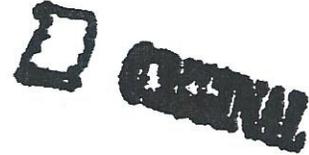


12.22.2010



Helga Township Land Use Ordinance

The Board of Supervisors of the Town of Helga ordains:

This ordinance, which shall be known as the Helga Township Land Use Ordinance (this "Ordinance"), is adopted pursuant to the Town Board's authority under Minnesota Statutes, section 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

ARTICLE I PURPOSE

The purpose of this Ordinance is to ensure, promote, and protect the health, safety, and general welfare of present and future inhabitants of Helga Township by securing the most appropriate use of the land, by preventing undesirable uses of the land, by preventing undue concentration of the population, by providing for the orderly development of undeveloped areas, by encouraging and facilitating adequate and economical provision of transportation, water supply, sewage disposal, and other public facilities, and by otherwise protecting and preserving the attractive, stable, and wholesome environment of Helga Township.

ARTICLE II DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning hereinafter indicated in this Article unless specifically stated otherwise. Any term not defined in this Article shall have the meaning given it in the Minnesota Statutes or Minnesota Rules to the extent the term is given a specific definition therein. Any term not defined in this Ordinance or in state law shall have the ordinary meaning given the term in the context in which it is used in this Ordinance. Words used in the present tense shall include the future; words in the future shall include the present; words used in the singular shall include the plural; words used in the plural shall include the singular; the word shall is mandatory and not discretionary; the word persons includes any individual, firm, association, syndicate, partnership, joint enterprise, corporation, trust, or any other legal entity.

1. **Abandoned Sign:** A sign located on a property which is vacant or unoccupied for a period of 90 days; or a sign which is damaged, in disrepair or vandalized and not repaired for within 90 days.
2. **Accessory Buildings and Use:** A subordinate building or use which is incidental to and customarily connected with the principal building or use and which is located on the same lot with such principal building or use.

3. **Apartment:** A part of a building consisting of a room or suite of rooms for rental purposes, containing sleeping, cooking, eating, living and sanitation facilities and intended, designed or used as a residence by an individual or a single family.
4. **Apartment Building:** A building containing five or more apartments.
5. **Billboard:** Any structure or portion thereof on which lettered, figured or pictorial matter is displayed that has a sign area of 250 square feet or more.
6. **Building:** Any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, including a mobile home.
7. **Commercial use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
8. **Condominium:** A form of individual ownership within a multi-family building with owners responsible for maintenance and repairs. Each dwelling unit is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
9. **Directional Sign:** A sign which provides entrance or on-site circulation information that directs the public to a parcel where a business or use is located.
10. **Duplex, triplex or quadplex:** A dwelling structure having two, three or four dwelling units respectively, for rental purposes, being attached by common walls and/or floors each unit having separate sleeping, cooking, eating, living and sanitation facilities.
11. **Dwelling:** Any building or portion thereof which is designed and/or used for human habitation.
12. **Dynamic Display:** Any characteristic of a sign that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the image on the sign face to change without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input,

"digital ink" or any other method of technology that allows the sign face to present a series of images or displays.

13. **Family:** One or more persons related by blood, marriage or adoption occupying a dwelling unit as a single housekeeping unit. A family may include more than two persons not related by blood, marriage or adoption as defined by Minnesota Statutes, Section 462.357.
14. **Farm:** An area which is used for the growing and storage of the usual farm products and the raising of the usual farm animals, containing not less than ten acres. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms, with necessary accessory uses, provided that the operation of such accessory uses shall be secondary to the normal farming activities.
15. **Freestanding Sign:** A sign supported permanently upon the ground by poles or braces and not attached to any building.
16. **Green Space:** The definition of Green Space includes the following:
 - a. Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are considered developed areas and shall not be included in the computation of green space;
 - b. Green space includes those areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
 - c. Green space may include outdoor recreational facilities for use by owners and/or residents of dwelling units and their guests;
 - d. Green space may include sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
 - e. The appearance of green space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants.
17. **Home occupation:** Any occupation or profession carried on by a member of a family residing on the premises provided that:
 - a. No person is regularly employed for commercial purposes other than a member of the immediate family residing on the premises.
 - b. No more than 25% of the total floor area of the dwelling is used for said home occupation.
 - c. No mechanical equipment is used except as is compatible with and permissible for household purposes or for a home workshop.
 - d. Sales of goods or merchandise are limited to that which is manufactured by the practitioner of the home occupation or is a

result of agricultural use of the land.

18. **Identification Sign:** A sign attached to or adjacent to a building entrance which is limited to the name and address of the premises being identified.
19. **Incidental Sign:** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises (e.g. a credit card sign or a sign indicating hours of business) that does not exceed two square feet.
20. **Lot:** A portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership, for development, for occupancy by one main building together with the accessory buildings or for any other use permitted by this Ordinance.
21. **Lot of Record:** Any lot which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the Hubbard County Recorder prior to April 18, 1979.
22. **Monument Sign:** A freestanding sign that is attached to the ground by means of a freestanding support structure, solid from grade to the top of the sign structure and is typically encased or supported by masonry materials.
23. **Non-conforming use:** A use of land, building or structure lawfully permitted when this Ordinance or any amendment thereto is adopted which does not comply in whole or in part with the provisions of this Ordinance or any amendment made thereto shall be a non-conforming use.
24. **Off-Premises Sign:** A commercial speech sign which directs the attention of the public to a business that is not on the same premises where such sign is located.
25. **Owner:** Any person, individual, firm, association, syndicate, co-partnership, joint venture, corporation, trust or any other legal entity having a proprietary interest in the land subject to this Ordinance.
26. **Premises:** A lot, together with all buildings and structures thereon.
27. **Religious Institution:** A church, synagogue, temple, mosque or other structure that is architecturally designed or particularly adapted for the primary use of the regular assembly of persons for religious worship. Religious Institution includes those accessory uses that are secondary to

the principal use, but which are intrinsic and necessary to the tenants and exercise of religious beliefs and that can be conducted on the property in a manner that complies with the requirements of applicable federal, state, and local laws, rules, regulations, codes, and ordinances.

