.

1. Acid manufacture
2. Cement, lime, gypsum or plaster of paris manufacture
3. Distillation manufacture
4. Extraction, processing, storage of sand, gravel, stone or other raw materials
5. Fat rendering
6. Fertilizer manufacture
7. Gas, illuminating or heating, manufacture
8. Glue manufacture
9. Junk yards, salvage yards, dumping grounds
10. Petroleum refining
11. Planned industrial parks
12. Retail and service business establishments related to the operation of an I-2 HEAVY INDUSTRY DISTRICT
13. Smelting of ores

14. Tanneries
15. Temporary salvage operations
16. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard
17. Any other use similar to those listed in C of this SECTION

D. Accessory uses

The following uses shall be permitted accessory uses within and I-2 HEAVY INDUSTRY DISTRICT.

1. Accessory uses customarily incidental to the uses permitted in B and C of this SECTION.

E. Height, Yard, Area and Lot Width and Coverage Regulations

1. Height Regulations:
 - a. No height restrictions except where hazardous conditions may exist.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and State Highways, and eighty-five (85) feet from the centerline of all County State Aid and County Highways.
 - b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front line of either road.
3. Side Yard Regulations:
 - a. There shall be a side yard of not less than fifteen (15) feet on each side of a building.
 - b. Except, no building shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.

4. Rear Yard Regulations:
 - a. There shall be a rear yard having a depth of not less than fifteen (15) feet.
 - b. Except, no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Width Regulations
 - a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
 - a. Not more than fifty percent (50%) of the total area of a lot shall be covered by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the I-2 HEAVY INDUSTRY DISTRICT are set forth in SECTION 15.

SECTION 15 - GENERAL REGULATIONS

A. Parking and Loading Regulations:

All parking hereafter constructed or maintained shall conform with the provisions of this SECTION and any other Ordinances or Regulations of Faribault County.

1. Minimum Size Regulations:

Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet. Each parking space shall be sufficient to meet the requirements for each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.

2. Reduction and Use of Parking and Loading Space:

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. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

3. Computing Requirements

In computing the number of such parking spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.

4. Yards:

On-site storage parking spaces, loading spaces and facilities shall be in addition to the front yard, side yard and rear yard regulations for the zoned district in which parking is located, except that:

- a. In any of the AGRICULTURE or RESIDENCE DISTRICTS, a maximum of two (2) automobiles may be parked in front yards, and four (4) in rear yards.

- b. In a B-1 HIGHWAY SERVICE BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right of way, or any RESIDENCE DISTRICT.
- c. In a B-2 GENERAL BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any highway right of way.
- d. In a I-1 LIGHT INDUSTRY DISTRICT and I-2 HEAVY INDUSTRY DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right of way line, or any RESIDENCE DISTRICT, except for railroad loading areas.

5. Screening and Landscaping

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 RESIDENCE DISTRICT or any institutional premises by a wall, fence, or densely planted compact hedge not less than four (4) feet in height. However, the County Board of Commissioners 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.

6. Access:

- a. Parking and loading areas shall have proper access from a public right of way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazards.
- c. Vehicular access to business or industrial uses across property in any RESIDENCE DISTRICT shall be prohibited.

7. Location of Parking Facilities:

Acquired off-street parking space shall be provided on the same lot as the principal building or use, except as follows in subsection 8.

8. Combined Facilities:

Combined or joint parking facilities may be provided for one (1) or more buildings or uses in B-1 and B-2 BUSINESS DISTRICTS and in I-1 and I-2 INDUSTRIAL DISTRICTS, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

9. Construction and Maintenance:
 - a. In B-1 and B-2 BUSINESS DISTRICTS and in I-1 and I-2 INDUSTRIAL DISTRICTS, parking areas and access drives shall be covered with a dust-free all weather surface with proper surface drainage, as required by the County Engineer.
 - b. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
10. Lighting:

Lighting shall be reflected away from the public right of way and nearby or adjacent RESIDENCE DISTRICTS.
11. Required Site Plan:

Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensions, showing on-site parking and loading space to be provided in compliance with this ordinance.
12. Application of Parking and Loading Regulations:

Parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this ordinance.
13. Required Number of On-site Parking spaces:

On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

 - a. One (1) Family Dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable on-site parking is provided.
 - b. Manufactured Home - One (1) parking space per manufactured home.
 - c. Hospital, 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.
 - d. Churches - One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
 - e. Public Senior High School or Private High School - One (1) parking space for each classroom, plus one (1) parking space for each ten (10) students, based upon design capacity.

- f. Public Elementary, Junior High School or Similar Private School - Two (2) parking spaces for each classroom.
- g. Municipal Administration Buildings, Community Center, Public Library, Museum, Art Gallery, Post Office and other Public Service Buildings – Ten (10) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
- h. Golf Course, Golf Club House, Country Club, Swimming Club, Tennis Club, Public Swimming Pool - Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- i. Professional Offices, Medical and Dental Clinics and Animal Hospital – four (4) parking spaces, 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.
- j. Office Buildings - Ten (10) parking spaces, 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.
- k. 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.
- l. Auto Sales, Trailer Sales, Marine and Boat Sales, Implement Sales, Garden Supply Store, Building Materials Sale, 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.
- m. Bowling Alley - Five (5) parking spaces for each bowling lane.
- n. Drive-in Restaurant - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- o. Motel or Motor Hotel - One (1) parking space for each rental room or suite.
- p. Miniature Golf Course, Archery Range or Golf Driving Range - Ten (10) parking spaces.
- q. Assembly or Exhibition Hall, Auditorium, Theater or Sports Arena – One (1) parking space for each four (4) seats, based upon design capacity.
- r. Restaurant, Cafe, Nightclub, Tavern or Bar - One (1) parking space for each seventy-five (75) square feet of customer floor area.
- s. Retail Stores and Service Establishments - One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for

each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater.

- t. Research, Experimental or Testing Stations - One (1) parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.
- u. Storage, Wholesale, or Warehouse Establishments - One (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company motor vehicle when customarily kept on the premises.
- v. 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.

14. Required Number of On-Site Loading Spaces:

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 and one (1) space for each additional fifty thousand (50,000) square feet of gross floor area.
- b. Hospitals, Rest Homes, Nursing Homes, etc. - One (1) space plus one (1) additional space for each ten thousand (10,000) square feet of gross floor area.
- c. Restaurants - One (1) space for each structure over ten thousand (10,000) square feet of gross floor area.
- d. Manufacturing, Fabrication, Warehousing, Storing, etc. - One space for each thirty thousand (30,000) square feet of gross floor area.

B. Sign Regulations:

1. Purpose

This SECTION is established to protect and promote health, safety, general welfare and order within Faribault County through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use or display of devices, signs or symbols serving as a visual communications media to persons situated within or upon public rights of way or private properties. The provisions of this SECTION are intended to encourage opportunity for effective,

aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communication facilities. Hereafter, no sign shall be erected, constructed, altered or modified except as regulated by the provisions of this SECTION.

2. Definitions

The following terms, for purposes of this SECTION, shall have the meaning stated herein:

- a. Advertising (off premise) Signs: A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premise on which the sign is located.
- b. Address Sign: A sign communicating street address only, whether written or in numerical form.
- c. Alteration: Refers to any major alteration to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.
- d. Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.
- e. Area Identification Sign: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- f. Awning: A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.
- g. Banners: Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
- h. Bench Signs: A sign which is painted on or affixed to a bench such as at a bus stop.
- i. Business Sign: Any-sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
- j. Campaign Sign: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.

- k. Canopy Sign: Any message or identification which is affixed to a projection or extension of a building or structure; erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly. Canopy signs are primarily intended to hold changeable copy.
- l. Construction Sign: A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- m. Directional Signs: A sign erected on public or private property which bears the address and name of business, institution, church, or other use or activity plus directional arrows or information on location.
- n. Flashing Sign: An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated. Excluded are time and temperature signs.
- o. Free-standing Sign: Any stationary or portable, self-supported sign not affixed to any other structures.
- p. Governmental Sign: A sign which is erected by a governmental unit.
- q. Illuminated Sign: Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- r. Information Sign: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- s. Institutional Sign: A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
- t. Integral Sign: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- u. Marquee Sign: (See Canopy Sign).
- v. Name Plate: A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
- w. Non-conforming Signs: A sign which lawfully existed at the time of the passage of this ordinance or amendment thereto but which does not conform with the regulations of this ordinance.
- x. Parapet: A low wall which is located on a roof of a building.

- y. Portable Sign: A sign so designated as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.
- z. Projecting Sign: A sign other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.
- aa. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- bb. Roof Line: The uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.
- cc. Roof Sign: Any sign which is erected, constructed or attached wholly or in part upon the roof of a building and which projects completely above the parapet wall.
- dd. Rotating Sign: A sign which revolves or rotates on its axis by mechanical means.
- ee. Sign: The use of any works, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.
- ff. Sign Area: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- gg. Sign, maximum height of: The vertical distance measured from the base of the sign to the top of such a sign. An average grade will be taken on irregular terrain.
- hh. Sign, minimum height of: The vertical distance measured from the base of the sign to the top of such a sign. An average grade will be taken on irregular terrain.
- ii. Sign, privilege: A sign which advertises a major product or brand name and which the name of the establishment is incidental or clearly subordinate to the product advertised.
- jj. Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
- kk. Temporary Sign: Any sign which is erected or displayed for a specified period of time.

- ll. Wall Sign: A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.
 - mm. Wall Graphics: A sign which is painted directly on an exterior wall surface.
 - nn. Window Sign: A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.
3. General Sign Provisions
- a. Hazardous Signs: No sign permitted by this subdivision shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
 - b. Sign Maintenance: All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the licensee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the county.
 - c. Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wire or supports thereof.
 - d. Signs within Right of Way: No signs other than governmental signs shall be erected or temporarily placed within any public right of way except as may be specifically provided herein.
 - e. Temporary Signs: The temporary use of portable or moveable signs, search lights, banners, pendants and similar devices shall be allowed in excess of and in addition to the sign limitations of this SECTION for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three (3) such periods in any twelve (12) month period. If any such temporary signage brings the total signage of the premises to more than one hundred twenty percent (120%) of permissible permanent signage otherwise allowed under this ordinance on the premises in question, such temporary signage shall require a conditional use permit. This SECTION shall not apply to the use of temporary window signs.
 - f. Clearance: All signs located over public right of way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.

- g. Display of Information: All signs shall display in a conspicuous manner the permit number and such information required by law.
- h. Safe Ingress and Egress: No sign or sign structure shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- i. Signs Required by Law: All signs required by law shall be permitted in all districts.
- j. Back to Back Signs: If a freestanding sign or sign structure is constructed so that the faces are not back to back the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty (30) degrees, the total area of both sides added together shall be the calculated area. Back to back signs (when less than 30 degrees) shall be considered as one (1) sign when debited against the total number of signs permitted on a zoning lot.
- k. Roof Signs: Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Planning Commission.
- l. Obsolete Signs: Obsolete signs or signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of vacancy. Owner shall have ninety (90) days from date of vacancy to remove any such sign.
- m. Projecting Signs: No projecting sign may extend more than eighteen (18) inches from the face of the building over a public right of way except that marquees or canopies may extend within two (2) feet of the curb line.
- n. Illumination: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties.
- o. Flashing or Intermittently Lighted Signs: Notwithstanding paragraphs n. and q. of General Sign Provisions, all flashing, revolving and intermittently lighted signs are prohibited. Animated signs with approved intensity and location will require a Conditional Use Permit.
- p. Double Frontage: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square footage of signs per frontage may be viewed simultaneously.
- q. Permit Required: No sign except permitted signs as identified herein shall be erected, altered, constructed or modified without first receiving a valid sign permit from the county.

- r. Sign Permit Application: The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this SECTION.
- s. Permit Fees: The County Board of Commissioners may from time to time set fees for sign permits.
- t. Privilege Sign: Not more than one (1) privilege sign per zoning lot is allowed in any district.

4. Permitted Signs

The following signs are allowed without a permit but shall comply with all other applicable provisions of this SECTION.

- a. Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
- b. Director Signs: A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant. Home occupations may display a directory sign.
- c. Directional and Parking signs (on site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet.
- d. Integral Signs: Names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
- e. Campaign Signs: Signs or posters announcing the candidate seeking political office, advertising political issues or the data pertinent thereto, not exceeding four (4) square feet in the Residential and Agricultural Districts nor eighteen (18) square feet in the Commercial and Industrial Districts. Every campaign sign must contain the name and address of person responsible for such sign and that person is responsible for its removal. These signs shall remain for no longer that forty-five (45) days prior and ten (10) days after the election for which they were intended. All signs shall be confined to private property and shall not be attached to trees, utility poles or rocks.
- f. Holiday Sign: Signs or displays which contain or depict messages pertaining to a national or state holiday and no other material. Such signs may be displayed for a period not exceeding thirty (30) days.
- g. Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or

firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each major street the project abuts. No sign may exceed twenty (20) square feet in the agricultural and residential Districts or fifty (50) square feet in all other districts.

- h. Real Estate Sign: Any on-premise sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. In the case of sale, signs shall be removed within ten (10) days after the sale. Signs shall not measure more than four (4) square feet in the R-1, R-2 and R-3 districts nor more than twenty (20) square feet in the other districts. There may be only one sign per frontage of the property.
- i. Bench Signs: Signs painted on benches or rest stop shelters. Such signs shall not exceed thirty (30) square feet.
- j. Community identification signs which are located within two miles of the community and do not exceed seven hundred fifty (750) square feet. "Community" means a county, town, or home rule charter or statutory city. Prior to the erection of a community sign, the community must:
 - 1) obtain approval from the governing body of the community.
 - 2) consult with local road authorities on placement and location of the sign;
 - 3) obtain the consent of the owner of the land on which the sign is to be erected; and
 - 4) advertising on sign is prohibited.

5. Permitted Signs Exempted:

Permitted signs as regulated herein shall not be debited against the total number of square footage of signs permitted on a zoning lot.

6. District Regulations

- a. Signs in All Districts: The following sign types shall be regulated or prohibited in zoning districts pursuant to the size, height, number, and similar regulatory provisions contained in this Ordinance.
 - 1. Wall signs
 - 2. Projecting signs
 - 3. Illuminated signs
 - 4. Free standing signs
 - 5. Marquee or canopy signs

- b. Signs in the A-1 SHORELAND AGRICULTURE and A-2 GENERAL AGRICULTURAL; R-1 RURAL RESIDENCE; R-2 SHORELAND RESIDENTIAL; and R-3 MANUFACTURED HOME PARK DISTRICTS:

No sign shall be erected or maintained in the AGRICULTURAL OR RESIDENTIAL ZONING DISTRICTS, except the following:

1. Permitted Signs: Permitted signs as regulated by Subdivision 4 of this SECTION.
2. Area Identification: One (1) free standing sign of not more than ninety-six (96) square feet in area and not higher than twelve (12) feet above grade.
3. Temporary signs: Temporary signs as regulated by Subdivision 3-5 of this SECTION.
4. Institutional Signs: Two (2) signs of which one (1) may be free standing, but not higher than twelve (12) feet and the single or combined surface area shall not exceed thirty (30) square feet.
5. Home Occupation Signs.
6. Agricultural Products Sign: Signs indicating that the proprietor of a farm is a dealer in seed, fertilizer and other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

- c. Signs in B-1 HIGHWAY SERVICE and B-2 GENERAL BUSINESS DISTRICT:

No sign shall be erected or maintained in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT or B-2 GENERAL BUSINESS DISTRICT except the following:

1. Permitted Signs: Signs as regulated in subdivision 4 of this SECTION.
2. Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage of such zoning lot, except that no sign shall have a sign area in excess of two hundred fifty (250) square feet per zoning lot. In the case of a zoning lot having more than one frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed four (4) in number of which not more than two (2) shall be free standing. No signs shall exceed thirty (30) feet in height in a B-1 and forty-five (45) feet in a B-2 zone.
3. Advertising (off premise) Signs: Advertising (off premise) signs as regulated by Subdivision 8 of this SECTION.

d. Signs in I-1 LIGHT INDUSTRIAL DISTRICT and I-2 HEAVY INDUSTRIAL DISTRICT:

No sign shall be erected or maintained in the I-1 LIGHT INDUSTRIAL DISTRICT or I-2 HEAVY INDUSTRIAL DISTRICT, except the following:

1. Permitted Signs: Signs as regulated in subdivision 4 of this SECTION.
2. Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage on such zoning lot. In the case of a zoning lot having more than one (1) frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed three (3) in number of which not more than two (2) shall be free standing. No single business sign area shall exceed two hundred (200) square feet. The total business sign area on the zoning lot shall not exceed four hundred (400) square feet. No signs shall exceed thirty (30) feet in height.
3. Advertising Signs: As regulated in Subdivision 8 of this SECTION.

7. Signs - Shopping Centers

The total square footage of signs in a shopping center may not exceed the amount allowable for the zoning lot. Adjustments for each business may be made, provided that a sign plan for the entire shopping center is approved by the County Board of Commissioners prior to the initiation of construction.

8. Advertising (off-premise) Signs

Off premise signs may be erected on ground or wall locations (but not roof locations) in the B-1, B-2, I-1 and I-2 zones only, subject to the following regulations:

- a. Spacing: Off premise Signs on the same street facing the same traffic flow shall not be placed closer together than three hundred (300) feet.
- b. Double Face Signs: Off-premise signs can be double faced and each side shall be considered as facing traffic flowing in the opposite direction.
- c. Size, Height, and Length: In all zones in which off-premise signs are permitted, such signs shall not exceed seven hundred fifty (750) square feet in total area including all faces, except on back-to-back signs, nor shall the height exceed the permitted height of other free standing signs in the zone the sign is located. No off-premise sign shall exceed fifty-five (55) feet in length.
- d. Setbacks: No part of any off-premise sign shall be closer to any street line than the front line of any building within ten (10) feet, or the established building line, whichever is less.
- e. Exclusionary Areas: No off-premise sign shall be erected or maintained:

1. Within five hundred (500) feet of any park.
2. Within one hundred (100) feet of any residential zone, church, school or playground.

9. Provisions Governing Non-conforming Signs

A legal non-conforming sign may not be:

- a. Changed to another non-conforming sign.
- b. Structurally altered except to bring into compliance with the provisions of this SECTION.
- c. Expanded.
- d. Reestablished after its discontinuance for ninety (90) days.

10. Non-Conforming Sign Maintenance and Repair

Nothing in this ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance and repair of signs. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status.

11. Change of Ownership

If any property or business changes ownership, all structural sign changes on that property shall be in conformance with the requirement of this SECTION.

Amortization

Non-conforming signs shall be removed or brought into conformity with this SECTION within five (5) years from the date of the enactment of this ordinance.

13. Construction Standards and Inspection

- a. Construction Standards: The design and construction standards as set forth in Chapter 4, of the 1976 Edition of the Uniform Sign Code as amended from time to time are hereby adopted.
- b. Inspection: All signs for which a permit is required shall be subject to inspection by the Faribault County Zoning Administrator (FCZA). Any official of the county may enter upon any property or premises to ascertain whether the provisions of this ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The county shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of this

SECTION. Notice shall be given to the county of any change in sign user, sign owner or owner of the property on which the sign is located.

C. Individual Sewage Treatment Systems

1. Installation, alteration, extension, or repair of Individual Sewage Treatment Systems (ISTS) in Faribault County shall comply with this ordinance.
2. Construction standards for ISTS shall comply with Minnesota Statutes 115.55 and the Minnesota Pollution Control Agency Rules Chapter 7080 and appendixes, as amended, hereby adopted by reference.
3. Disposal of all material pumped from ISTS shall comply with the rules and regulations of the MPCA and federal regulations 40 CFR 503 and appendixes amended, hereby adopted by reference.
4. No person, partnership, firm, or corporation shall engage in the business of installation, alteration, extension, inspection, design, pumping or repair of ISTS without MPCA certification, or as exempted (under part 7080.0700, subpart 1), and a Faribault County ISTS permit. Permit fees shall be established by the Faribault County Board of Commissioners of Commissioners.
5. Prior to any installation or construction or repair, a site evaluation, including items such as soil borings, setbacks and any others as required by Minnesota Chapter 7080, shall be conducted by one or more licensed Designer I or Designer II installers selected by the property owner prior to any ISTS construction activity or construction development of any new lot shall be submitted to the FCZA. Original site evaluation information forms will be on file and maintained in the FCZA office, and will serve as the initial construction design. All site changes to the original site evaluation must receive approval by the FCZA office or staff who must be a licensed Designer I or inspector,
6. Following receipt of notice of intent to inspect by the FCZA, a landowner or occupant of the property on which an ISTS is located shall allow the FCZA access to the property at reasonable times for the purpose of inspection.
7. Following receipt of notice from the FCZA that an ISTS is non-conforming, the landowner on whose property the ISTS is located shall be responsible to bring it into conformance.
8. Following receipt of notice of noncompliance that an ISTS is non-conforming or the system poses an imminent threat to public health or safety, within thirty (30) days, the landowner shall apply for a permit to bring it into conformance from the FCZA. Installation by a licensed installer and final inspection must be completed by the FCZA or licensed inspector and must be completed within ten (10) months.

9. Following receipt of an ISTS permit application, the FCZA shall review the application, and either grant or deny preliminary approval.
10. Before construction on an ISTS begins, the landowner shall give the FCZA notice in order to allow inspection during construction.
11. Following completion of construction, but prior to covering the ISTS, the installer shall give the FCZA notice in order to allow inspection for final approval. If the FCZA is unable to be at the site within twenty-four (24) hours of the normal work day, the licensed installer is responsible to take pictures of the septic tank, dropboxes, drainfield lines and other critical items along with a detailed drawing with measurements and setbacks prior to backfilling of the excavation
12. Following receipt of notice of completion of construction, the FCZA shall inspect the ISTS, and either grant or deny final approval. A notice of noncompliance or a certificate of compliance and final inspection report along with the final drawing provided by the licensed installer who constructed the system will be sent to the property owner within thirty (30) days from the inspection.
13. Covering an ISTS without notice to the FCZA, which prevents inspection and final approval, subjects the installer to a demand by the FCZA for excavation of the ISTS at the expense of the installer.
14. An ISTS shall require a compliance inspection when any one of the following conditions occur:
 - a. Any time that any zoning permit is applied for in shoreland zones.
 - b. Any time the FCZA deems appropriate such as upon receiving a complaint or other information of a system failure.
 - c. Addition of a bedroom on the property, or a variance request to an existing system.
15. Failure to comply with the provision of this ordinance subjects an ISTS to summary action by the FCZA to achieve conformance at the expense of the landowner.
16. Failure to comply with a provision of this ordinance is a misdemeanor.

D. Extraction of Materials and Minerals, Open Pits and Impounding of Water.

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this SECTION and any other ordinance or regulations of Faribault County.

1. Definitions:

Excavations, as used in this SECTION, shall mean any artificial excavation of the earth, within the county dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations not exceeding fifty (50) square feet of surface area and two (2) feet in depth and agricultural, and public utility excavations are exempted, provided that nothing in this SECTION shall be construed to exempt public utilities from the necessity of obtaining a building permit for the construction of any underground storage facility.

2. Application:

Application for a conditional use permit for the extraction of minerals, open pits and impounding of waters shall be made in such form, and the applicant shall furnish such information, as shall be required by the Board of County Commissioners, and among other things shall state:

- a. His true name and address.
- b. A full description of the location of the land where the pit or excavation is or is to be or where the impounded waters are to be maintained and also full description of the location on such land of the pit, excavation or impounded waters.
- c. When required by the State of Minnesota, an approval by the State to impound such waters or make such excavations as described in the application.
- d. The purpose of the pit or excavation or the quantity of water impounded.
- e. The highways, roads or other public ways in the county upon and along which any material for removal is to be hauled or carried.
- f. The estimated time when building or removing will begin and be completed.

For any operation with a life expectancy of fifteen (15) years or less, the application shall contain a description of planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food, shelter and ground cover for wildlife. The reclamation plan and map shall contain:

- a. Proposed contours after any proposed filling.
- b. Depth of restored topsoil if restoration is proposed.
- c. Type of fill, if fill is proposed.

- d. Type of planting or reforestation. Planting shall be in accordance with the desires of the property owner. If natural vegetation is proposed, it shall be so stated.
- e. Estimated progress and completion dates. Reclamation activities shall progress on a phased basis, that is, for every ten (10) acres of additional mining operations, the previous, exhausted ten (10) acres must be reclaimed.

In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the County Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

A written statement containing an explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule cannot feasibly be prepared, it shall be so stated and written reasons submitted.

The FCZA shall determine whether the requirements of filing a reclamation plan have been met. Applications which propose no reclamation and reuse of an area shall be submitted to the Planning Commission accompanied by a report by the Planning Staff concerning the desirability of such reuse. The County Board of Commissioners shall have the ultimate authority to require a revised reclamation plan and reuse.

3. Filing of Map, Plat:

The Board of County Commissioners may require a map or plat of the proposed pit or excavation to be made showing the confines or limits thereof, together with the proposed depth thereof at different parts thereof. A similar map or plat may be required in regard to the proposed container for the impounded waters.

4. Conditions of Permit:

The FCZA, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues or the owner or uses of the property on which the open pit or excavation or impounded waters are located, to provide or construct any or all of the following:

- a. Properly fence any pit or excavation.
- b. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks.
- c. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the board shall determine.

- d. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
- e. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets, or other public ways as the board shall order and direct; and
- f. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

5. Mining Operation Requirements

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the permit, subject to the following regulations:

- a. The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Faribault County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
- b. Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not be prematurely stripped.
- c. Adequate planting, fencing or berming shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view.
- d. 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. All access points must be approved by the appropriate Highway Agency having jurisdiction, and shall preferably be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.
- e. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
- f. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten (10) acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on

approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

6. Bond May Be Required:

The Board of County Commissioners may require either the applicant or the owner or user of the property on which the open pit or excavation or impounded waters are located to post a bond, in such form and sum as the board shall determine, with sufficient surety running to the county, conditioned to pay the county the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials for any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the county engineer, and conditioned further to comply with all requirements of this SECTION and to pay any expense the county may incur by reason of doing anything required to be done by any applicant to whom a building permit is issued.

E. Performance Standards

It is the intent of this SECTION to provide that uses of land and buildings in ALL CLASSES OF BUSINESS AND INDUSTRY DISTRICTS shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

1. Standards:

- a. Landscaping: All required yards shall be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any of the CLASSES OF RESIDENCE DISTRICTS shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as part of the site plan and installed prior to commencement of operation.
- b. Noise: Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except noises from agricultural sources.
- c. Odors: Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree of odors. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources.
- d. Glare: Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.

- e. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining properties.
- f. Vibration: Vibration shall not be discernable at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- g. Smoke: Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated to meet the minimum requirements of, the MPCA for the emission of smoke or other particulate matter.
- h. Hazard: Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
- i. Toxic or Noxious Substances: Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
- j. Explosives: Any use requiring the storage, utilization, or manufacturing of products which could decompose by deterioration shall be located not less than four hundred (400) feet from the RESIDENCE DISTRICT line.

2. Compliance:

In order to insure compliance with the performance standards set forth above, the Board of County Commissioners may require the owner or operator of any permitted or conditional use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the county.

F. Additional Requirements, Exceptions and Modifications

1. Height Regulations:

- a. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building.
- b. Height limitations set forth elsewhere in this ordinance may be increased by one hundred (100) percent when applied to the following:
 - 1. Monuments
 - 2. Flag poles
 - 3. Windmills

- c. Height limitations set forth elsewhere in this ordinance may be increased with no limitation where applied to the following:
 1. Church spires, belfries or domes which do not contain usable space.
 2. Water towers
 3. Chimneys or smokestacks
 4. Radio or television transmitting towers
 5. Grain elevators
 6. Essential service structures

2. Yard Regulations:

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- a. Cornices, canopies or caves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
- b. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
- c. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet six (6) inches may be placed around such place.
- d. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard entrance.
- e. A wall, fence or hedge not exceeding five (5) feet in height may occupy part of the required front, side or rear yard, except on corner lots no wall, fence or hedge shall be located so as to create a traffic hazard through creation of a visual obstruction.
- f. On double frontage lots, the required front yard shall be provided on both streets.
- g. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a road or public road by obscuring the view.

- h. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running along the side road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.

3. Storage of Materials

In all CLASSES OF BUSINESS DISTRICTS and all CLASSES OF INDUSTRY DISTRICTS open storage of materials in any required front or side yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any of the CLASSES OF RESIDENCE DISTRICTS.

4. Area Regulations

No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

5. Accessory Uses:

The following accessory uses, in addition to those herein before specified, shall be permitted in any RESIDENCE DISTRICT, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the District.

- a. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the DISTRICT.
- b. Recreation, refreshment and service buildings in public parks and playgrounds.
- c. Fallout shelters

6. Accessory Buildings

- a. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building shall not be closer than five (5) feet to the main building, except as otherwise provided in this ordinance.
- b. A detached accessory building shall not be located in any required front yard.
- c. A detached accessory building not over one (1) story and not exceeding twelve (12) feet in height shall occupy not more than thirty percent (30%) of the area of any rear yard, providing further that no detached accessory building shall be located within ten (10) feet of any rear lot line.

G. Permits and Information Filing Requirements for Essential Services

1. Since some essential and transmission services, as defined by this ordinance, may have an effect upon urbanizing areas of the county, county land uses, county highway locations, and county parks and recreation areas, the proposed location of major essential service structures and all transmission services in any zoning district shall be filed with the FCZA prior to the commencement of any condemnation action or construction by the owner.
2. Transmission services such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station to station and not intended for enroute consumption not located within County Highway or County State Aid Highway rights of way shall follow the following procedures:
 - a. The owner shall file with the FCZA such maps indicating the location, alignment, and type of service proposed as shall be requested.
 - b. If deemed necessary, maps and accompanying data on location and alignment of transmission service may be submitted to the Faribault County Planning Commission for review, and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
 - c. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board of Commissioners.
 - d. Upon receipt of the report of the County Planning Commission on the planned essential transmission services, the Board of County Commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this ordinance.
 - e. Recognizing a need for timely and adequate service by owners of essential service, the county shall act upon all information filing within forty five (45) days of receipt by the FCZA. Failure to act within such time shall constitute approval.

Essential services to be located within any County Highway or County State Aid Highway rights of way shall make an application for a permit under the following procedure:

- a. The applicant shall file with the county engineer, on forms supplied by the county, an application for such permit accompanied by maps indicating the location, alignment and type of service proposed.
- b. The application and accompanying data shall be reviewed by the county engineer, and the county engineer may issue the permit after determining that the application is acceptable and in the best interest of the county.
- c. The county engineer may require in conjunction with the issuance of such permit that:

1. The applicant submit as-built drawing of the essential service after construction.
 2. The applicant construct the essential service to take into consideration contemplated widening, re-grading, or relocation of a County Highway or County State Aid Highway, providing that the County owns such additional right of way.
- d. Recognizing the need for adequate and timely service by owners of essential services, the county engineer shall act upon all information filings or permit applications within five (5) working days. Failure to act within five (5) working days shall constitute approval.
4. No filing shall be necessary to maintain, reconstruct or relocate existing lines or facilities where the general line and configuration thereof remain essentially the same. Emergency work otherwise requiring a permit or filing may be accomplished provided such applications or filings are made as soon thereafter as possible.

H. Feedlot Standards

1. Feedlots shall be in conformance with the county/state feedlot permit process and requirements.
2. Feedlots shall not be located within one-half (1/2) mile of a municipality unless the affected municipality has given approval.
3. Feedlots over one thousand (1,000) AUs shall not be located within six hundred sixty (660) feet of any residence structure or within six hundred sixty (660) feet of any business or industrial district and shall not be located within one-half (1/2) mile of a concentration of ten (10) dwelling units located on ten (10) or less acres.