28. **Retail Centers:** Retail Centers mean one or more buildings constructed or renovated to house more than one retail, service, professional, or other businesses operating from substantially separated portions of the building including, but not limited to, shopping centers, strip malls, business centers, and commercial centers. Retail centers have one or more of the following characteristics: the separate spaces of the building are available for lease to, or use by, those other than the owner of the property to operate a business; the building is designed as a single commercial business or a shared entrance to a common area used to access the different businesses; or the building is under a single ownership or management.
29. **Right-of-way:** Land used as an easement, road, or street.
30. **Roof Sign:** A sign erected upon the roof of a structure to which it is affixed or a sign painted on the roof of a structure.
31. **Sign:** Any letter, word, symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed which is displayed outdoors for informational or communicative purposes.
32. **Sign Area:** That area within the marginal lines of the sign surface which bears the announcement, name, advertisement or other message, or, in the case of letters, figures, or symbol attached directly to any part of a building or wall, that area which is included in the smallest rectangle which can be made to circumscribe all letters, the figures, or symbols displayed thereon. The maximum sign area for a freestanding sign refers to a single surface.
33. **Setback:** A horizontal line from the nearest part of the structure to the appropriate boundary line.
34. **Temporary Sign:** A sign that is not designed or intended to be placed permanently, including, but not limited to, portable signs, banners, pennants and inflatables.
35. **Town or Township:** Means, without distinction, Helga Township, Hubbard County, Minnesota.

36. **Townhouse:** Single family dwelling units attached to each other by means of common walls and/or floors, where each unit has its own outside entrance.
37. **Wall Sign:** A sign affixed to the exterior wall, awning or canopy of a building or structure with the exposed face of the sign in a plane approximately parallel to the face of said wall, not to project more than 12 inches from the surface to which it is attached.
38. **Window Sign:** A sign attached to, placed upon, or painted on the interior of a window that is visible from the exterior of the building, including signs that are placed on the backs of shelving units or similar structures, or interior walls where the sign is located less than seven feet from the window's surface.
39. **Yard:** An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.

ARTICLE III **ESTABLISHMENT OF DISTRICTS**

For the purposes of carrying out the provisions of this Ordinance, Helga Township shall have districts designated as Agricultural/Rural Residential, Commercial District C-1 and Commercial District C-2.

SECTION 1. Land Use Map

An official land use map, on file at the Helga Town Hall, is hereby adopted by reference. A copy of this map, showing the location of all districts within Helga Township, is displayed and can be viewed at the Helga Town Hall.

SECTION 2. Interpretation of Land Use Map

Regardless of the existence of purported copies of the Official Land Use Map which may from time to time be made or published, the Official Land Use Map, which shall be located in the office of the Helga Town Clerk, shall be the final authority as the current district status of land and water areas, buildings and other structures in the Township.

- A. **District Boundaries:** The location and boundaries of the districts established by this Ordinance are set forth on the Official Land Use Map. District boundary lines as indicated on the Land Use Map follow lot lines, property lines, right-of-way or center lines of streets, right-of-way or center lines of streets projected, the Township limit lines, shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district

boundary lines are established as drawn on the Official Land Use Map.

- B. **Vacated Ways:** Whenever any street or other public way is vacated in the manner authorized by law, the district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- C. **Appeals:** Appeals concerning the exact location of a district boundary line shall be heard by the Board of Adjustment.

SECTION 3. Allowed and Prohibited Uses

Only those uses specifically listed in this Ordinance as being allowed within a particular district as a permitted, conditional, interim, or accessory use may occur within that district. All other uses, except those expressly found by the Town Board to be substantially similar to a listed use allowed in the district, are prohibited within the district. No use shall be considered substantially similar to an allowed use unless the Town Board acts at a meeting to find the specific use is substantially similar to an allowed use in the same district.

The purpose of prohibiting all uses not listed as being allowed within a district is to protect the public health, safety, and welfare by specifically identifying those uses allowed in a district rather than simply referring to commercial uses generally or attempting to contemplate and list all uses that are prohibited in a district. This approach, coupled with the opportunity for owners to seek a determination from the Town Board that a use is substantially similar to a listed use, allows the Town to maintain a reasonable level of control over the types of uses that may occur in a district while allowing sufficient flexibility to consider and allow substantially similar uses. However, in order to avoid confusion, the Town Board wishes to inform owners and the public that it has found, based on the potential for negative impacts on neighboring owners, the community, and the environment, that certain uses are not appropriate within the Town. Without limiting the general prohibition of uses not listed as being allowed in a district, the following uses are expressly prohibited within all areas of the Town and are not eligible to be found to be substantially similar to an allowed use:

1. Feedlots and/or Livestock Sales;
2. Auto Reduction Yards;
3. Auto and Vehicle Salvage Yards / Junk Yards;
4. Hazardous Waste Facilities;
5. Chemical and Fertilizer Storage Facilities;
6. Refuse / Transfer Stations / Incinerators;
7. Recycling Facilities.

8. Pressured chemical or gas storage tanks with a capacity of 5,000 gallons or more, unless it is used as the primary heating fuel for a structure on the same lot.

SECTION 4. Substantially Similar Uses

A property owner proposing to undertake a use it believes is substantially similar to a use expressly allowed by this Ordinance in the same district may submit an application to the Town. Such application shall be on the form supplied by the Town and it must fully explain the proposed use and how it is similar to the allowed use. The Town Board shall act on complete applications to determine whether the proposed use is substantially similar to an allowed use in the same district. If the Town Board does find the proposed use is substantially similar, it shall also determine whether the use shall be deemed a permitted, interim, conditional, or accessory use for the purpose of this Ordinance. The owner must then apply for any required permits based on the Town Board's classification of the use and any other applicable regulations. The Town Board shall maintain a record of all uses it expressly finds to be substantially similar and will make a good faith effort to include those uses in the Ordinance the next time it is amended. If the Town Board finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek an amendment to the text of this Ordinance to expressly allow the use within a district.

SECTION 5. Temporary Uses

The Town recognizes there may be uses of a temporary nature that are consistent with the uses expressly allowed within a district, but are not specifically listed in this Ordinance as being allowed. In order to provide a reasonable opportunity for these temporary uses to occur within an appropriate regulatory structure that affords the Town an opportunity to determine whether a particular proposed use is appropriate and to place conditions on the use, and notwithstanding the general prohibition contained herein of any use not expressly allowed in a district, the Town may temporarily allow a use by the issuance of an interim use permit if the Town Board determines the use satisfies all of the following criteria:

1. The use is consistent with the uses expressly allowed within the particular zoning district;
2. The use will not unreasonably interfere with, disturb, damage, or otherwise negatively impact adjacent properties, or the health, safety, or welfare of the public;
3. The use is temporary in nature;
4. The date or event on which the use must cease can be identified with certainty;
5. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
6. The owner agrees to the conditions the Town places on the use; and

7. Such other criteria the Planning Commission or the Town Board may find relevant to the particular proposal to determine whether the proposed use is appropriate in the particular location and will not interfere with the public health, safety, or welfare.

An owner who believes a proposed use satisfies the above criteria may submit an application for an interim use permit to the Town with the applicable fees. The Town will process the application in accordance with the interim use permit procedures established in this Ordinance. The planning commission shall include in its recommendation to the Town Board its findings as to whether the proposed use satisfies the above criteria. The Town Board will make the final decision of whether the proposed use satisfies the criteria, the ending date or event that will terminate the permit, and the conditions imposed on the use.

ARTICLE IV DISTRICT REQUIREMENTS

SECTION 1: Agricultural/Rural Residential District

A. Purpose and Intent:

The Agricultural/Rural Residential District is established to preserve those areas which are developed at a density and character compatible with agricultural uses to maintain the rural character of the district. It is also the intention of this Ordinance to minimize conflicts between incompatible uses by directing non-agriculture residential uses to other districts within the Township.

B. Allowed Uses:

The following uses are allowed in the Agricultural/Rural Residential District without a conditional use permit:

1. Pasture and croplands, including the growth, harvest and sale of produce grown on-site, but specifically excluding the processing of or sale of processed produce.
2. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site.
3. Single family residential;
4. Home Occupations;
5. State licensed residential facilities serving six or fewer persons;
6. Accessory uses and structures to the above principal uses.

C. Conditional Uses:

The following uses may be allowed with the issuance of a conditional use permit by the Helga Township Board following the procedures outlined in Article VIII of this Ordinance.

SECTION 2: Commercial District C-1

A. Purpose and Intent:

The Commercial District C-1 is established to provide an area and establish minimum standards and regulations for commercial uses that can take advantage of the vehicular traffic along the state highway, including potentially more intense commercial uses than are otherwise allowed within the Town. The area so designated will allow certain types of heavy commercial uses and development to occur in an orderly manner so as to ensure a pleasant and suitable environment consistent with the Town's goals.

B. Highway Commercial District Boundaries:

The Commercial District C-1 is a corridor located one-quarter of a mile along each side of Highway 71 from North Plantagenet Road to South Plantagenet Road, as shown on the Zoning Map.

C. Permitted Uses:

Single family residences are a permit use in this district, subject to the minimum lot size requirement in Article V of this Ordinance.

D. Uses Allowed by a Conditional Use Permit:

The following uses may be allowed with the issuance of a conditional use permit from the Township Board:

1. Daycare
2. Cabinet Manufacturer
3. General Office Purposes
4. Non-motorized Recreational Area
5. Commercial Storage Building
6. Common Area Storage Building
7. Antique and Collectable Store
8. Bank
9. Financial Institution
10. Bookstore
11. Funeral Home

12. Greenhouse
13. Veterinary Clinic
14. Automobile Repair
15. Catering
16. Coffee Shop
17. Appliance Sales & Service
18. Power Equipment Sales & Service
19. Barber Shop
20. Beauty Salon
21. Bicycle Sales & Service
22. Electronic Sales
23. Electronic Manufacturing
24. Interior Decorating
25. Upholstery
26. Locksmith
27. Radio & Television Service / Repair
28. Picture Framing
29. Shoe Repair
30. Tailor
31. Apparel Sales
32. Apparel Manufacturing
33. Electronics Components and Accessories
34. Film Video and Audio Production
35. Watches and Clock Manufacturing
36. Watches and Clock Repair
37. Wood Crafting and Carving
38. Wood Furniture and Upholstery Sales / Repair
39. Art Studio
40. Bed and Breakfast Home
41. Contracting Business
42. Exterminating Business
43. Firearms Dealer
44. Small Engine Repair
45. Limousine Service
46. Taxicab Service
47. Board and Care Home
48. Bakery
49. Drug Store
50. Dry Cleaning Pick-up Station
51. Film Developing
52. Furniture Store
53. Jewelry Store
54. Computer and Accessories
55. Food and Beverage Products
56. Medical Goods and Equipment Manufacturer
57. Medical Goods and Equipment Sales