SECTION 16 - CONDITIONAL USE PERMITS

A. Application

1. Conditional use permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this ordinance.
2. An application for a conditional use permit shall be filed with the FCZA on a form prescribed by the Board of County Commissioners. At the option of the FCZA and/or Planning Commission, the application shall be accompanied by a site plan showing such information as is necessary to show compliance with this ordinance, including, but not limited to:
 - a. Description of site (legal description).
 - b. Site plan drawn at scale showing parcel and building dimensions.
 - c. Location of all buildings and their square footage.
 - d. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
 - e. Landscaping and screening plans.
 - f. Drainage plan.
 - g. Sanitary sewer and water plan with estimated use per day.
 - h. Soil type.
 - i. Any additional data reasonably required by the FCZA and/or Planning Commission.

B. Notification and Public Hearing

1. Upon receipt in the proper form of the application and other requested material, the Faribault County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission at least ten(10) days in advance of each hearing, notice of the time, place and purpose of such hearing shall be published in the official paper of the county and in a newspaper of general circulation in the town, municipality of other area concerned if there be such a newspaper.
2. In addition to the published notice, written notice of a public hearing concerning the application for a conditional use permit shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed. Such written notice shall be sent postage prepaid in the US mails and shall state the

time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

3. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenth (1/16) of a section that are required to totally encompass the area upon which the proposed conditional use would be located and carried on.

C. Findings

1. For each application for a conditional use permit, the County Planning Commission shall submit a written report to the Board of County Commissioners its findings and recommendations, including the stipulation of additional conditions or restrictions and guarantees that such conditions or restrictions will be complied with when they are deemed necessary for the protection of the public interest. No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:
 - a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity, and is compatible with the existing neighborhood;
 - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area, and conforms to the CLUP of the County;
 - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
 - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
 - e. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to the neighboring properties will result;
 - f. That soils conditions are adequate to accommodate the proposed use; and
 - g. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.

D. Action by the Board of County Commissioners

1. Upon the receipt of the written report of the Planning Commission, the Board of County Commissioners shall hold whatever additional public hearings it deems advisable and shall decide whether to grant or deny the conditional use permit.
2. If the Board chooses to grant the permit, it may impose such restrictions or conditions in addition to or in substitution for any conditions or restrictions recommended by the Planning Commission as it deems necessary to protect the public interest. If the Planning Commission in its recommendations to the Board has indicated that the proposed conditional use may result in a material adverse effect on the environment, the applicant for the permit may be requested by the Board to demonstrate the nature and extent of the effect before the Board approves the permit.
3. The conditional use permit, if approved, shall be issued by the FCZA upon the order of the Board of County Commissioners.

E. Filing Fees

1. A certified copy of any conditional use permit shall be filed by the FCZA with the County Recorder for record. The conditional use permit shall include the legal description of the property involved.
2. To defray administrative costs of processing requests for conditional use permits, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

F. Compliance

1. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith, and the conditional use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.
2. The Board of County Commissioners shall revoke a conditional use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. A certified copy of an order of the board revoking a conditional use permit shall be filed by the FCZA with the County Recorder for record.

SECTION 17 - NON-CONFORMING USES

A. Non-Conforming Signs

1. Signs existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become nonconforming by reason of a subsequent change in this ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall not be more than:
 - a. Advertising Signs - Five (5) years from the effective date of this ordinance.
 - b. Business Signs - Five (5) years from the effective date of this ordinance.
2. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected at the time of the adoption of this ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
3. No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance.

B. Non-Conforming Junk Yards

1. (The following provisions are an extension of the provisions in the Faribault County Zoning Ordinance dated May 7, 1968, as recorded and filed by the County Recorder.) No junk yard may continue as a non-conforming use for more than five (5) years after the effective date of this ordinance, except that a junk yard may continue as a non-conforming use if within that period it is completely enclosed within a building, fence or screen planting of adequate height and density to screen the junk yard completely from the public's view on adjoining roads within five (5) years after the adoption of this ordinance.
2. Within one (1) year after the adoption of this ordinance all non-conforming junk yards shall submit a site and screening plan to the Planning Commission and the Board of County Commissioners. This plan must be approved by the Planning Commission and Board of County Commissioners before any screening is erected or put into place.
3. In the event that a vegetative planting does not reach the necessary height and density to adequately screen the junk yard from the public's view, a fence shall be built and completed before the five (5) year deadline so that the junk yard is completely screened from the public's view on adjoining roads.

4. 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 plan. This includes types of vegetation for natural screening and the types of building materials necessary to erect fences or building to completely screen the operation from the public's view on adjoining roads.
5. In the event of the sale of a non-conforming junk yard, the junk yard may continue operation if the conditions and provisions of this ordinance are maintained and complied with.
6. Any expansion of a non-conforming junk yard beyond the scale of the operation at the time of the adoption of the original County Zoning Ordinance on May 7, 1968 shall require a conditional permit.

C. Discontinuance

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operations stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the District in which it is located.
2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

D. Alterations, Moving

A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use. A non-conforming building or structure moved to a different location on a single lot or otherwise, shall be brought into conformance with this ordinance.

E. Residential Alterations

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

F. Restoration

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this ordinance.

G. Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the FCZA.

H. Special Provisions

Nothing in this Section 17 shall be construed to validate a non-conforming use beyond the scale which existed at the time of the adoption of the original County Zoning Ordinance on May 7, 1968. Except in the case of non-conforming junk yards (as stated in paragraph B.1. of this Section), no existing non-conforming use that was unlawful before the adoption of this ordinance shall be made lawful by the adoption of this ordinance.

I. Construction On Nonconforming Lots or Record

1. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and watery supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

SECTION 18 - BUILDING PERMITS

A. Building Permit

1. Hereafter, no person shall erect, alter in respect to height or area, any building or sewage treatment system or part thereof without first securing a building permit. Also, grading and filling in shoreland areas are subject to regulations that may require a permit. See Section 20.
2. Application for a building permit shall be made to the FCZA blank forms to be furnished by the county. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such information as may be deemed necessary for the proper enforcement of this ordinance or any other ordinance or regulation. The FCZA shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this ordinance.
3. Building permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the FCZA for deposit with the county and credited to the general revenue fund.
4. No permits shall be required for interior or exterior painting, decorating or patios.
5. A building permit is valid for a period of one (1) year after the date of issuance.

SECTION 19 - JUNK YARDS

No conditional use permit shall be granted unless:

1. The applicant first submits to the FCZA for submission to the Planning Commission a site and screening plan to include:
 - a. A map showing the relative location of the site to other property or properties within one (1) mile on a side. An ordinary plat map designating the location of the site will be acceptable.
 - b. An exact legal description describing the boundaries of the land to be occupied by the junk yard.
 - c. Proof of right of occupancy for the intended use of the land proposed to be used for the junk yard.
 - d. A screening plan which is reasonably designed to screen the junk yard operation from public view within five (5) years.
 - e. A consent to permit county employees or agents to enter upon the property for purposes of inspecting for compliance with this ordinance and state law and to enter upon the property with equipment to bring it into compliance if, after opportunity for a hearing the County Board of Commissioners finds the junk yard is not in compliance. This consent shall include the right to enter upon the property for purposes of enforcing Paragraph 5. hereof.
2. The County Board of Commissioners may require as a condition of the permit that the site shall be entirely screened from public view before the site is first used as a junk yard. When the site is remote from public view and not readily visible, the County Board of Commissioners may allow the site to be used as a junk yard immediately but may require the maintenance of existing screening and the planting or construction of additional screening where appropriate to more effectively screen the junk yard from public view.
3. If the owner/operator of the salvage operation elects to establish a vegetative screen, the area of the vegetative screen shall be maintained so as to promote the rapid growth of the vegetation which includes weeding, fertilization, and watering of the vegetation as necessary.
4. Any expansion of the salvage operation beyond the originally approved boundaries shall be considered a breach of conditions and shall be grounds in and of itself for revocation of the permit.
5. The Board of County Commissioners shall require that the owner/operator post a bond in such form and such sum as the Board of County Commissioners shall determine with sufficient sureties running to the county conditioned to pay the county the extraordinary costs, including legal expense of cleaning up the salvage operation if the conditional use permit has been lawfully revoked and the owner/operator fails or refuses to clean up the site. For this purpose, cleaning up

the site means restoring it to the condition that it was in prior to it's being used as a junk yard, but if that is not feasible or practical, to such condition as the County Board of Commissioners of Commissioners may reasonably specify.

6. The County Board of Commissioners may condition such a permit in any other way consistent with the safety, health and welfare of the inhabitants of the county.
7. A conditional use permit for a junk yard is personal to the owner/operator. It may not be transferred except upon application to the FCZA and approved by the County Board of Commissioners of Commissioners. The County Board of Commissioners of Commissioners may require a new or increased bond from the transferee pursuant to paragraph 5. hereof.

SECTION 20 - SHORELAND REGULATIONS

A. Non-Conforming Septic Systems

1. All septic systems not in conformity with this ordinance and MPCA Chapter 7080 shall be brought into conformity prior to issuance of any permit or variance related to the site. Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by chapter 7080, shall be considered non-conforming.
2. All septic systems not in conformity with this ordinance and MPCA Chapter 7080 shall be upgraded within five (5) years of the passage of this ordinance to conform to the provisions hereof and MPCA Chapter 7080.
3. Publicly-owned sewer systems must be used where available.

B. Dimensional Standards

1. Minimum setback from un-platted cemeteries – fifty (50) feet
2. Minimum setback from top of bluff – thirty (30) feet and no structures except stairways and landings shall be permitted in the bluff impact zone.

C. Other Shoreland Standards

1. Each lot may have one (1) water oriented accessory structure encroach into the lake setback area as long as it does not encroach more than twenty percent (20%) of the setback regulation, is not over one hundred twenty (120) square feet in amount of encroachment and is not over ten (10) feet in height or over the height of the dwelling, if attached.
2. Stairways, Lifts and Landings - Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties and public open-space recreational properties.
 - b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties and public open space recreational properties.

- c. Canopies or roofs are not allowed on stairways, lifts or landings.
 - d. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - f. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
3. Significant Historic Sites - No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 4. Steep Slopes – The county must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
 5. Height of Structures - All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed twenty-five (25) feet in height.

D. Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this ordinance are exempt from the vegetation alteration standards that follow.
 - b. Removal or alteration of vegetation, except for agricultural and forest management uses is allowed subject to the following standards:

Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.

Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District (SWCD) in which the property is located.

In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water -oriented accessory structures or facilities, provided that:

- the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- along rivers, existing shading of water surfaces is preserved; and
- the above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

- c. Use of fertilizer and pesticides must be done in such a way as to minimize runoff by the use of earth, vegetation or both.

2. Topographic Alterations/Grading and Filling

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

- b. Public roads and parking areas are regulated by this ordinance.

- c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:

the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland**:

- sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage;
- fish and wildlife habitat;
- recreational use;
- shoreland or bank stabilization; and
- noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

** This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a Watershed District, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- * Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- * Mulches or similar materials must be used, where necessary or temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- * Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- * Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local SWCD and the Natural Resources Conservation Service (NRCS);
- * Fill or excavated material must not be placed in a manner that creates an unstable slope;
- * Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
- * Fill or excavated material must not be placed in bluff impact zones;
- * Any alterations below the OHWL of public waters must first be authorized by the Commissioner under Minnesota Statutes, section 103G.245;

- * Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - * Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

E. Placement and Design of Roads, Driveways and Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD, or other applicable technical materials.
2. Roads, driveways and parking areas must meet structure setback and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of this ordinance must be met.

F. Stormwater Management

The following general and specific standards shall apply:

1. General standards:
 - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized

and protected as soon as possible and facilities or methods used to retain sediment on the site.

- c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards:

- a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local SWCD.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

G. Agricultural Use Standards

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local SWCD or the NRCS, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the OHWL.
2. Animal feedlots must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the OHWL of all public waters basins; and
 - b. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the OHWL or within a bluff impact zone are allowed if they do not further encroach into the existing OHWL setback or encroach on bluff impact zones.

H. Forest Management Standards:

1. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of "Minnesota Non-point Source Pollution Assessment - Forestry" and the provisions of a Water Quality in Forest Management - Best Management Practices in Minnesota.

I. Extractive Use Standards:

1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from OHWL of public waters and from bluffs.

J. Standards for Commercial, Industrial, Public and Semipublic use

Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal OHWL setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Those with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks and other zoning standards presented elsewhere in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.

- b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
- c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

K. Mining of Metallic Minerals and Peat

- 1. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

L. Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply with shoreland areas:

- 1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. the visibility of structures and other facilities as viewed from public waters is limited;
 - c. the site is adequate for water supply and on-site sewage treatment; and
 - d. the types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- 2. Conditions attached to conditional use permits. The county, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- a. increased setbacks from the OHWL;
- b. limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
- c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

M. Water Supply

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health (MDH) and the MPCA.

N. Subdivision/Platting Provisions in Shoreland Areas

1. Land Suitability. Each lot created through subdivision, authorized under this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. Consistency with other Controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance and MPCA Chapter 7080 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
3. Information Requirements in Shoreland Areas. Subdivision controls must require submission of adequate information to make a determination of land suitability. The information shall include at least the following:
 - a. Topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting site characteristics;

- b. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey Quadrangle Topographic Maps or more accurate sources;
- c. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests or other methods;
- d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and
- e. Location of 100 Year Floodplain areas from existing maps or data.
- f. Subdivisions shall be platted.

O. Variances

Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, Boards of Adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

P. Notification

- 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed plats must include copies of the plats.
- 2. A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated Representative and postmarked within ten (10) days of final action.

SECTION 21 - TOWER ORDINANCE

A. INTENT AND PURPOSE

The purpose of this tower facilities ordinance is to ensure such facilities are designed, sited, and constructed in a manner consistent with the protection of the public health, safety, and general welfare of persons in the area surrounding such tower facilities, and for both public and private property within the jurisdiction of Faribault County.

B. APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office. Nor may any person, firm, or corporation alter, modify, transform, add to or change in any way an existing tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office.

C. DEFINITIONS

1. 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 omni-directional antenna such as whip-antenna.
2. CONDITIONAL USE – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use of development conforms to the comprehensive CLUP and (3) is compatible with the existing neighborhood.
3. FAA – Federal Aviation Administration
4. FCC – Federal Communication Commission
5. GUYED WIRE TOWER – A tower, constructed *with* guyed wires and ground anchors.
6. HEIGHT - The height of the tower is the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
7. SELF SUPPORTIVE/MONOPOLE TOWER - A single, self-supportive tower, constructed *without* guyed wires.
8. TEMPORARY TOWER – Any structure that is erected for less than twenty-four (24) months and is designed and constructed for the purpose of supporting one or more antennas or data collection equipment.

9. TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas or data collection equipment. This does not include wind energy generation facilities.
10. TOWER FACILITY – Any structures that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services and/or data collection devices.
11. WIRELESS TELECOMMUNICATION - Any ground or roof mounted structure built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.

D. EXEMPTIONS

1. The following will be generally allowed as exemptions within Faribault County without having to make application or meeting the general standards of this article:
 1. Antenna(s) incidental to residential use
 2. Routine maintenance of existing tower facilities or modification of lighting to meet the standards set forth by this ordinance
 3. The addition of antenna(s) to a tower facility that meet the standards of this article and do not increase the height of the tower facility
 4. Non-commercial amateur radio towers under one hundred fifty (150) feet
2. Existing Permitted Tower Facilities
Any existing permitted tower facility, is considered to be in compliance with this ordinance, and can be re-constructed or repaired to its original condition without obtaining a new conditional use permit.
3. Existing Non-Permitted Tower Facilities
Any existing non-permitted tower facility cannot be moved or altered without complying with the requirements of the current ordinance.

E. CONDITIONAL USE PERMITS

All towers not defined as exempt, shall require a Conditional Use Permit.