58. Printing and Publishing
59. Art Gallery
60. Building Material Sales
61. Child Care Center
62. Consignment Clothing Store
63. Temporary Employment Agency
64. Grocery Store
65. Laundromat
66. Memorial Monuments
67. Office Supplies Sale & Service
68. Pet Store
69. Photocopying
70. Rental of Household Goods and Equipment
71. Secondhand Goods Store
72. Shopping Center
73. Tobacco Shop
74. Video Store
75. Office Building
76. Convenience Store
77. Automobile Rental
78. Automobile Sales
79. Car Wash
80. Liquor Store
81. Restaurant / Bar
82. Delicatessen
83. Restaurant / Fast Food
84. Restaurant / Sit Down
85. Hotel
86. Indoor Recreation
87. Radio / Television Station
88. Reception / Meeting Hall
89. Regional Sports Arena
90. Sports Facility
91. Health Facility
92. Movie Theater
93. Theater
94. Blood / Plasma Collection Facility
95. Clinic
96. Medical / dental Laboratory
97. Ambulance Service
98. Bus Garage / Maintenance Facility
99. Package Delivery Service
100. Recreational Vehicle / RV Rental Facility
101. Parking Facility
102. Club / Lodge
103. Production and Processing

- 104. Dry Cleaning Establishment
- 105. Furniture Moving and Storage
- 106. Industrial Machinery and Equipment Sales / Service
- 107. Commercial Laundry
- 108. Packaging of Finished Goods
- 109. Wholesaling, Warehousing and Distribution
- 110. Electric Substation
- 111. Regional Financial Service Center
- 112. Telephone Exchange
- 113. Water Pumping and Filtration Facility
- 114. Retail Centers, subject to Article V

SECTION 3: Commercial District C-2

A. Purpose and Intent:

The Commercial District C-2 is established to provide an area and establish minimum standards and regulations for commercial uses that can take advantage of the vehicular traffic along the state highway, but are uses that are less intense and have fewer potential negative impacts on surrounding properties than certain commercial uses that are more appropriately located in the Commercial District C-1. The area so designated will allow certain types of light commercial uses and development to occur in an orderly manner so as to ensure a pleasant and suitable environment consistent with the Town's goals.

B. Commercial District Boundaries:

The Commercial District C-2 is a corridor located one-quarter of a mile along each side of Highway 71 from South Plantagenet Road to the northern line of Helga Township, as shown on the Zoning Map.

C. Permitted Uses

Single family residences are a permit use in this district, subject to the minimum lot size requirement in Article V of this Ordinance.

D. Uses Allowed by a Conditional Use Permit:

The following uses may be allowed with the issuance of a conditional use permit from the Township Board:

- 1. Hospice
- 2. Convent
- 3. Monastery
- 4. Religious Institutions
- 5. Performing Arts

6. Visual Arts
7. Nursing Home / Assisted Living
8. Inebriate housing
9. Crisis Center / Supportive Housing
10. Early Childhood Learning Center
11. Preschool
12. School, K-12
13. Vocational School
14. Business School
15. Athletic Field
16. Community Center
17. Development Achievement Center
18. Library
19. Mission
20. Museum
21. Fire Station
22. Garage for Public Vehicles
23. Passenger Transit Station
24. Police Station
25. Post Office
26. Residential Dwellings
27. Daycare
28. Commercial Storage Building
29. Common Area Storage Building
30. Cabinet Manufacturer
31. General Office Purposes
32. Non-Motorized Recreational Area
33. Antique and Collectible Store
34. Bank
35. Financial Institution
36. Bookstore
37. Funeral Home
38. Greenhouse
39. Veterinary Clinic
40. Automobile Repair
41. Catering
42. Coffee Shop
43. Barber Shop
44. Beauty Salon
45. Bicycle Sales and Repair
46. Electronics Manufacturing
47. Interior Decorating
48. Locksmith
49. Radio and Television Service and Repair
50. Picture Framing
51. Shoe Repair

- 52. Apparel Manufacturing
- 53. Apparel Sales/Repair
- 54. Tailor
- 55. Electronic Components and Accessories
- 56. Film Video and Audio Production
- 57. Watches and Clocks Manufacturing
- 58. Watches and Clocks Sales / Repairs
- 59. Wood Crafting and Carving
- 60. Wood Furniture and Upholstery Manufacturing
- 61. Wood Furniture and Upholstery Sales / Repair
- 62. Art Studio
- 63. Bed and Breakfast Home
- 64. Contracting Business
- 65. Exterminating Business
- 66. Firearms Dealer
- 67. Small Engine Repair
- 68. Limousine Service
- 69. Taxicab Service
- 70. Board and Care Home

ARTICLE V
GENERAL REGULATIONS/PERFORMANCE STANDARDS

No land, structure or part thereof may be used, constructed, reconstructed, altered, maintained or occupied except in conformity with the provisions of this Ordinance.

Lot Size: The minimum deeded lot size, inclusive of any right-of-ways, including for establishing a single family dwelling, in Helga Township shall be:

Agricultural/Rural Residential	5 acres
Commercial District C-1	5 acres
Commercial District C-2	5 acres

Lot Width: In the Commercial C-1 and C-2 Districts, the required minimum lot width shall be 300 feet.

Lot Frontage Single Family Homes: 75 foot minimum road frontage at any driveway entrance with a 15 foot setback from side of driveway surface to nearest property line, with the exception of access to landlocked parcels which will be dealt with by state statute. The front of a lot is defined as the side with the road access.

Lot Frontage Multifamily Housing: 100 foot minimum road frontage at any driveway entrance with a 15 foot minimum setback from side of driveway surface to nearest property line. The front of a lot is defined as the side with the road access.

Building Height: A maximum building height of 35 feet is allowed.

Setback Provisions: All structures, except those specifically exempted by the provisions of this Ordinance shall meet the setback requirements prescribed in this section. All setbacks shall be measured from the appropriate lot line deeded and/or recorded, road right-of-way, easement lines or ingress/egress.

District	Front Setback	Rear Setback	Side Setback
Agricultural/Rural Residential	50 feet	50 feet	50 feet
Commercial District C-1	75 feet from state highway / 50 feet from county or town road	30 feet	30 feet
Commercial District C-2	75 feet from state highway / 50 feet from county or town road	30 feet	30 feet

Multifamily Housing: The following regulations/requirements shall apply to all future multifamily development in Helga Township:

1. Minimum lot size of 5 acres inclusive of road right-of-way per dwelling unit in the Agricultural/Rural Residential District.
2. 50% green space.
3. 35 foot maximum dwelling height from highest natural existing grade at building location.
4. Two parking spaces per dwelling unit, not including garage.
5. Lighting must not interfere with traffic and/or neighbors.
6. Property must be large enough to inscribe a 300 foot, non-overlapping circle for each dwelling unit.
7. Separate parcels must be combined into one contiguous deeded tax parcel.
8. All multifamily housing must meet or exceed state and local building codes.
9. Each building must have public road access.
10. Property owners are responsible for building upkeep and maintenance.
11. An onsite sewage treatment system permit must be obtained from Hubbard County before a building permit is issued.
12. All residential structures must maintain a minimum setback of 50 feet from each other.

Site Plan: An application to build a new structure, or expand an existing structure, in the Commercial C-1 or C-2 Districts shall include a Certificate of Survey prepared by a licensed surveyor showing the location of all existing structures on the property as well as the new or expanded structure.

Commercial Development: Structures built within the Commercial C-1 or C-2 Districts shall be constructed or erected upon a permanent foundation.

Retail Centers: Because retail centers involve multiple businesses that may change over time located on the same parcel of property, the typical process of requiring each business to apply for an obtain a permit from the Town would be burdensome and could unnecessarily result in multiple conditional use permits being issued for the same property. As such, the Town determines to grant certain amount of flexibility for retail centers from the typical permitting process as follows. Retail centers are subject to, and shall comply with, the following standards:

1. No building or structure may be used as a retail center without first obtaining a conditional use permit from the Town. The conditional use permit may specifically identify or limit the types of businesses allowed within the retail center. The applicant shall submit a business plan with its application for a conditional use permit describing the types of businesses it intends to operate or allow others to operate within the building.
2. Only those uses expressly allowed by this Ordinance in the Commercial District C-1, and those uses expressly found by the Town Board to be a substantially similar use to an allowed use in the Commercial District C-1, as provided in this Ordinance, may occur within a retail center. The conditional use permit issued for a retail center may limit the types of businesses that may be located within the building and may list businesses that are allowed without having to apply for or otherwise obtain a separate conditional use permit or interim use permit from the Town, provided a site plan for the portion of the building to be occupied by the use is submitted to the Town before it is commenced. Otherwise, any business allowed within the district may be located within the building without having to obtain a separate conditional use permit, but shall be required to obtain an interim use permit from the Town. Issuing interim use permits for these businesses, rather than conditional use permits, allows the Town to evaluate and place conditions on the particular business as it determines are needed to address the potential impacts of the business on the community, recognizes the potential that the businesses within the retail center may change over time, and avoids the potential of issuing multiple conditional use permits for the same property.
3. All uses occurring on the property shall comply with the terms, conditions, and limitations of the conditional use permit issued for the retail center, any other applicable permits or permissions issued for the particular use, and this Ordinance.

Parking Standards: The following performance standards related to parking shall be complied with in addition to any other parking requirements the Town may include as a condition on a conditional use or interim use permit:

1. The following minimum number of parking spaces shall be provided:
 - a. Two parking spaces per dwelling unit.
 - b. One additional space per employee in home occupation.
 - c. One and a half spaces per each motel or hotel unit.
 - d. One space per 3 seats in the general assembly room of religious institutions, schools, and other assembly places.
 - e. One space per 200 square feet of office space.
 - f. One space per 200 square feet of retail space.
 - g. One space per 3 seats in restaurants.
2. The minimum size required for a parking space is 9 feet x 18 feet.
3. Parking lots shall be setback at least 15 feet from a property line.
4. Temporary parking may be conditionally permitted in a building setback area, except not in the first twenty (20) feet of setback abutting a road right-of-way.
5. All required parking spaces shall be provided on the same lot as the principal structure unless expressly allowed otherwise in a conditional use or interim use permit issued for the property.

Sanitary Specifications: EVERY DWELLING SHALL HAVE A SEWAGE DISPOSAL SYSTEM THAT MEETS ALL HUBBARD COUNTY SPECIFICATIONS.

Essential Services: Essential services, including, but not limited to power lines, telephone lines, sewer, water, gas, and cable TV shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to except such essential services from the application of this Ordinance except as this Ordinance specifically applies to said services. However, to the extent technologically feasible, said essential services shall be underground so as to eliminate overhead wires, poles, and other unsightly structures and equipment.

Structures under Construction: Any proposed structures upon which a significant amount of construction, which has been done prior to the effective date of this Ordinance, may be completed. However, clearing land or site preparation shall not be considered to be a significant amount of construction.

Excavation of Mineral Materials: The use of land for the excavation or removal of mineral materials or the excavation or removal of top soil, sand or gravel is not

permitted within the Township unless done pursuant to a conditional use permit. As a condition of granting the conditional use permit, the Township may impose appropriate standards for reclamation of the land subject to the excavation so as to ensure its restoration to its original condition insofar as possible after removal of the minerals. To ensure this restoration, the Township may require a performance bond, require the construction of roads and other conditions as it deems appropriate.

Fences: No fence, wall, structure, planting or obstruction shall be permitted over three feet in height within 20 feet of a right-of-way intersection so as to ensure visibility for vehicles using said intersection.

Sanitary Landfill: No sanitary landfill shall be established or operated without a conditional use permit issued by the Township.