F. GENERAL STANDARDS

All tower facilities located within Faribault County shall comply with the following standards:

1. SETBACKS –
 - a. The tower facility shall have a *minimum* distance to the parcel and/or recorded easement boundary, equal to the height of the tower plus ten (10) feet.
 - b. No tower facility shall be located within the following Shoreland Districts:
 1. A-1 - (Shoreland Ag District)
 2. R-2 - (Shoreland Residential District)
 - c. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, public waters (county ditches, small creeks), or sidewalk, without approval of proper county department.
2. FENCING - The tower facility shall be protected by a security fence from six (6) feet to eight (8) feet in height to prohibit access by unauthorized persons. Temporary towers are exempted from this provision.
3. SIGNAGE – The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
4. LIGHTING / PAINTING - Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology, and Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC.
 1. In order of preference, a tower facility shall have:
 - a. Self Supportive / Monopole Tower – According to FAA regulations.
 - b. Guyed Wire Tower – All guyed wire towers must be painted aviation orange and white, alternating at 20% increments of total tower height, starting with aviation orange at the top of the tower.
 2. Penalty – After written notification by the county, the conditional use applicant will be allowed ten (10) days to come into compliance with the FAA/FCC lighting and painting regulations. For each day that this is not met, the applicant will be charged \$100.00 per day.
5. CROPPING - No row crops are permitted in the perimeter formed by the outer most anchors of the guyed wires.

G. PERMIT APPLICATION REQUIREMENTS:

Application for a Conditional Use Permit shall be submitted pursuant to the requirements of this chapter and shall be accompanied by the following:

A. Site Plan for the proposed tower facility site, which shall include the following:

1. Graphic scale of the plan, not less than one inch (1") to twenty feet (20')
2. North directional arrow
3. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs and landscaped areas
4. Building setback lines
5. The location of watercourses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site
6. Location of special features located within the site
7. All tower facilities shall be adequately insured for injury and property damage caused by collapse of the tower. A Certificate of Insurance shall be filed with the Planning and Zoning Office prior to commencing operation of the facility
8. If proposed removal of natural vegetation consists of one (1) acre or more, an MPCA Storm Water Permit must be obtained and verification of application shall be on file with the Planning and Zoning Office

B. Vicinity map showing land uses and existing residences and businesses within one-half (1/2) mile of the proposed tower facility. (Please attach aerial photo)

C. If erection of the tower or construction of any tower facility will disturb any part of a bluff or a steep slope, the applicant shall provide an erosion control plan prepared by a landscape architect or professional engineer.

D. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.

E. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.

H. ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner/operator shall be responsible for maintaining a graffiti, debris and litter free site.

I. TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within one year of application.

J. UNUSED OR ABANDONED TOWER FACILITY

The owner of a tower facility shall file an annual notification in writing to the Planning and Zoning Office as to the current ownership of every tower facility constructed. Failure to do so shall be determined to mean that the tower facility is no longer in use and considered abandoned. A tower is also considered abandoned if owner fails to pay fees as required by the ordinance.

K. REMOVAL

A tower must be removed by the current landowner within one hundred eighty (180) days of abandonment, unless the FCZA provides a written exemption. Removal includes the complete tower facility including related infrastructures, footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so shall be just cause for Faribault County to seek legal avenues that will remove the tower facility and restore the site.

L. SEVERANCE CLAUSE

If any part of this section is rendered void, invalid, or unenforceable, such rendering shall not effect the validity and enforceability of the remainder of this section unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire section.

M. APPLICABLE FEES

All tower facilities constructed or erected within Faribault County will be subject to applicable fees. These fees are set forth by the County Commissioners. These fees will include, but are not limited to the following:

- a. Building Permit Application
- b. Conditional Use Application
- c. Maintenance Fee

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SECTION 22 – FEEDLOT ORDINANCE

A. SECTION ONE - DEFINITIONS of FEEDLOT ORDINANCE

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word “shall” is mandatory, and not discretionary; the word “may” is permissive.

Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.

Words shall be given their common usage if not defined.

The word “person” includes a firm, association, organization, partnership, trust, company, corporation or individual.

1. Abandoned Farmstead. Existing abandoned building site, with a minimum of five (5) acres, that is classified for the current payable year taxes as residential by the county assessor or applied for residential treatment with the county assessor’s office. An abandoned farmstead will be treated the same as an active farmstead.

2. Agency. The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.

3. Animal Manure. Poultry, livestock, or other animal excreta or mixture with feed, bedding, water, or other materials.

4. Animal Unit (A.U.). A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

5. Board. The word “Board” includes the “County Commissioners”, the “Board of County Commissioners” or any other word or words meaning the “Faribault County Board of Commissioners”.

6. Building. Any structure of every kind for the shelter, support, or enclosure of animals, chattel, persons, or property of any kind.

7. Building, Agricultural. All buildings, other than dwellings, which are incidental to a farming operation.

8. Certificate of Compliance. A letter from the agency or the county feedlot officer to the owner of an animal feedlot stating that the feedlot meets agency requirements.

9. Commissioner. Commissioner means the Commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, Section 116.03.

10. Ditch. An earthen structure used to convey water to another area.

11. Expansion. Any change in a feedlot operation that results in an increase in animal units.

12. Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming.

13. Farmstead. A tract of land with a segregated border and a residence.

14. Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered feedlots under these rules. Open lots used for the feeding and rearing of poultry shall be considered animal feedlots.

15. Feedlot (New). An unpermitted feedlot, a feedlot constructed and operated at a site where no feedlot existed previously, or where a pre-existing feedlot has been abandoned or unused for a period of five years.

16. Feedlot Officer. The county employee, knowledgeable in agriculture, who is designated by the county board to receive and process feedlot permits and applications, and identified by MPCA as the Feedlot Pollution Control Officer.

17. Feedlot Operator. An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

18. Feedlot Runoff. The movement of water from a feedlot, either in the form of rainfall, snow, or as water from a waterway, ditch, etc., passing through a feedlot carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

19. Flood Plain. The channel or beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Faribault shall encompass the 100 Year Flood Plain.

20. Floodway. The channel of the water course and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

21. HEL. Highly Erodible Land.

22. Interim Permit. A permit issued by the county and, when required, the MPCA which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

23. Land Use Plan. An inventory and recording of land management practices and conditions for a comprehensive plan to protect the environment and maintain productivity for future generations. The form and content of land use plans shall be approved by the Faribault County SWCD.

24. Liquid Manure. Manure that contains less than 15 % solids content.

25. Manure Storage Structure. A structure where feedlot runoff, manure effluent, or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, and concrete or glass lined storage.

26. Modification. Any change in the feedlot operation that does not result in an increase in animal numbers.

27. MPCA. Minnesota Pollution Control Agency.

28. NRCS. Natural Resources Conservation Service.

29. OHWL. Ordinary High Water Level

30. Owner. Any person having possession, control, or title to a feedlot.

31. Parcel. A contiguous quantity of land legally described and recorded with the county recorder as the property of a person.

32. Pastures. Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or water devices.

33. Permit, County. A document issued by the county which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants and issued to the contractor, owner, or operator, stating that the feedlot meets the minimum standards as required by this ordinance and the MPCA. Certificates of Compliance previously issued by the MPCA or Faribault County shall be deemed permits for purposes of this ordinance. An MPCA permit may also be required.

34. Permit, State. A document issued by the agency which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants. A Faribault County permit must also be issued before any operation may commence activity.

35. Potential Pollution Hazard. A condition which indicates a potential for pollution of land and waters including:

- (1) Allowing a discharge of pollutants; or
- (2) A feedlot or manure storage area located within a shoreland or flood plain.

36. Public Well. As regulated by Minnesota Chapter 4720 and as administered by the Minnesota Department of Health.

37. Residential Area. Any area containing over ten (10) homes with a segregated boundary.

38. Residence. Any structure of every kind for the shelter, support, or enclosure of persons.

39. Setback. Minimal horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, top of bluff, center line of road, center line of highway, property line, or other entity.

40. Site. Feedlot.

41. Shoreland. Areas that are three hundred (300) feet from any river or stream and one thousand (1,000) feet from any lake.

42. Short Term Uncomposted Poultry Manure Stockpiling. Uncomposted poultry manure that is stockpiled in other than approved storage facilities for up to three months from the date when the stockpile was initially established.

43. Solid Manure. Manure which has at least 15 % solids content and contains added fibrous material excluding mineral solids.

44. Suckling Pig. An unweaned piglet.

45. Surface Waters. Waters which include but are not limited to rivers, streams, creeks, ponds, intermittent streams, and wetlands of Type III - Type VIII as defined in Department of Natural Resources Circular 39.

46. SWCD. Faribault County Soil and Water Conservation District.

47. Tract. A field with a designated border or USDA tract number.

48. USDA. United States Department of Agriculture.

49. Wetlands. A surface water feature of Type III - Type VIII consistency as identified by Minnesota Wetland Conservation Act Administrator.

50. Wildlife Area. State or federal designated wildlife area.

B. SECTION TWO - NEW FEEDLOTS

(MUST ALSO REFER TO SECTION FOUR - GENERAL GUIDELINES)

1. NEW FEEDLOT PERMIT REQUIREMENTS

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

A. Permit Required

Any person proposing to own or operate a feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit, if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person proposing to own or operate a feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable a state permit, if any of the following conditions exist:

- (1) A new feedlot is proposed;
- (2) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (3) A state permit is required by Minnesota Rules Chapter 7020.

B. Notice Of Application

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a. A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County, shall be notified by the applicant when application has been made for feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

2. NEW FEEDLOT PERMIT ISSUANCE

A feedlot permit may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or
2. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

A. Interim Permit Issuance

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer, and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure; A new feedlot is proposed where a potential pollution hazard is identified.

B. Interim Permit Extension

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

3. NEW FEEDLOT and EXPANSION MANURE MANAGEMENT PLANS, NEW FEEDLOT NOTIFICATIONS, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING and SETBACKS – (12-01-2004)

A. Manure Management Plans for New Feedlots and Expansions

New feedlots and feedlot expansions will be required to complete a manure management plan.

B. Manure Management Plan Required for Manure Transported Into the County

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

C. Notification of New Sites over 1,000 animal units

Feedlot Officer will notify the Faribault County Board of Commissioners of all new and expanding feedlot sites over 1,000 animal units.

4. NEW FEEDLOT MANURE STORAGE STRUCTURES, ASSOCIATED LIVESTOCK ENCLOSURE, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING, AND ALL OUT OF COUNTY SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING (AS OF 12-01-2004)

1. The following shall be the minimum setback requirements:

An Existing Feedlot	1,500 feet
A Rural Residence	1,500 feet
A Rural Residence (short term uncomposted poultry manure stockpiling)	2,640 feet
A river, creek, small stream, drainage ditch, or types III-VIII wetlands	500 feet
A Residential Area or Municipality	5,280 feet
County Parks	2,640 feet
Ordinary high water mark of Bass Lake	5,280 feet
Wildlife Areas	500 feet
County, Township, State Roads (from the c/l of road)	250 feet
County, Township, State Roads (short term stockpiling)	Current 7020 rules
Churches	2,640 feet
Lakes	1,500 feet
Cemeteries	500 feet
Airport (FAA approved)	2,640 feet
Airport (FAA approved, short term uncomposted poultry manure stockpiling)	1,500 feet

2. Distances shall be calculated from the nearest point on the feedlot structure to the nearest point on each feature listed. Any new non-farm residences would be required to have a fifteen hundred (1,500) foot setback from feedlots.

3. Permitted feedlots that exist as of (12-01-2004), are subject to 7020 short-term stockpiling setbacks only.

4. Short Term Uncomposted Poultry Manure Stockpiling must apply annually for and receive a conditional use permit.

5. ANIMAL UNITS, PARCEL SIZE, AND AREA REQUIREMENTS

1. Maximum Animal Units

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

2. Minimum Parcel Size and Area Requirements

New feedlots in non-shoreland areas of less than one thousand (1,000) A.U. shall be located on a parcel of not less than five (5) acres.

New feedlots in non-shoreland areas of one thousand (1,000) A.U. to two thousand (2,000) A.U. shall be located on a parcel of not less than ten (10) acres.

C. SECTION THREE - EXISTING FEEDLOTS INCLUDING MODIFICATION AND EXPANSION

(MUST ALSO REFER TO SECTION FOUR- GENERAL GUIDELINES)

1. EXISTING FEEDLOT PERMIT REQUIREMENTS

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

A. Permit Required

Any person owning or operating an existing feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person owning or operating an existing feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable, a state permit if any of the following conditions exists:

- (1) A change in the operation of an existing feedlot is proposed including:
 - (A). An increase beyond the maximum number of animal units allowed by the current feedlot permit; or
 - (B). An increase in the number of animal units which are confined at a permitted feedlot or an unpermitted feedlot and requiring a construction investment; or
 - (C). A change in the construction or operation of any feedlot that would affect the storage, handling, utilization, or disposal of animal manure.
- (2) A change in ownership of an existing feedlot is proposed including:
A change in animal buildings and/or when land transfers constitute a change in ownership; or when a lessee commences operating on leased land the lessee shall be considered the owner for purposes of the feedlot permit.
- (3) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (4) A state permit is required by Minnesota Rules Chapter 7020.

2. EXISTING FEEDLOT PERMIT REQUIREMENTS WITHIN SHORELAND AREAS

1. In shoreland areas, feedlots of ten (10) animal units or more shall be required to have a feedlot permit.
2. Modifications to existing feedlots that are located within shoreland, flood plains, or floodways may be allowed, and will require a conditional use permit.
3. Modifications shall not further encroach into the shoreland, flood plain, or floodway.
4. Transfer of ownership shall not invalidate this exception.

A. Notice of Application

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a.

A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County shall be notified by the applicant when application has been made for a feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

3. EXISTING FEEDLOT PERMIT ISSUANCE

A feedlot permit may be issued if:

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

A. Existing Feedlot Interim Permit Issuance

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure;
3. A new feedlot is proposed where a potential pollution hazard is identified; or an existing feedlot that is not currently permitted is seeking to become permitted and is a potential pollution hazard.

B. Interim Permit Extension

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

C. Manure Management Plan Required for Manure Transported Into the County

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

D. National Pollutant Discharge Elimination System (NPDES) Permit Requirement

If it is determined during the review process that a feedlot must obtain a National Pollutant Discharge Elimination System permit, the applicant shall be notified and a permit will be processed and issued by MPCA as prescribed in Chapter 7070.

E. Environmental Assessment Worksheet

The county board may require an Environmental Assessment Worksheet. The feedlot officer shall notify the county board of all applications over one thousand (1,000) A.U. so they may make their determination.

4. EXISTING FEEDLOT ANIMAL UNITS, PARCEL SIZE, AREA REQUIREMENTS and EXPANSION

1. Maximum Animal Units

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

2. Minimum Parcel Size and Area Requirements

Existing permitted livestock or poultry feedlots, or expansions to less than one thousand (1,000) A.U. shall be deemed conforming in their present parcel size and area.

3. Existing Feedlots Outside of Shoreland

Feedlots that pose a potential pollution hazard shall conform to the permitting requirements of this ordinance and, if appropriate, the regulations of the MPCA.

4. Feedlots that are Not in Possession of Current Feedlot Permit

Feedlots that are not in possession of a current feedlot permit shall be subject to the provisions of this ordinance as if they were a new feedlot one (1) year after adoption of this ordinance (9/24/1997) unless a closure plan is on file with the feedlot officer.

5. Expansion within One Mile of City Limits

Expansion within one mile of city limits is allowed after notifying the affected city government.

6. Expansion or Modification of Existing Permitted Feedlots over One Thousand (1,000) Animal Unit

Expansion or modification of an existing permitted feedlot resulting in a feedlot of one thousand (1,000) animal units or more may be allowed subject to the following conditions:

- (1) The feedlot expansion does not exceed the maximum animal unit limitation of two thousand (2,000) A.U. per feedlot.
- (2) A conditional use permit is obtained.