Area Regulations: All buildings shall be setback a distance of not less than 50 feet from the edge of right-of-way as the same is defined in this Ordinance. Where lots have double frontage, the required setback shall be provided on both roads. All buildings shall be setback a distance of not less than 30 feet from the side and rear lines of the lot. Temporary shelters for persons waiting for a bus or similar uses shall be excepted from this provision if constructed and located so as to not interfere with snow plowing or road maintenance.

Building Permit Required: A building permit shall be required prior to the construction of any 101 sq. ft. or larger building with roof or any 101 sq. ft. or larger addition to any existing building. All decks, buildings or additions shall meet minimum setback requirements.

Signage Standards:

1. **Findings:** The Township Board hereby finds as follows:
 - a. Exterior signs have a substantial impact on the character and quality of the environment;
 - b. Signs provide an important medium through which individuals may convey a variety of messages;
 - c. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare; and
 - d. The Township's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Town and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the

community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the Town has had a positive impact on traffic safety and the appearance of the community.

2. **Purpose and intent.** It is not the purpose or intent of this Ordinance to regulate the message displayed on any sign, to regulate any building design or any display not defined as a sign, or to regulate any sign which cannot be viewed from outside of a building. The purpose and intent of this Ordinance is to:
 - a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare;
 - b. Maintain, enhance and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community;
 - c. Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the Township's goals of public safety and aesthetics; and
 - d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the Town.
3. **Effect.** A sign may be erected, mounted, displayed or maintained in the Township if it is in conformance with the provisions of this Ordinance. The effect of this Ordinance, as more specifically set forth herein, is to:
 - a. Allow a wide variety of sign types in commercial zoning districts, and a more limited variety of signs in other zoning districts, subject to the standards set forth in these regulations;
 - b. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
 - c. Provide for the enforcement of the provisions of these regulations.
4. **Message Substitution.** The owner of any sign which is otherwise allowed by this Ordinance may substitute a non-commercial message in lieu of any other commercial or non-commercial message. This substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over

any other non-commercial message. This provision prevails over any more specific provision to the contrary.

5. **Permit Required.** Unless otherwise exempted by this Ordinance, no sign shall be constructed, installed, erected, altered, reconstructed or relocated in the Township without first securing a permit as required by this Ordinance. Applications are subject to a permit fee, as established by the Township Board.
- a. An application for a sign permit shall be in writing addressed to the Land Use Administrator and shall, at a minimum, contain the following information:
 - i. Name, address and telephone number of the applicant;
 - ii. The address of the property at which the sign is to be placed and the street on which it is to front;
 - iii. A site plan drawn to scale showing the location of lot lines, all existing and proposed structures, parking areas, existing and proposed signs and any other physical features;
 - iv. A detailed drawing of the proposed sign including height, description of the sign structure, materials to be used, including colors and method of attachment to the building, if applicable;
 - v. The name of the person or entity erecting the sign, if not the applicant, or the name of the person on whose property the sign is to be located, if not the applicant;
 - vi. The written consent of the owner of the property, if not the applicant;
 - vii. A statement as to whether the sign will be illuminated or if the sign will contain any type of dynamic display;
 - viii. A statement as to whether the sign will be single-faced, double-faced or multi-faced;
 - ix. Certification by applicant indicating the application complies with all requirements of this Ordinance;
 - x. If the proposed sign is along a state trunk highway or an interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign; and
 - xi. Such other information as the Land Use Administrator may require to show compliance with this Ordinance and all other applicable laws,

ordinances and regulations.

- b. Upon the filing of a complete permit application, the Land Use Administrator shall review the application materials submitted. If the proposed sign complies with this Ordinance and all other applicable laws, ordinances and regulations, the Land Use Administrator shall issue the permit for the sign. The permit shall be valid for the life of the sign. If the Land Use Administrator determines that all requirements for approval have not been met, he or she shall promptly notify the applicant in writing of that fact and deny the sign permit application.

6. General Sign Location, Design and Construction Requirements.

- a. **General requirements.** All signs shall conform to the requirements of this Section whether or not a sign permit is required. All signs shall be properly secured, supported and braced and shall be kept in good repair so that public safety and traffic safety are not compromised. Signs visible from a street shall be designed to be highly legible so as to not distract drivers.
- b. **Maintenance.** All signs shall be properly maintained. The area on the property around the sign shall be properly maintained and clear of brush, weeds, debris, rubbish and other obstacles. All burned-out light bulbs or damaged panels on a sign shall be immediately replaced. Exposed surfaces must be kept clean and painted if paint is required. Defective or broken parts must be immediately replaced. The Land Use Administrator shall order the repair or removal of any sign which is broken, damaged or substantially deteriorated.
- c. **Sign Copy.** All sign copy must be fastened securely to the sign face and maintained on a regular basis. Any missing sign copy must be replaced immediately. Any sign copy that is outdated must be removed.
- d. **Location.** No sign shall be located so as to obscure any existing sign. No sign other than a sign placed by authorized government officials shall be erected or temporarily placed within any street right-of-way, public property or upon any public easement. No sign shall be attached or placed upon any building in such a manner as to obstruct any window or door or fire escape.
- e. **Illumination.** Illuminated signs, if permitted by this Ordinance, shall be backlit or indirectly lit and shall avoid direct casting of light upon properties located in the Agricultural-Rural Residential District, upon public waters or onto any public right-of-way. Illuminated signs are subject to the electrical requirements of the electrical code of the State of Minnesota.