7. Existing Permitted Feedlots

An existing permitted feedlot shall not be subject to the minimum area and building setback requirements of this ordinance. An existing facility is the area within five hundred (500) feet of a segregated area that has a well, building, or windbreak at the time of approval of this ordinance (9/24/1997).

- A. Any person owning or operating an existing feedlot without a current Faribault County or state feedlot permit shall bring the operation into compliance within one (1) year from the date of enactment of this ordinance (9/24/1997) or shall be subject to all requirements of this ordinance including area and all setback requirements.

D. SECTION FOUR - GENERAL GUIDELINES

1. ANIMAL UNITS, AREA REQUIREMENTS, AND SETBACK REGULATIONS

<u>Animal</u>	<u>A.U per Animal</u>	<u>100 A.U. equals</u>
One mature dairy cow	1.4	71 animals
One dairy calf under 500 lbs	.5	200 animals
One slaughter steer or heifer	1.0	100 animals
One horse	1.0	100 animals
One swine 55 lbs. Or more	.4	250 animals
One swine under 55 lbs.	.05	2,000 animals
One suckling pig	.01	10,000 animals
One duck	.2	500 animals
One sheep	.1	1,000 animals
One turkey 10 lbs. Or more	.018	555 animals
One turkey under 10 lbs.	.01	10,000 animals
One chicken	.01	10,000 animals

- For any animals not appearing in the above chart, the average weight of the animal divided by 1,000 lbs. will determine its AU value.

Abandoned wells on the feedlot site shall be sealed pursuant to Minnesota Rule 4725.

2. ADDITIONAL LAND

The feedlot permit holder shall own or have sufficient additional land under lease or contract to meet the manure utilization requirements for spreading of manure produced in the feedlot. The feedlot officer shall retain copies of all written spreading agreements. Such agreement shall be a condition of the feedlot permit or interim permit.

No more than one manure spreading agreement shall be allowed on a tract of land. The agreement shall be valid for a period of not less than three (3) years, and recorded with the feedlot officer. The agreement shall include a brief description and a map of the spreading area.

Sales contracts for land application of manure may be substituted for the additional land requirement for the feedlot subject to such additional standards as the state shall require. Sales contracts need not be recorded with the county recorder but must be submitted to the feedlot officer prior to manure transport. Manure sold under a sales contract shall be subject to the requirements of this ordinance including all land application, storage standards, setback requirements, and application rates.

Upon termination of the agreement, a feedlot operator shall provide the feedlot officer with written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the feedlot. Failure by the feedlot operator to provide sufficient land for manure management shall result in termination of the Faribault County Feedlot Permit and interim permit. A new agreement approved by the feedlot officer may be substituted in the feedlot permit or interim permit for an expired or canceled agreement.

3. LAND APPLICATION OF MANURE

A. Application Methods

The following requirements shall apply to the land application of manure in Faribault County.

Irrigation type disposal of manure, including but not limited to the use of a traveling gun or center pivot irrigation, is prohibited on HEL fields and on frozen soils.

Liquid manure shall be injected or incorporated within forty-eight (48) hours of application with the following exceptions:

- (1) When applied in the winter months of December through March.
- (2) When applied to hay and pasture land.

Solid manure may be spread without incorporation, but incorporation is recommended.

Manure application hoses are prohibited in, or along side, standing or running water with the following exceptions:

- (1) Manure application hoses may cross standing or running water if supported by a rigid structure; and
- (2) Hose connections shall not be placed over or near standing or running water.

B. Estimating Manure Application Rates

Application rates shall be based on nitrogen requirements and may be estimated for feedlots having less than one thousand (1,000) animal units. Such application rates shall be based upon soil type, crop nitrogen requirements, and crop yield goals utilizing the following procedure:

- (1) Estimate nitrogen/phosphorus concentration of manure based upon the current official guidelines developed for use by the NRCS, MPCA, and the Minnesota Extension Service.
- (2) Calculate the amount of nitrogen/phosphorus generated in livestock manure.
- (3) Utilize Minnesota Extension Service fertilizer recommendations to determine crop nitrogen requirements.
- (4) Divide the total amount of nitrogen the livestock is generating by the crop nitrogen requirements to determine the acreage needed for manure utilization.
- (5) The operator shall maintain a record of land application sites, application rates, crop nutrient requirements, and of any additional fertilizer used on the site. Copies of these records shall be available for inspection at the feedlot and records shall be maintained by the feedlot operator for a minimum of three (3) years.

C. Testing for Nutrient Levels

A feedlot owner or operator having one thousand (1,000) animal units or more shall use actual manure and soil test results in place of estimated nutrient values.

Samples shall be taken from:

- (1) the manure holding facility;
- (2) the soil of the proposed application site.

The samples shall be sent to a state certified laboratory.

The actual nitrogen shall be used in place of estimated nitrogen values.

Application rate shall be based on a site-specific agronomic analysis that includes:

- (1) all plant available nutrient inputs from manure, legumes, residual soil nutrient, and soil organic matter;
- (2) site specific soil and manure analyses; and
- (3) previous year's analyses of applied manure and application site. These data, plus the yield goal for the crop to be grown, will be used to calculate appropriate manure and supplemental fertilizer nutrient additions.

Management factors such as manure handling, application method, tillage, cropping, grazing pattern, and site factors such as soil texture, slope, and aspect will be used to modify the manure application rates.

The operator shall maintain copies of the agronomic analyses, which are being relied upon for the purpose of limiting land application rates of manure. These analyses shall be carried out each year before land application takes place and the analysis and conclusions forwarded to the county feedlot officer. Copies of such analyses shall be available for inspection at the facility and records shall be maintained by the feedlot operator for a minimum of three (3) years.

4. RESTRICTIONS ON LAND APPLICATION SITES

A. Required Setbacks for Land Application of Manure

All feedlots shall meet the following setbacks for the land application of manure unless a land use plan approved by the SWCD recommends alternative distances.

<u>Location</u>	<u>Surface Applied</u>	<u>Incorporation or Injection</u>
Watercourses, streams, rivers, lakes, Wetlands and ditches	300 feet	100 feet
Municipal Well	1,000 feet	1,000 feet
Private Wells	200 feet	200 feet
Residential Area or Municipality	500 feet	200 feet
Uncomposted Poultry Manure from Municipality	5,280 feet	5,280 feet
Residence, neighboring residence	300 feet	200 feet
Cemeteries	300 feet	200 feet
100 Year Flood Plain	Prohibited	200 feet
Field Tile Intake	100 feet	10 feet
Drainage Ditches (with one rod buffer)	50 feet	Edge/buffer
Drainage Ditches (without buffer)	100 feet	16.5 feet

-Irrigation applied manure will need to be approved by the Faribault County SWCD Board in a land use plan

B. Soils

Land application of manure may be prohibited on hydric soils previously occupied by natural wetlands (525) Muskego muck and (539) Palms muck.

Land application of manure may be prohibited on soils that exceed 6% slopes as classified by the Soil Survey of Faribault County as described in the site plan.

Liquid manures shall not be applied on slopes of greater than 6 % during the winter months of December through March.

C. Right-of-Way

Manure shall not be applied to the right-of-way of public roads.

D. Residences

Manure may be applied closer to a residence than prescribed by this ordinance if permission is granted by the resident in the form of a written agreement. Agreements shall not bind subsequent residents. When determining the distance between a residence and manure application the distance shall be measured from the residence, not property lines, to manure application.

E. Treatment or Disposal

Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state and county rules.

5. MANURE TRANSPORTATION AND STORAGE

A. Compliance with State and Local Standards

All animal manure shall be stored and transported in conformance with MPCA Rule 7020 and the feedlot ordinance.

B. Potential Pollution Hazard Prohibited

No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance, feedlot permit, or interim permit has been issued by the MPCA and Faribault County setting out the requirements for mitigating or abating the potential pollution hazard.

C. Vehicles, Spreader

All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall not apply to animal manure being hauled to fields adjacent to feedlots or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

D. Utilization as Domestic Fertilizer

Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than eighteen (18) months.

E. Stacking of Manure on Site

1. Solid manure that is stacked for more than six (6) months shall be stored on a concrete containment pad designed with a water containment and diversion plan approved by the feedlot officer as addressed in the site plan.
2. Uncomposted Poultry Manure shall not be stacked for more than three (3) months from the date the stockpile was initially established.

F. Run-Off Control Structures

All outside manure storage areas shall have run-off control structures to contain the liquid.

G. Manure Storage and Utilization

The manure management plan shall provide for twelve (12) months of storage and utilization capacity for new or expanding feedlots. The plan must be approved by the feedlot officer.

H. Storage Design Approval

All plans for manure storage structures shall be reviewed and approved by the county. Plans for all earthen manure storage structures and all structures of 500,000 gallons capacity or larger shall be approved by the state.

Plans for manure storage structures may be reviewed by the SWCD and/or NRCS. All new manure storage structures shall have a minimum storage capacity of six (6) months.

I. Earthen Manure Storage Structures

Earthen storage basins may be utilized for mitigation of feedlot facilities that could pose a potential pollution hazard. Earthen storage basin plans will be designed by a certified engineer, and will be addressed in a land use plan developed by the SWCD.

J. Concrete Pit Requirements

MPCA concrete pit requirements will be Faribault County requirements. Concrete storage over 500,000 gallons needs a licensed engineered designed plan and Attachment C for the minimum requirements.

Under 500,000 gallons of manure storage must meet the requirements of Attachment C, unless the feedlot officer deems more guidelines are needed due to a potential pollution hazard.

K. Steel Tanks

Unlined steel tanks for underground manure storage shall be prohibited.

L. Odor Control Plan

Odor control plans will be developed when proven technology is available.

M. Good Neighbor Plan

All feedlots shall have a good neighbor plan with their feedlot application. See Attachment A.

6. FEEDLOT CLOSURE

A. Closure Plan

If a feedlot ceases operation, the owner shall submit to the county feedlot officer a closure plan. See Attachment B.

The closure plan shall be submitted at least sixty (60) days prior to the final day of operation. This plan will be according to MPCA closure and abandonment guidelines.

Closure may be postponed for a period of five (5) years or longer if the county feedlot officer has a plan on file. However, pollution hazards must be remedied immediately.

7. INSPECTIONS

A. Permit Review

The feedlot officer shall conduct review or compliance inspections.

The feedlot officer shall make reasonable efforts to carry out the permit review within the written biosecurity guidelines established by the operator at the time of permit application. A copy of the written biosecurity guidelines submitted by the operator shall be kept on file by the feedlot officer.

Reviews may be conducted on a more frequent basis if deemed necessary by the MPCA, feedlot officer, or county board.

B. Complaint or Emergency Inspection

In addition to the enforcement inspections, the feedlot officer shall have the right to undertake inspections, upon notice at a reasonable time, based upon a signed written complaint or the reasonable belief of the existence of a material violation of the ordinance.

C. Interference Prohibited

No person shall hinder or otherwise interfere with the feedlot officer in the performance of duties and responsibilities required pursuant to this ordinance.

D. Access to Premises

Upon request of the feedlot officer, the applicant, permittee, or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this ordinance. Refusal to allow access to the feedlot officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

E. Fees

Application, permit, or review and compliance inspection fees, and such other fees required by this ordinance may be set by resolution of the county board.

8. VIOLATIONS AND ENFORCEMENT

A. Violations

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

B. Abandonment

Owners and operators of feedlots shall have joint and several liability for clean-up, closure, or emptying of abandoned feedlot sites.

C. Disposal of Animal Carcasses

Dead animal disposal shall be consistent with the Minnesota Board of Animal Health Regulations Minnesota Rules Chapter 1719.

9. COMPLAINTS

A. Written Complaints

Any person may submit a signed written complaint about any feedlot in Faribault County. After three (3) written and verified complaints, the feedlot operator's permit may be subject to revocation. Within sixty (60) days, the operator shall submit a new application for a feedlot permit including a plan to mitigate any problems identified by the feedlot officer. Revocation grievances shall be heard by the county board.

B. Anonymous Complaints

Any person may submit an anonymous complaint about any feedlot in Faribault County. These complaints will be evaluated on a case by case basis.

10. ADMINISTRATION AND ENFORCEMENT

A. Feedlot Officer

The Faribault County Board of Commissioners shall appoint a county feedlot officer to administer and discharge the duties of this feedlot ordinance.

1. Duties and Powers - The feedlot officer shall have the following duties and powers:

- (1) Administer and enforce the feedlot ordinance;
- (2) Review permits as set forth in this ordinance;
- (3) Assist feedlot operators with the Faribault County permitting process including applications for a state certificate of compliance, feedlot permit or interim permit;
- (4) Process applications to ensure compliance with county and state regulations; Issue permits, interim permits or certificates of compliance; When appropriate, forward applications for state feedlot permits along with recommendations, and the county feedlot permit or interim permit to the MPCA;
- (5) Maintain records including all certificates of compliance, interim permits, feedlot permits and spreading agreements;
- (6) Provide and maintain a public information bureau relative to this ordinance;
- (7) Educate the public and feedlot operators concerning provisions of this ordinance;
- (8) Inspect feedlot operations to insure compliance with the standards of this ordinance;
- (9) To receive and review application requests for action by the board of adjustments and/or the county planning commission and provide such information as may be necessary for action to be taken.

B. Stop Work Orders

Whenever any work is being done contrary to the provisions of this ordinance, the feedlot officer may order the work stopped by written notice personally served upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the feedlot officer.

C. Revocation

Any person who fails to comply with the conditions set forth on the permit, interim permit or certificate of compliance may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.

D. Injunctive Relief and Other Remedies

In the event of a violation of this ordinance, the county may institute appropriate actions or proceedings including requesting injunctive relief to prevent, restrain, correct, or abate such violations. All costs incurred for corrective action may be recovered by the county in a civil action in any court of competent jurisdiction or, at the discretion of the county, the costs may be certified to the county auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

E. Costs of Enforcement

In the event that the feedlot officer is required to take action to abate a violation of this ordinance or undertake regular monitoring of a regulated feedlot to ensure compliance with the requirements of this ordinance the costs of that abatement action and/or monitoring may be certified to the county auditor as a special tax against the real property.

11. SEVERABILITY AND VALIDITY

It is hereby declared to be the intention that the several provisions of this ordinance are severable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of the ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings or structures.

12. PRIOR ENVIRONMENTAL INFRACTIONS

Any feedlot operator, or potential applicant for the same, who has been the subject of an investigation or who has been a party to any legal action involving a violation of this ordinance or other environmental law in conformity with the same, in this state or otherwise, shall be subject to a special review prior to being granted a permit to operate in Faribault County, and upon review, may be denied that permit by the Faribault County Board of Commissioners.

13. INTERPRETATION

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of the ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance, or regulations shall be controlling.

14. ORDINANCE REPEALED

The Faribault County Feedlot Interim Ordinance dated July 1, 1997 and amendments thereto is repealed in its entirety.

15. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval, as provided by law. Passed and approved this 24th day of September, 1997 by the County of Faribault.

Amendment to this ordinance was approved on December 1, 2004

CLOSURE AND ABANDONMENT OF MANURE STORAGE STRUCTURES

Earthen Holding Basins

Background Information

The concern over these abandoned structures is that trees and other deep rooted vegetation start to grow on the basin walls. This creates cracks in the liner and allows manure to seep into the ground water. Also, unless the basin is emptied regularly, it fills with rain and snow melt water and overflows. Any manure remaining in the basin mixes with the water and could potentially overflow to a nearby surface water. If the fences are not maintained, safety is added to the list of concerns. The steep interior sides of the basin make it difficult to climb out of.

How to Close/Abandon

When an earthen basin will no longer be used the following steps should be taken to close the basin:

1. Agitate the basin thoroughly. Remove and land apply all manure at agronomic rates. A drag line may be needed to remove solids if there is not an adequate amount of liquid.
2. The sludge layer left in the bottom of the basin should be scraped out and land applied at agronomic rates.
3. Backfill the basin with material from the dikes and other soils that may be available. Only material allowed to be buried under federal, state, and local regulations may be used as fill. Backfilling the basin is necessary to prevent it from being a safety hazard.

The MPCA issues an interim permit for abandonment of earthen basins which contains a more specific description of the requirements for proper closure.

Concrete Pits

Background Information

Concrete pits located under barns or with covers do not represent as much of a safety hazard as earthen basins. However, if the barns are removed or the cover weakens, it can be dangerous. If the pit develops cracks or holes, the manure could seep out into the ground water.

How to Close/Abandon

Concrete pits may be filled in the same manner as earthen holding basins. The owner shall, if possible, break up the concrete and may remove it. This will prevent rain and snow melt waters from pooling in the abandoned pits. The pits may then be backfilled in a fashion similar to an earthen basin.

Steel Tanks

Background Information

Steel tanks are **not allowed** to be used for manure storage.

Unfortunately, there are feedlot owners who have installed used fuel tanks underground for storing manure. This type of tank is not designed for this type of use and is usually removed from a gas station because of potential leaking. The tank may be damaged further during transport and installation. Without ground water monitoring it is difficult to determine if manure is leaking out of the tank.

How to Close/Abandon

All manure is to be removed and field spread at agronomic rates. The tank shall then either be removed completely and the hole filled in, or punctured and filled with clean earthen fill.

Open Lots

Background Information

As long as there are livestock on an earthen open lot, soil compaction is occurring and preventing seepage through the feedlot soils. When livestock are removed from the lot there is no longer any hoof action to maintain this compacted layer.

Freeze and thaw cycles, root growth from weeds and drying will deteriorate the compacted layer. The manure left on the lot can then seep through the cracks into the ground water, or erode with soil to surface water.

How to Close/Abandon

All manure should be scraped off of the lot and field spread. A vegetative cover should be established on the area to take up remaining nutrients. This vegetation should be harvested to remove nutrients from the lot area.

**MINNESOTA POLLUTION CONTROL AGENCY
CONCRETE PIT REQUIREMENTS
September 1992**

According to the Minnesota Pollution Control Agency (MPCA) regulations, all livestock or poultry producers are required to apply for and receive a MPCA feedlot permit or certificate of compliance prior to construction of a below ground concrete manure pit.

The following information is to accompany a completed application:

1. A soils investigation report at the site of the proposed structure.
2. Information regarding the construction of the concrete pit.

SOILS INVESTIGATION CRITERIA

A record of the soil at the site is used to determine depth of the seasonal high water table, saturated soils and/or bedrock, and identifies soil textures at the site.

A soil record is not the same as a soils map or a soils interpretation record. A soils map does not consider areas smaller than three (3) acres in detail and is not adequate for selecting a manure storage site.

Required Depth of Boring

A record of the soils is needed at the pit site to a depth of at least one (1) foot below the bottom of the pit to determine the depth of the seasonal high water table, saturated soil conditions and/or bedrock.

Soils record must include:

1. Listing of soils in the profile using the Unified Soils Classification System.
2. Description of soil features as outlined in Agricultural Handbook 436 (USDA-SCS), "Soil Taxonomy: A Basic System of Soil Classification for Making and Interpreting Soil Surveys."
3. Depth to any seasonal high water tables as interpreted using the soil colors in accordance with the Soil Survey Manual (USDA).
4. Depth to saturated soil conditions.
5. Depth to any bedrock layer, with an interpretation of type of bedrock.
6. Date investigation is done.
7. Location of boring or investigation.

Who can do soils investigation:

1. A qualified soils analyst.

2. A person who is qualified to do percolation tests for the drainfield of a septic system.

Alternative equipment:

1. A backhoe may be used instead of soil boring equipment to dig a hole to the required depth. The Soil Conservation Service, Soil and Water Conservation District, or soil analyst can then record the depth to the seasonal high water table and soil types by looking at the soil profile exposed by the excavation.
2. Take the necessary safety precautions to prevent the excavation walls from caving in on the investigator. The United States Department of Labor, Occupational Safety and Health Administration excavation standards (29 CFR 1926, Subpart P) require the sides of an excavation to be sloped to prevent cave-ins. A slope not steeper than one and one-half horizontal to one vertical (34 degrees measured from the horizontal) is considered safe for any excavations less than 20 feet deep.

ALTERNATIVE TO SOIL INVESTIGATION

Drain Tile

1. Install a drain tile with an outlet around the perimeter of the concrete pit -the drain tile should be located at least one (1) foot deeper than the pit bottom.

NOTE: Drain tile will be required if the soil boring report indicates a seasonal high water table located at an elevation above the bottom of the pit floor.

MINIMUM INFORMATION REQUIRED FOR REVIEW OF CONCRETE PITS

Include the following information with the application:

1. Thickness of concrete in walls and floor
2. Blend of concrete mix
3. Size and location of reinforcement rods in walls and floor
4. Volume of structure
5. Total depth of structure below natural ground level
6. Structure depth, width, and length

7. Location of boring or investigation (Optional)
8. Location of perimeter tile (Optional)
9. Corner detail showing reinforcement rod
10. Footing details
11. Wall to floor connection
12. Contractor name, address, and phone
13. Brief job description
14. Authorized agent original signature and date

NOTE: Pit contractors must submit a final construction report that details pit was constructed in accordance with submitted specs. This report must include contractors authorized signature and be dated.

SECTION 23 – SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE (SSTS)

A. Section One - Purpose

The purpose of the Subsurface Sewage Treatment System Ordinance shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS) including the proper location, design, construction, maintenance, modification, permitting and inspection within Faribault County. This Ordinance outlines the responsibility of Faribault County and property owners as it pertains to SSTS and provides for the payment of fees, suspension and revocation of permits, and penalties for failure to comply. A properly functioning SSTS provides treatment and prevents contamination of surface and ground water by human sewage, household and commercial waste.

Faribault County's goal is to protect public health and safety, and prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapter 115 and 145A and Minnesota Rules Chapters 7080, 7081, 7082, and 7083 as amended that may pertain to sewage and wastewater treatment.

Faribault County requires any persons, businesses, firms, or corporations providing designs, performing installations, performing inspections, or providing maintenance to possess an appropriate and valid license or licenses issued by the State of Minnesota unless exempted by Section 23 of the Faribault County Zoning Ordinance.

B. Section Two – Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and facilitate the most reasonable application of the Ordinance.

Applicant - Individual or entity applying for a permit under Section 23

As-Built - Drawings and documentation specifying the final in-place location, size, and type of system components.

Certificate of Compliance - A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

Class V - Any SSTS regardless of size that receives any amount of industrial or commercial wastewater; or any SSTS that receives solely sanitary waste from multiple family residences or a non-residential establishment and has a capacity to serve twenty (20) or more persons per day.

County Board - The Faribault County Board of Commissioners

Compliance Inspection - An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

Department - The Faribault County Planning and Zoning Department, or other entity designated by the County Board to administer and implement the SSTS program.

Failing - Systems that fail to meet groundwater separation requirements, or have not received proper maintenance.

ISTS – Individual Sewage Treatment System

ITPHS - Imminent Threat to Public Health or Safety

MPCA - Minnesota Pollution Control Agency

MSTS - Midsize Sewage Treatment System

NPDES - National Pollution Discharge Elimination System

Ordinance - Refers to Section 23 of the Faribault County Zoning Ordinance

- Permittee** - Person who is named on a permit issued pursuant to local ordinance
- Scum** - Layer of soap, grease and undigested food, which forms in the upper layer of a properly functioning septic tank.
- Septage** - Solids and liquids removed from an SSTS
- Sludge** - Layer of heavy material, in the lower level of the tank that cannot be broken down by the bacteria.
- Structural Improvement** - An improvement to a property that requires a permit to alter a structure's height and/or footprint including the building of a new structure.
- SSTS** - Subsurface Sewage Treatment System

C. Section Three – Permits

No person, business, firm, or corporation shall construct, install, alter, extend, or repair an SSTS in Faribault County without first obtaining a permit from the Department or local permitting authority for each specific construction, installation, alteration, or extension. Such permits shall expire twelve (12) months after the date received. Extensions may be allowed upon approval by the Department. Permits are not transferable as to person or place.

A copy of the approved permit shall be kept available at the work site until such work is completed by the permittee and approved by the Department.

1. Application Requirements

The permit application furnished to the Department shall contain the following information:

- a. Name, address, and telephone number of applicant and property owner.
- b. Township, section, and quarter section of property.
- c. 911 address of property.
- d. Current site evaluation. Soils observations reviewed by the Department are valid for the duration of the permit or a maximum of twenty-four (24) months.
- e. Newly developed sites must identify a viable alternate SSTS location in addition to a proposed primary location.
- f. Approved inspection form for existing SSTS being replaced or modified on building site.
- g. If site is within an incorporated area the Department will notify the appropriate city administration.
- h. Additional information required by the Department to ensure compliance of this Ordinance, Chapter 7080 and Chapter 7081.

2. Application Not Required

Permits shall not be required for the following:

- a. Repair or replacement of pumps, floats, or other electrical devices.
- b. Repair or replacement of baffles in septic or pump tanks.
- c. Maintenance of septic tanks, pump tanks, or effluent filters.
- d. Repair or replacement of manholes and/or risers on septic tanks, and pump tanks.
- e. Repair actions upon approval by the Department that meets Chapter 7080 and Chapter 7081.

3. Application Denied

The Department may deny any application for failure to comply with this Ordinance, or other pertinent Ordinances. Written notice stating reason for denial shall be mailed to the applicant, licensed designer, installer, and Faribault County Commissioner of the

district. The permit application may be revised or corrected and resubmitted to the Department.

4. Permit Revoked

The Department may revoke any permit for failure to comply with this Ordinance or other pertinent Ordinances. Written notice stating reason for revocation shall be mailed to the permittee, licensed designer, installer, and Faribault County Commissioner of the district.

Permits can be revoked for, but not limited to, the following reasons:

- a. Permit issued based upon erroneous or inaccurate data supplied by the permittee.
- b. Permit issued based upon erroneous or inaccurate data supplied by the licensed designer.
- c. Unapproved alteration of the design by the permittee, licensed designer, and/or installer.
- d. Alteration of site without prior approval of the Department.
- e. Re-interpretation of rule by MPCA or the Department.

Permits shall be revoked until such time that issues are resolved with the Department.

5. Property Owners Doing Their Own Work

Whenever allowable by this Ordinance, property owners may install their own SSTS on owned property serving as their primary residence providing a licensed designer designs the system. Property owners are prohibited from altering an approved design during installation unless approved by the designer and the Department, any unapproved alterations shall cause the permit to be revoked. The designer is responsible to provide supervision to ensure proper application of their design. Failure to provide supervision shall cause the permit to be revoked until such time that issues are resolved with the Department. The designer shall provide a signed As-Built to the Department upon completion. Property owners doing their own work shall notify the Department before installation of a SSTS and comply with Section 23 of the Faribault County Zoning Ordinance.

6. Fees

- a. The County Board shall establish, by resolution, fees for permits required by this Ordinance.
- b. If SSTS work commenced prior to obtaining the required permit, the fee shall be doubled unless the Department deems work necessary to negate an imminent threat to public health or safety.
- c. Fees are due and payable at the time of permit application.
- d. Fees are non-refundable either in whole or in part unless otherwise authorized by the Department.

D. Section Four – Licensed Designer Responsibility

- a. All SSTS designs shall be in compliance with this Ordinance. Designs submitted to the Department shall be of sufficient detail and to scale as to allow adequate review for compliance by the Department.
- b. New Construction - All SSTS sites shall be identified before construction activities begin and be staked and fenced to prevent construction traffic from altering soil conditions. If construction traffic results in alteration of the soils, a

- revised design and permit application proposing another site shall be submitted to the Department along with the soils data and required fees.
- c. Existing Construction - The primary SSTS site for existing construction shall be adequately marked and fenced to keep the area secure until the system is installed. If traffic results in alteration of the soils, a revised permit application proposing another site must be submitted to the Department along with the required soil data and fees.
 - d. All designs shall comply with Chapter 7080 and Chapter 7081.
 - e. All SSTS designs will be based on MPCA soil texture and structure Table IX values or standard soil sizing values acceptable to the Department.
 - f. Holding tank designs are not allowed for new construction.
 - g. SSTS designs are not allowed in floodplains for new construction.
 - h. Type IV and Type V SSTS designs are allowed only by approval of the Department.
 - i. The licensed designer is responsible to develop operation and maintenance plans for all MSTs and Type IV and V SSTS prior to issuance of a permit.

E. Section Five – Inspection and Installation Requirements

1. Inspection Requirements for Construction, Repair, and Replacement of SSTS.

- a. Inspections for construction, replacement, alteration or repair work on SSTS shall be conducted by the Department.
- b. Access to Premises and Records. Upon the request of the Department, 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 Ordinance.
- c. Interference Prohibited. No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
- d. Mound and At-Grade Systems
 1. When tanks are installed
 2. When construction material is delivered
 3. When installation is completed, the installer is required to make an As-Built sketch of the SSTS and keep this record for a minimum of five (5) years.
- e. Rock, gravelless trench, chambered media, and pressurized bed systems
 1. When tanks are installed
 2. After placement of the distribution medium but prior to cover.
 3. When installation is completed, the installer is required to make an As-Built sketch of the SSTS and keep this record for a minimum of five (5) years.
- f. Holding tanks
 1. When tanks are installed
- g. Installation inspections shall be made prior to any work being covered by backfill. Work which is backfilled prior to required inspection may be ordered to be uncovered whenever necessary to determine compliance.
- h. The licensed installer shall be responsible to notify the Department within forty-eight (48) hours before an inspection or re-inspection is requested.

- i. Additional inspections or evaluations may be specified for the repair, replacement of an existing system, or construction of a new system at the time the SSTS permit is issued. These requirements shall be provided by the Department to the permittee at the time the permit is issued.
- j. If the Department is unable to complete an inspection, it shall be the responsibility of the licensed installer to take photographs of each phase of the installation. A Certificate of Compliance will not be issued until the Department has reviewed and approved the installation photographs.
- k. It shall be the responsibility of the licensed installer that the entire system is installed in strict accordance with the design as approved by the Department. If the system is not or cannot be constructed as designed, it shall be the responsibility of the licensed installer to inform the designer and the Department. If proposed changes are approved by the designer and the Department it shall be the responsibility of the licensed installer to submit new or amended designs to the Department before completing construction.
- l. All documentation including As-Built drawings shall be submitted to the Department prior to the issuance of a Certificate of Compliance.
- m. Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, installing, or repairing any SSTS.

2. Compliance Inspection for Existing SSTS

- a. If an inspection is conducted as part of a compliance inspection and/or the disclosure required by M.S. 115.55, subd. 6, as it may be amended from time to time, such party must be licensed in accordance with MPCA rules and regulations and the Certificate of Compliance or Notice of Noncompliance provided to the property owner and shall be provided to the Department within 30 days of the inspection.
- b. All inspections are required to be submitted on an MPCA/Department approved inspection form.

3. Building and Zoning Permits

- a. All applications for building permits and zoning permits shall submit either a Certificate of Compliance or valid Inspection Form at the time of application for any permit; except in the case of the following:
 - 1. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - 2. The existing dwelling or other building(s) are not habitable, based upon documentation submitted by the owner(s) to the Department.
 - 3. All dwellings or other buildings with running water are connected to a municipal wastewater or treatment system.
 - 4. Non-Structural improvements to property (ie. Windows, Doors, Siding, Roofing.)
 - 5. Delay of SSTS Construction Form is completed by the landowner, and approved by the Department.

4. Property Transactions

- a. The SSTS Property Transaction Form along with any required attachments shall be provided by the seller to the buyer at or before closing.

- b. If a Certificate of Compliance is required it shall be completed by a licensed inspector and must indicate the SSTS is in compliance with Minnesota Rules Chapter 7080/7081 as amended.
- c. In the event that one of the exemptions listed in Section 5 Subp. 5 of this Ordinance apply, the SSTS Property Transaction Form shall be signed by both parties to the transaction.
- d. The SSTS Property Transaction Form along with any required attachments shall be filed with the Faribault County Auditor.
- e. Owners with systems considered a Class V well, shall submit information to EPA for inventory purposes.