7. **Exemptions.** The following types of signs do not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Ordinance or any other law or ordinance regulating the same.
- a. Signs posted by authorized government officials on public land, easements or right-of-way;
 - b. One sign five square feet or less in sign area (excluding temporary signs) may be posted on any parcel of land, except that such sign shall not be an off-premises sign and shall not be illuminated or contain any dynamic display;
 - c. Identification signs of two square feet in sign area or less;
 - d. Signs within a business, office, mall or other enclosed area that cannot be seen from the outside;
 - e. Incidental signs that are two square feet in sign area or less;
 - f. Flags containing non-commercial speech only. Flags may be illuminated, provided that the illumination source is directed toward the flag and is not able to be seen from any adjacent public roadway or residential use;
 - g. Signs permitted by Minnesota Statutes Section 211B.045 (relating to noncommercial signs);
 - h. Handicapped parking signs;
 - i. Window signs;
 - j. Holiday decorations;
 - k. Wall or building art;
 - l. Signs of any size on vehicles traveling or lawfully parked on operating and insured vehicles, construction trailers or equipment which are temporarily parked on a permitted construction site or primary business location;
 - m. Outdoor scoreboards in athletic stadiums that do not include dynamic displays;
 - n. Static signs or banners adorning fences located in permitted outdoor recreational facilities, provided they are placed so as to only be viewed

internal to the play field area and are not placed so as to orient a commercial message toward an adjacent public road right-of-way;

- o. On-premise directional signs without business identification are permitted in parking lots or driveways of properties containing a multi-family residential use or in parking lots or driveways of properties located in a commercial district. Said signs shall not exceed a total of four square feet in sign area. Said signs shall not exceed five feet in height, unless they are placed on a building. Said signs shall not be illuminated;
- p. One off-premises directional sign per avenue or block leading to a commercially zoned property that has a driveway that has been permanently closed by a road authority and for which no reasonable direct access remains, as determined by the Board. Said sign shall not be illuminated and shall not exceed two square feet in sign area and eight feet in height. No more than three off-premise directional signs shall be located on a single parcel;
- q. Bench signs located at bus stops, adjacent to sidewalks, and located on other public and private resting places. Said sign shall not exceed four square feet in sign area;
- r. Temporary exterior signs that are attached to or adjacent to an item accompanying its exterior display, not to exceed one square foot in sign area;
- s. One freestanding sign shall be permitted upon a construction site in any zoning district. The sign shall not exceed 32 square feet in sign area and shall be set back at least 10 feet from the right-of-way. The sign shall not be illuminated. The sign must be removed upon completion of the construction site improvements;
- t. A parcel located in a commercial zoning district may display a single temporary sign that does not exceed 32 square feet in sign area no more than a total of 30 days within a calendar year without having to obtain a sign permit. Sign permits are required for temporary signs that are to be displayed for more than 30 days within a calendar year, multiple temporary signs and temporary signs located in non-commercial zoning districts.

8. **Prohibited Signs.** Unless otherwise specifically permitted by this Ordinance, the following types of signs shall be prohibited within the Township:

- a. Abandoned signs;
- b. Billboards;

- c. Roof signs;
 - d. Signs that emit sound;
 - e. Off-premises signs;
 - f. Illuminated signs giving off an intermittent or rotating beam of light;
 - g. Signs painted directly on the outside wall or face of a building, fence, rock, or similar structures or features; and
 - h. Signs containing any type of dynamic display;
9. **Agricultural/Rural Residential District Signs.** The following signs are permitted in the Agricultural/Rural Residential District with the issuance of a sign permit. No sign in the Agricultural/Rural Residential District shall exceed six feet in height. All signs shall be set back at least 15 feet from any right-of-way.
- a. Home occupations are allowed no more than one sign not to exceed four square feet in sign area. The sign must be located in the front yard or the side yard. Home occupation signs shall not be illuminated.
 - b. Permitted non-residential uses, including churches, schools, etc. are allowed one freestanding sign per street frontage, not to exceed 32 square feet in sign area. One wall sign of 32 square feet in sign area is also allowed per street frontage. Said sign may be illuminated.
 - c. Residential subdivisions are allowed one monument sign per entrance. The sign area shall be no greater than 32 square feet. The perimeter around the base of the sign shall be landscaped.
10. **Commercial District (C-1) Signs.** The following signs are permitted in the Commercial District (C-1) with the issuance of a sign permit, unless otherwise stated. No sign shall exceed 30 feet in height. All signs shall be set back at least 15 feet from any right-of-way. Side yard setbacks shall be a minimum of 10 feet.
- a. **Wall, Monument and Freestanding Signs.** One wall sign is permitted for each building face and street frontage. One freestanding or monument sign is permitted per parcel. Parcels that are 10 acres in size or larger, with two driveways on separate street frontages may have two freestanding or monument signs. Said signs may be illuminated.
 - b. The total allowable wall and freestanding sign area for parcels with single tenant building occupancy is as follows:

- i. Wall sign area is limited to a maximum of four percent of the building's total wall elevation square feet, not to exceed 250 square feet.
 - ii. Freestanding or monument sign area is limited to 125 square feet.
 - c. The total allowable sign area for parcels with multi-tenant building occupancy is as follows:
 - i. Wall sign area is limited to a maximum of four percent of the building's total wall elevation square feet per street frontage. Each individual tenant may have one wall sign if a sign plan is submitted to the Zoning Administrator. No individual tenant shall have a wall sign that exceeds 250 square feet in sign area.
 - ii. Freestanding or monument sign area is limited to 150 square feet for static identification signage.
- 11. Commercial District (C-2) Signs.** The following signs are permitted in the Commercial District (C-2) with the issuance of a sign permit, unless otherwise stated. No sign shall exceed 30 feet in height. All signs shall be set back at least 15 feet from any right-of-way. Side yard setbacks shall be a minimum of 10 feet.
- a. **Wall, Monument and Freestanding Signs.** One wall sign is permitted for each building face and street frontage. One freestanding or monument sign is permitted per parcel. Parcels that are 10 acres in size or larger, with two driveways on separate street frontages may have two freestanding or monument signs. Said signs may be illuminated.
 - b. The total allowable sign area for parcels with single tenant building occupancy is as follows:
 - i. Wall sign area is limited to a maximum of four percent of the building's total wall elevation square feet, not to exceed 250 square feet in sign area.
 - ii. Freestanding or monument sign area is limited to 125 square feet.
 - c. The total allowable sign area for parcels with a multi-tenant building occupancy is as follows:
 - i. Wall sign area is limited to a maximum of four percent of the building's total wall elevation square feet per street frontage. Each individual tenant may have one wall sign if a sign plan is submitted to the Town Board. No individual tenant shall have a wall sign that exceeds 250 square feet in sign area.

ii. Freestanding or monument sign area is limited to 150 square feet.