5. Exempt Transactions

The compliance inspection need not be completed if the sale or transfer involves the following circumstances:

- a. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures;
- b. The existing dwelling or other building(s) are not habitable, based upon documentation submitted by the owner(s) to the Department;
- c. The transfer is a foreclosure of tax forfeiture;
- d. A refinance of a property;
- e. The sale or transfer completes a Contract for Deed entered into prior to June 19, 2007. This division applies only to the original venter and vendee on such a contract;
- f. All dwellings or other buildings with running water are connected to a municipal wastewater or treatment system.
- g. Any transfer that does not require a Certificate of Real Estate Value (CRV).

6. Follow Up Performance Evaluations

The Department reserves the right to conduct performance evaluations on randomly selected SSTS serving Faribault County to evaluate performance.

- a. Upon request of the Department, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records.

7. Faribault County Loan Program

- a. The Faribault County Board, by resolution, may establish policy for inspection of SSTS involving Faribault County's Loan Program. These inspections must be performed under policy guidelines and include review of pumping records.

8. Fees for Inspection

- a. The Faribault County Board may establish, by resolution, fees for inspection required by this Ordinance.

F. Section Six – Failing and Non-Compliant Systems

- 1. All septic systems not in compliance with this Ordinance and MPCA Chapter 7080 and 7081 shall be brought into compliance prior to issuance of any permit or variance related to the site unless listed as exempt in Section 5 Subp. 5 of this Ordinance.

2. Identified non-compliant systems shall be brought into compliance within ten (10) months of identification.
3. Identified ITPHS systems shall be brought into compliance within ten (10) months of identification.
4. Discharge of sewage without NPDES permit issued by MPCA will be considered an ITPHS and is prohibited.
5. Publicly owned sewer systems shall be utilized when available.
6. Systems identified by Transfer of Property shall be brought into compliance within ten (10) months except in the case of an exempt transaction, see Section 5, Subp. 5.
7. All septic systems not in compliance with this Ordinance and MPCA Chapter 7080 and 7081 shall be upgraded within five (5) years of June 19, 2007 to conform to the provisions hereof and MPCA Chapter 7080 and 7081.
8. Systems located within municipalities not in compliance with this Ordinance, 7080 or 7081 shall be brought into compliance within five (5) years of June 19, 2007 unless municipality has more stringent requirements or timetables for compliance.

G. Section Seven – Maintenance

1. Pumping
 - a. The owner of any SSTS shall have their septic tank or tanks properly cleaned at least once every three (3) years or sooner, if necessary, in order to prevent the sludge from reaching any point closer than twelve (12) inches from the bottom of the outlet baffle, or the scum from reaching a point closer than three (3) inches above the bottom of the outlet baffle.
 - b. Maintenance of septic tanks or pump tanks should only be done by an MPCA licensed professional.
 - c. Homeowners may only maintain septic tanks or pump tanks on owned homesteaded property that serves as their primary residence, doesn't include a business that provides services to the general public, and can be applied on owned property and applied at a safe and agronomic rate.
 - d. Pumping records must be maintained by the owner of the system. The owner may choose to have the records maintained by the Department but the owner retains the responsibility of providing records to the Department.
2. Repair and Maintenance
 - a. The owner of any SSTS shall be responsible to repair and maintain in accordance to Minnesota Chapter 7080/7081 as amended.
 - b. Repairs are not allowed on Non-Compliant SSTS.
 - c. Written management plans may be required for new and replacement SSTS by the department.
3. Removal of Septage
 - a. All septage removed from septic tanks, holding tanks, and pumping chambers shall be removed from the site in sealed containers and shall be disposed of in accordance with state, federal, and local requirements.
 - b. Handling and disposal of septage shall meet Chapter 40 Code of Federal Regulations pt.503, as amended.
 - c. Land application of septage shall meet setback requirements identified in the Faribault County Feedlot Ordinance for the application of manure, as amended.

- d. Septage may be disposed of in a municipal sewage treatment plant only with the authorization of the plant operator. The government entity owning such a plant may also require a permit or other written authorization before disposal of septage at their facility.

H. Section Eight-Abandonment / Removal of SSTS

1. Abandonment or removal of all SSTS shall be in accordance with 7080/7081.
2. Owners of SSTS to be removed shall notify the department.

I. Section Nine – Setback Variances

An affected property owner or designated representative may request a setback variance from the specific requirements of this Ordinance. The Department shall have the authority to grant variances when the purposes and intent of the variance are consistent with this Ordinance, Faribault County's Zoning Ordinance and the Faribault County Comprehensive Local Water Management Plan.

1. No variance shall be granted except under the following circumstances:
 - a. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, soil conditions or other circumstances which the landowners have no control of.
 - b. Variance approval shall not adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or damaging to property or improvements in the area adjacent to the property of the applicant, and that granting of the Variance will not adversely impact water quality.
 - c. Variances pertaining to well setbacks are governed by MN Rules Chapter 4720 and 4715 and may only be approved by the Minnesota Department of Health.

J. Section Ten – Administration and Enforcement

1. Duties of the Department
 - a. The Department has the authority to administer and enforce this Ordinance.
 - b. The Department's authority includes, but is not limited to, the following:
 1. Inspect new, repaired, or replaced SSTS and septage disposal sites in Faribault County as provided in this Ordinance.
 2. Issue Certificates of Compliance for new, repaired, or replaced systems.
 3. Investigate complaints of violations of this Ordinance including MPCA Chapters 7080/7081.
 4. Recommend that legal proceedings be initiated by the Faribault County Attorney to compel compliance with the provisions of this Ordinance.
 5. Advise, consult and cooperate with the public and other governmental agencies in the furtherance of this Ordinance.

6. Arbitrate any disputes between SSTS professionals, SSTS owners, or any combination of the above.
7. Issue order:
 - a. To suspend or revoke permits issued under this Ordinance;
 - b. To stop actions which constitute a violation of this Ordinance;
 - c. To correct systems determined by the Department to be in a state of failure or determined to be otherwise in violation of this Ordinance;
 - d. To cease and prevent from use any system which is operating in a manner creating a hazard to public health, safety or welfare.
2. Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing any SSTS.
3. Any appeals of a Department order shall be filed with the Department within thirty (30) days of issuance of the order.
4. Access to Premises and Records – Upon the request of the Department, 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 purpose of regulating and enforcing this Ordinance.
5. Interference Prohibited – No person shall hinder or otherwise interfere with the Department in the performance of duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
6. Penalties
 - a. Responsibility – It is the responsibility of the owner of a failing SSTS to notify the Department and submit a plan for the abatement of the failure to the Department.
 - b. Time Frame – When the Department becomes aware of a failing or ITPHS SSTS, the Department may require the following:
 1. The owner of the SSTS shall respond to the Department within five (5) working days of notification by the Department by submitting a plan for abating the discharge.
 2. The owner of the SSTS shall repair or replace the failing system consistent with this Ordinance and Minn. Rules Chapter 7080/7081, as it may be amended from time to time.
 3. The Department may require that the owner of an ITPHS system pump the septic tank as an interim abatement measure if the Department determines that the failing system is an ITPHS.
 - c. Misdemeanor – Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - d. Stop Work Orders – Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice personally served upon the owner or installer of the SSTS. All activities shall cease and desist until subsequent authorization to proceed is received from the Department.
 - e. Injunctive Relief and Other Remedies – In the event of a violation or a threat of a violation of this Ordinance, Faribault County may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct

- or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the Faribault County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.
- f. After all appeal rights have been used, any septic system that is in violation with the provisions of this Ordinance shall be assessed a \$250.00 per month penalty by the Department.

7. Appeals

- a. Hearing - An appeal from a Department order shall be heard by the Faribault County Board of Adjustment within sixty (60) days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant and the officer, from whom the appeal is taken, and to the public and decide the same within ninety (90) days of the hearing.
- b. Stay of Action – An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.
- c. Action to Faribault County Board of Adjustment – The Board of Adjustment may reverse or affirm wholly or partly or may modify the order appealed from and to that end shall have all of the power of the officer from whom the appeal was taken. The reasons for the Board of Adjustment’s decision shall be stated in writing.
- d. Fees for the Variance process shall be set annually by the Faribault County Board of Commissioners.

SECTION 24 - 911 RURAL SIGNING ORDINANCE

A. INTENT AND PURPOSE

The purpose of these regulations is to provide for the establishment of an official plan for the implementation of "911" signing and to provide for the administration thereof. This ordinance has been designed to be compatible with the Enhanced 911 Emergency Telephone System established by Minnesota Statutes, Chapter 403. The 911 Rural Signing Ordinance of Faribault County is hereby adopted pursuant to authority contained in Minnesota Statutes, Chapter 394, commonly known as the County Planning and Zoning Enabling Legislation. The effective date of the herein ordinance is the date of adoption by the County Board.

B. APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect or construct a building within the confines of Faribault County without applying for and maintaining a 911 Rural Sign.

C. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and to facilitate the most reasonable application of the ordinance.

- a. County. Faribault County, Minnesota
- b. 911 Rural Signing Ordinance Committee. The committee will be comprised of two County Commissioners; two members from the County Highway Department; County Planning and Zoning; and the Sheriff's Department.
- c. County Board. The Faribault County Board of Commissioners.
- d. County Engineer. The Registered Professional Engineer employed by the County unless otherwise stated.
- e. Emergency Services Agency, Public or Private. Any agency providing police, fire, rescue, or emergency medical services; whose service area boundaries are established by Minnesota Statute or the Commissioner of Public Safety, and which is dispatched through the Public Safety Answering Point (PSAP).
- f. Emergency Service Number or Area (ESN). The area included within the boundaries of a specified area served by a public or private emergency services agency(ies).
- g. Planning & Zoning Department. The organization of the Planning Commission and staff of the Planning & Zoning Department.

- h. Pedestrian Way. A public right-of-way across or within a block to be used by pedestrians.
- i. Person. Any individual, firm, association, syndicate or partnership, corporation trust, or any other legal entity.
- j. Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.
- k. Sub-divider. Any person proceeding under the ordinance to effect a subdivision of land for themselves or for another.
- l. Subdivision. A platted development of small lots, out lots, and streets approved by the County Board and recorded in the County Recorder's office that may not be based on a generalized base of grid pattern street systems.
- m. Utilities. Shall refer to all utility service providers, whether the same be government owned facilities or furnished by private utility companies.

D. EXEMPTIONS

- a. Bare farmland will be exempt from 911 numbering and signing.

E. GENERAL STANDARDS

- a. Faribault County shall charge back to each township the cost of sign/post relating to the initial procurement and installation of the numbering system located within each township in the year of 2004. The property owner for residential signs shall pay for replacement costs or new installations from the effective date of the herein ordinance on the date of adoption by the County Board.
- b. All persons, firms, corporations, and other legal entities constructing new structures in unincorporated areas of the County, shall obtain an address notification form, issued by the office of Planning & Zoning Department.
- c. No utility company operating in the county shall furnish its utility services to any new structure until it has been issued a valid address by the office of Planning & Zoning Department.
- d. The office of Planning & Zoning Department shall furnish the applicant with sufficient copies of the address notification form. The office of Planning & Zoning Department will notify the Faribault County Law Enforcement Center representatives for 911 updates and the Faribault County Highway Department. The applicant must notify the United States Post office, telephone service, Faribault County Assessor's Department, and Faribault County Auditor- Treasurer's Department and the utility companies as needed. The office of Planning & Zoning Department shall maintain a record of all addresses issued.

- e. In the event that a building site is removed for whatever reason the property owner is responsible to notify the County Planning & Zoning Department. Planning & Zoning will notify the County Highway Department to remove the 911 Rural Address Sign. Failure to notify the Planning & Zoning Department will constitute a disregard of this ordinance will follow the same guidelines as determined in the Compliance Section.

F. IMPLEMENTATION

The Faribault County Sheriff's Department by authority of the County Board of Commissioners shall administer the Rural Addressing Ordinance. The Planning Commission, Faribault County Law Enforcement Center, Faribault County Highway Department, Faribault County Assessor's Department, Faribault County Attorney's Office and the Faribault County Auditor-Treasurer's Department shall provide technical assistance to the Planning & Zoning Department.

- a. Within a reasonable period of time after the receipt or notification of such number, a sign or number post shall be erected by the Highway Department. This sign will be of the conditions or descriptions as set forth in Section I of the Faribault County Zoning Ordinance. If in the case of a new subdivision being approved for house signs the following conditions or description will be as set forth in Section I of the Faribault County Zoning Ordinance.
- b. The applicant shall remove any different number or signs that might be mistaken for or confused with the number assigned to said structure by the issuing authority.
- c. The applicant shall assume costs of individual rural address numbers and other related signing materials. (except the initial cost which was absorbed by the townships). The applicant shall pay the costs for 911 signing materials to Planning & Zoning Department as part of the building permit fee. These fees are set forth by the County Commissioners yearly.

G. COMPLIANCE

- a. All persons, firms, corporations, and other legal entities constructing new structures in unincorporated areas of the county, shall obtain an address notification form, issued by the office of the Planning & Zoning Department. Coordinates shall be verified and addresses issued by the office of Planning & Zoning Department as part of the construction permit issuance process when application is made to locate a new residence or other commercial venture within the County.
- b. No utility company operating in the county, shall furnish its utility services to any new structure until it has been issued a valid address by the office of the Planning & Zoning Department.

- c. When a new subdivision plat is recorded or whenever a new road is established by other means it shall be the responsibility of the sub-divider or individual petitioning to establish the road to provide a sign which conforms to the County Design and Placement Standards for street signs as set forth in this ordinance. It shall be determined if a new subdivision plat is to have individual house numbers or street signs. 911 Rural Signing Ordinance Committee shall determine the means of 911 signing to new subdivisions.
- d. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance said owner or occupant shall be subject to criminal penalties by legal means deemed under this ordinance.
- e. Every owner of a structure shall be responsible to maintain the original location as placed by the County Highway Department in this ordinance. It will be the responsibility of every owner to maintain visual sight of the 911 sign in all directions. The sign must remain clear of weeds, brush, trees, etc.
- f. The cost of replacement if destroyed by accident will be solely that of the landowner.
- g. Willful disregard or repeated violation of the ordinance after written notice of the violation and failure to perform the duties described in (d.) and (e.) may result in the criminal prosecution as a misdemeanor as defined by Minnesota Statutes.
- h. The owner of the structure will be notified in writing that missing or illegible signs must be replaced within ten (10) days after written notice requesting such replacement. The County Highway Department should be contacted if Gopher One assistance is required to return the sign to the correct location. After the ten (10) day notice has expired the owner of the property will be notified in writing of the failure to comply with the terms of this ordinance and shall be assessed all cost for any work by county employees, necessary to comply with this ordinance. The replacement of the sign will be performed by the County Highway Department within (60) days of the second notice. Criminal penalties by legal means will also be implemented at this time as stated in (g).

H. SIGNING

- a. The County Board shall adopt a standard for 911 Rural Sign design and a standard for sign placement as designated by this ordinance. Said adopted Sign Design Standard shall be designated as:
 - 1. Steel U-shaped channel post shall conform to SP 80 ASTM 1-91# rail minimum, ST100 and shall have a minimum yield tensile strength of 60,000 psi. The posts shall have a unit weight of 1.12 lb. per foot and be manufactured from hot-dip galvanized steel conforming to ASTM A-525 or AASHTO M-120 coating requirements. All posts shall have 7/16-inch diameter pre-drilled or pre-punched holes on 1 inch centers for the full length of the post. Hole fabrication shall be performed prior to coating. Posts shall be eight (8) feet in length. Posts shall be driven four (4) feet into the ground.

2. Signs shall be fastened to posts with the appropriate sized stainless steel hex head cap screws and stainless steel nylon insert lock coarse thread nuts (nylon washers included). Two (2) fasteners and nylon washers per sign are required.
 3. Sign blanks shall be 0.080 inch aluminum flat blade. Blanks shall be made of aluminum conforming to ASTM B 209 for Alloy 5-052-H38 or 6061-T6 and the following:
 - Sign blanks shall be 6" X 16" and punched for one (1) post mounting for residential address signs. Sign mounting holes shall be 7/16-inch diameter and located one-half (½) inch from the top and bottom edge at one and onehalf (1-1/2) inches from one end of the blank.
 - All sign blanks shall be etched and degreased prior to the application of retro-reflective sheeting.
 - All sign blanks shall be completely free from defects including wind and twist.
 4. All retro-reflective sheeting applied to the blanks supplied for this project shall meet or exceed the requirements of High Intensity Grade and the following:
 - Colors shall be white numbers on a green background without a border.
 - All numbers shall be 4 inch Upper Case Series C.
 - Fabrication of sign faces may be screen print, by pre-cut characters or by colored transparent overlay film.
 - Signs shall be double faced so the residential number is visible from both sides.
- b. The County Board shall adopt a standard for 911 House Number Signs as designated by this ordinance for subdivisions. Said adopted 911 House Number Sign Design Standard shall be designated as:
1. A minimum of a seven (7) inch in height with a color contrast to the color of the house.
 2. Each 911 House Number must be in Arabic numerals.
 3. The cost for this 911 House Number Sign will be entirely the responsibility of the homeowner.

I. SIGN PLACEMENT

- a. The placement of the 911 Rural Sign will be as follows:
 1. Placement at the discretion of the Faribault County Highway Department.
 2. Must be visible from both sides of the sign on the right of way.
- b. The placement of the 911 House Number Sign will be as follows:
 1. Each owner of the building in the subdivision must post the correct 911 house number of the building in a conspicuous place on the front of the building.
 2. The numbers must be lighted or of a reflective material.
 3. The numbers must be posted on the building surface nearest the street or avenue.
 4. These numerals must be at a height and position so that the numerals can be easily read by a person of normal vision while seated in an emergency vehicle located in the street.

SECTION 25 - ADMINISTRATION AND ENFORCEMENT

A. Faribault County Zoning Administrator (FCZA)

1. The office of the FCZA is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the county as it may deem proper. The term of the office of the FCZA shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
2. The duties of the FCZA shall include the following:
 - a. Enforce and administer this ordinance;
 - b. Issue building permits and maintain records thereof;
 - c. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for conditional use permits, and issue such permits upon the order of the board.
 - d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
 - e. File certified copies of any conditional use permit or order issued by the Board of Adjustment acting upon a request for a variance or appeal with the County Recorder for record;
 - f. Receive and forward to the Board of County Commissioners and County Planning Commission all applications for amendments to this ordinance;
 - g. Inspect all construction and development to ensure that the standards of this ordinance are being complied with;
 - h. Provide and maintain a public bureau relative to matters arising out of this ordinance; and
 - i. Maintain the County Zoning Map as required in SECTION 5.

B. Enforcement

1. It shall be the duty of the FCZA to enforce this ordinance through the proper legal channels.
2. When any work shall have been stopped by the FCZA for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.

SECTION 26 - PLANNING COMMISSION

A. Creation

1. The Planning Commission established by the Resolution of the Faribault County Board of Commissioners of County Commissioners of April 20, 1964 is hereby continued in full force and effect as is hereinafter provided and as provided by M.S. 394.312, Chapter 571, Laws of 1974, as amended. Such Commission shall consist of ten (10) members who shall be appointed by the Chairman of the Board of County Commissioners and whose terms of office shall be as hereinafter provided.
2. The Planning Commission shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
3. The meetings of the Planning Commission shall be held at the call of the chairman and at such other times as the commission in its rules of procedure may specify.

B. General Provisions

1. At least two members of the Planning commission shall be residents of the portion of Faribault County outside the corporate limits of municipalities.
2. The Chairman of the Board of County Commissioners shall designate one (1) member of the Board or at the Chairman's discretion, one (1) other officer or employee of the county, to be a voting member of the Planning Commission, but in no instance shall there be more than one (1) person, who is otherwise an officer or employee of the county, as a voting member of the Planning Commission.
3. The Board of County Commissioners may designate up to three (3) officers or employees of the county as Ex-officio, non-voting members of the Planning Commission.
4. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his income from business operations involving the development of land within the County for urban and urban related purposes.

C. Powers

1. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board any amendments to this ordinance as well as any additional forms of official controls which may be adopted pursuant to the provisions of Section 394.21 to 394.27, Minnesota Statutes, Chapter 571, Laws of 1974, as amended.

2. The Planning Commission shall hold hearings and recommend the order of issuance of conditional use permits by the Board in accordance with the provisions of SECTION 16 of this ordinance, as well as hold hearings and recommend the adoption of any amendment to this ordinance by the Board in accordance with the provisions of SECTION 29 of this ordinance.

D. Terms of office

1. All present members of the Planning Commission who have been appointed in accordance with the provisions of the Resolution of the Faribault County Board of Commissioners of Commissioners of April 20, 1964 and by appointment of the County Board of Commissioners on April 15, 1975, shall remain in office from the effective date of this ordinance until the expiration of their term of office pursuant to that resolution.
2. Upon the expiration of the term of office of the County Commissioner serving on the Planning Commission at the first meeting of the Board in the year subsequent to the effective date of this ordinance, the Chairman of the Board at that meeting shall appoint a County Commissioner, or at the discretion of the Chairman, any other officer or employee of the County, to the Planning Commission. The term of office of this appointee shall be one (1) year, and his term shall expire at the first meeting of the Board of each subsequent year, at which time the Chairman of the Board shall make a new appointment. The Planning Commission member holding this one (1) year term may be re-appointed each year and there shall be no limitation on the number of terms which this appointee may serve.
3. Upon the expiration of the terms of office of the other nine (9) members of the Planning Commission who are serving in that capacity on the effective date of this ordinance pursuant to the Resolution of April 20, 1964 and by appointment of the County Board of Commissioners on April 15, 1975, the Chairman of the Board shall make a new appointment for each seat on the Planning Commission. The term of office for each of these members shall be for a period of three (3) years from the expiration of the previous term. There shall be no limitation on the number of terms which an appointee to the Planning Commission may serve and the Chairman shall make new appointments as each term expires.

Those three (3) year terms that are due to expire on April 20, 1995, April 20, 1996 and April 20, 1997 shall expire on December 31 of the previous respective year. Appointments and/or reappointments are effective on January 1 of the year following the expiration. Terms of office thereafter shall become effective January 1.

4. The three(3) ex-officio members of the Planning Commission who are serving in that capacity on the effective date of this ordinance pursuant to the Resolution of April 20, 1964, shall continue in that capacity at the pleasure of the Board and only so long as that ex-officio member remains an officer or employee of the county. Whenever the term of an ex-officio member of the Planning Commission terminates for either of the preceding reasons, the Board shall make a new appointment. The term of the office for each new ex-officio member of the Planning Commission shall continue at the pleasure of the Board and only so long as the member remains an officer or employee of the county.

5. Vacancies on the Planning Commission shall be filled as soon as practical after the vacancy occurs. Such appointment shall be for the unexpired term of the former member.
6. Any member of the Planning Commission may be removed from the Commission by the Board of County Commissioners for incompetence, misconduct or negligence shown after a hearing before the County Board of Commissioners, upon due notice and upon stated charges in writing and on the concurring vote of four (4) members of the County Board of Commissioners. The member of the Commission charged with conduct or activity which is alleged to be grounds for removal shall be given adequate notice of any charges made against him and sufficient time to prepare a defense against such charges.
7. The County Board of Commissioners may terminate an appointee of the Planning Commission who fails to attend three (3) consecutive meetings for other than personal health reasons.

SECTION 27 - BOARD OF ADJUSTMENT

A. Creation and Membership

1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 394.27 as amended.
2. The Board members shall be appointed by the Board of County Commissioners, which may also appoint one alternate member of the Board of Adjustment. If appointed, the alternate member shall, if directed by the Chairman of the Board of Adjustment, attend all meetings of the Board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the Chairman. The Chairman shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. The Board members shall be appointed for terms coinciding with terms on the County Planning Commission. The FCZA shall act as Secretary of the Board.
3. The Board of Adjustment shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
4. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.

B. Powers

1. The Board of Adjustment shall have the exclusive power to order the issuance of a variance in accordance with the provisions of SECTION 28 of this ordinance.
2. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any Ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes Chapter 571, Laws of 1974, as amended.

C. Appeals and Findings

1. Any person aggrieved or any officer, department, board or bureau of a town, municipality, county or state objecting to the ruling of any administrative official on the administering of the provisions of this ordinance or other ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 571, Laws of 1974, as amended, shall have the right to appeal to the Board of Adjustment.
2. The Board of Adjustment shall not grant an appeal unless it finds the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

- a. That the ruling appealed from is clearly erroneous, as determined by:
 1. The ruling was based upon a grave misapprehension of the relevant facts, or
 2. The ruling resulted from a clearly improper application of the terms of this ordinance to the relevant facts, or
 3. The ruling was an abuse of the discretionary authority of the official issuing it, or was a result of bad faith on the part of that official.
- b. The burden of showing the erroneousness of the ruling shall be on the applicant with all doubts resolved in favor of upholding the ruling.

D. Procedure

1. Application for any appeal permissible under the provisions of this SECTION shall be made to the Board of Adjustment within thirty (30) days of the issuance of the order, requirement, decision or determination appealed from in the form of a written application for a Building Permit or for a permit to use the property or premises as set forth in the application. upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the county and appropriate newspaper of general circulation in the area concerned if there be one.
2. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.
3. The Board of Adjustment shall thereupon make its decision upon the application within fifteen (15) days of the public hearing. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.
4. A certified copy of any order issued by the Board of Adjustment acting upon an application for an appeal shall be filed by the FCZA with the County Recorder for record. The order shall include a legal description of the property involved.
5. All decisions by the Board of Adjustment in hearing appeals shall be final except that any aggrieved person or any department, board or commission within the county or the state, shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the Faribault County District Court on questions of law and fact.

SECTION 28 - VARIANCES

A. General Provisions

1. Any person, firm, corporation, or any other organization or entity having an interest in real property which is subject to the provisions of this ordinance may apply to the Board of Adjustment for a variance from those provisions, in accordance with this section.

The Board of Adjustment shall have the exclusive power to order the issuance of variances.

No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

B. Grounds for a Variance

1. A variance shall be granted only when:
 - a. It is in harmony with the general purpose and intent of this ordinance, and
 - b. There are practical difficulties or particular hardship in the strict application of the provisions of this ordinance.
2. The terms "difficulties" and "hardship" as used in paragraph 1-b above mean that the property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance.
3. The plight of the applicant for a variance must be due to circumstances unique to the property and not created by the applicant, and it must relate to the property rather than to a personal preference or idiosyncrasy of the applicant.
4. Economic considerations alone shall not constitute a difficulty or hardship for the purpose of granting a variance if a reasonable use for the property exists under the terms of this Ordinance.
5. The variance, if granted, shall not alter the eventual character of the locality.
6. In granting a variance the Board of Adjustment may impose such further conditions as it deems necessary to ensure compliance with the provisions of this ordinance and to protect adjacent properties and the public interest.
7. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be requested by the Board to demonstrate the nature and extent of the effect before the Board grants the variance.

C. Procedure

1. An application for a variance shall be filed with the FCZA on the form prescribed for that purpose by the Board of County Commissioners. The application must contain the name of the applicant, a legal description of the affected property and the applicant's relation thereto, the specific provision or provisions of the ordinance from which the variance is requested, and the grounds therefore which must be in accordance with the provisions of this SECTION, and must be signed by the applicant. At the option of the FCZA and/or the Board of Adjustment, the application shall be accompanied by a site plan showing pertinent information including, but not limited to:
 - a. Description of site (legal description).
 - b. Site plan drawn at scale showing parcel and building dimensions
 - c. Location of all buildings and their square footage
 - d. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks
 - e. Landscaping and screening plans
 - f. Drainage plan
 - g. Sanitary sewer and water plan with estimated use per day
 - h. Soil type
 - i. Any additional data reasonably required by the FCZA and/or Board of Adjustment
2. Upon receipt of an application for a variance, the FCZA shall make an initial determination that the application complies with paragraph C-1 of this SECTION, and if so, shall forward the application to the Board of Application.
3. The Board of Adjustment upon receipt of a proper application for a variance shall set a time and place for a public hearing before the Board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place and purpose of the hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned, if there be such a newspaper.
4. In addition to the published notice, written notice of a public hearing concerning the application for a variance shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance is proposed. Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of

the public hearing. All municipalities within two (2) miles of the proposed variance shall be given proper notice.

5. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenth (1/16) of a section that are required to totally encompass the area subject to the variation from the terms of this ordinance.
6. The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.
7. A certified copy of an order of the Board of Adjustment either granting or denying an application for a variance shall be filed by the FCZA with the County Recorder for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.
8. All decisions by the Board of Adjustment in granting or denying a variance shall be final except that any aggrieved person or persons, or any department, board of commission within the county or state shall have the right to appeal within thirty (30) days, after receipt of notice of the Board's decision, to the Faribault County District Court on questions of law and fact.

D. Fees

1. To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

SECTION 29 - AMENDMENT

A. Application

1. This ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this SECTION.
2. Proceedings for amendment of this ordinance may be initiated by:
 - a. A petition of the owner or owners of the actual property, or
 - b. A recommendation of the County Planning Commission, or
 - c. By action of the Board of County Commissioners.
3. An application for an amendment shall be filed with the FCZA.

B. Public Hearing and Notice

1. Upon receipt in proper form of the application and other requested material, the Faribault County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission at least ten(10) days in advance of each hearing, notice of the time, place, and purpose of such hearing shall be published in the official paper of the county and in a newspaper of general circulation in the town, municipality, or other area concerned if there be such a newspaper.
2. In addition to the published notice, written notice of a public hearing concerning the application for an amendment shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or one-half (1/2) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the amendment is proposed. Such written notice shall be sent postage prepaid in the U.S. Mails and shall state the time and place of the public hearing. Also, written notice of each hearing on a proposed amendment shall be sent to the governing bodies of all towns and municipalities in the county.

C. Authorization

1. Following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the FCZA within sixty (60) days after the hearing. The Board of County Commissioners may not take any action on the proposed amendment until it has received the recommendation of the Planning Commission.

2. Upon the filing of such report or recommendation, the Board of County Commissioners may hold such additional public hearings upon the amendment as it deems advisable. After the conclusion of the hearings if any, the Board of County Commissioners may adopt the amendment or any part thereof on such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Board concur in its passage.
3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.
4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

D. Fees

1. To defray the administrative costs of processing requests for an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the Petitioner. Such fee shall be determined by the Board of County Commissioners.

SECTION 30 - VIOLATIONS, PENALTIES, AND ENFORCEMENT

A. Violations and Penalties

1. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

B. Enforcement

1. This ordinance shall be administered and enforced by the FCZA, who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
3. Any taxpayer or taxpayers of the county may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

SECTION 31 - VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 32 - REPEAL

The existing zoning regulations (text and map) of Faribault County, adopted May 7, 1968, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Faribault County Zoning Ordinance adopted May 7, 1968, as amended, if the violation is also a violation of the provisions of this Ordinance.

SECTION 33 - DATE OF EFFECT

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 27th day of December, 1994.

Chairman, Board of County Commissioners

Attest: _____, County Auditor

Recommended by: The County Planning Commission

Dated December 14, 1994.

DATES OF AMENDMENTS

Section 11 - B-1 HIGHWAY SERVICE BUSINESS DISTRICT – Amended August 2, 2004

Section 21 - FARIBAULT COUNTY TOWER ORDINANCE – Adopted March 1, 2005

Section 22 - FARIBAULT COUNTY FEEDLOT ORDINANCE – Adopted September 24, 1997
Amended December 1, 2004

Section 23 – SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE – Adopted
June 19, 2007
Enacted August 1, 2007

Section 24 - 911 RURAL SIGNING ORDINANCE – Adopted October 19, 2004