12. **Enforcement.** Any person who violates any provision of this Ordinance shall receive a notice of the violation by hand delivery or mail indicating that he or she must correct the violation within 10 days of the date of the notice. Any person convicted of violating this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this Ordinance shall also be grounds for revocation of a sign permit by the Town Board.

ARTICLE VI SUBDIVISION OF LANDS

Subdivision of Lands: The subdivision of lands shall not be allowed within the Township unless the same is done in accordance with the laws of the State of Minnesota, the ordinances of Hubbard County and this Ordinance.

No road laid out in the Township shall be dedicated by the developer or private builder to the Township, but all roads shall remain private, until established as public roads pursuant to the petitioning procedures of Chapter 164 of the Minnesota Statutes Annotated.

The developer or private builder shall correct all construction which does not comply with the specifications and requirements set forth or incorporated herein within 45 days of receipt of notice from the Township informing the developer or private builder of said noncompliance and the necessary corrections which will effect compliance.

The developer or private builder shall warrant that said roads shall be established and constructed in accordance with the specifications and requirements set forth or incorporated herein, said warranty to terminate two years from the date said roads are deemed to be established. The subdivider shall complete the establishment and construction of said roads so as to provide access to any lots which are sold by the subdivider within twelve months of said sale and the subdivider shall complete establishment and construction of all roads laid out in said plat within 24 months after the sale of 50% of the lots in the plat has been effected, however, notwithstanding the previous provisions of this paragraph relating to completion dates, all roads shall be established and constructed in accordance with this ordinance within 36 months of the date of final approval of the plat by Hubbard County without regard to the number of lots which have been sold unless said time is extended pursuant to this Ordinance.

In the event that the Township deems it necessary to obtain security for establishment and construction of said roads in accordance, the Township and subdivider shall execute and incorporate into the agreement referred to above an appropriate agreement providing for the giving and releasing of security for performance by the

subdivider. Said security agreement shall be in the nature of a performance bond, a cash deposit, a mortgage encumbrance on an agreed number of lots in the plat running in favor of the Township which will give the Township adequate collateral to insure construction of the roads. The agreements referred to above shall be recorded with the Hubbard County Recorder.

ARTICLE VII
NON-CONFORMING USES

SECTION 1: Non-Conforming Use Provision Relating to Lots Not Meeting the Applicable Regulations for the Township:

Use of a lot which would not be subject to the other provisions of this article relating to non-conforming uses because of the non-existence of building, structures, or actual uses on said lot on the effective date of this Ordinance which do not meet the regulations applicable in the Township shall not be permitted without first obtaining a variance pursuant to the general variance procedures of this Ordinance.

SECTION 2: Non-conforming use provisions relating to existing uses, buildings and structures. The following provisions shall be applicable to any non-conforming significant and actual use of land, buildings or structures in the Township.

1. **Buildings:** The lawful use of a building, structure or land substantially undertaken and existing at the time of adoption of this Ordinance may be continued although such use does not conform with the Township use provisions.
2. **Non-conforming use extension:** A non-conforming use may be extended throughout the building or structure provided no structural alterations, changes or additions are made therein except those required by law or ordinance or such as may be necessary to secure or ensure the continued advantageous use of the building during its natural life.
3. **Non-conforming use, damaged:** A non-conforming building or structure damaged or destroyed by any cause whatsoever may be restored, reconstructed, and used as before, provided that such restoration is completed within 24 months of such happening, that it be built of like or similar materials, and that the building is not made larger than its original floor space, except that enlargement of the floor space may be permitted where necessary to secure or insure the advantageous use of the structure.
4. **Land:** The non-conforming use of land substantially undertaken where a structure thereon is not so employed existing at the time of the adoption of this Ordinance may be continued provided that the non-conforming use of land shall not in any way be expanded or extended either on the same

or adjoining property and provided that if the nonconforming use of land existing at the time of the adoption of this Ordinance is hereafter discontinued or changed for a period of two years, then the future use of such land shall be in conformity with the provisions of this Ordinance.

5. **Change:** Whenever a non-conforming use has been changed to a conforming use or to a use permitted by a conditional use permit, it shall not thereafter be changed to a non-conforming use.
6. **Discontinuance:** In the event that a non-conforming use of any building or land be discontinued for a period of two years, the use of the same shall conform thereafter to the uses permitted.
7. **Change of Ownership:** In the event that a non-conforming building or land is conveyed to another person, such non-conforming use is extended to the new owner of the property provided that uses and time requirements of non-conforming uses shall be determined as if the new owner had possession of the property continually from the date of enactment of this Ordinance.

SECTION 3: Non-conforming signs: Any sign legally existing at the time of passage of this Ordinance that does not conform to the provisions of this Ordinance shall be considered a legal nonconforming sign and may be continued through repair, replacement, restoration, maintenance, or improvement but not including expansion. "Expansion" shall be defined as any structural alteration, change or addition that is made outside of the original sign structure, sign area or design.

1. Nothing in this Section shall prevent the return to a safe condition of a sign structure that has been declared unsafe by the Town's Land Use Administrator;
2. When any legal nonconforming sign is discontinued for a period of more than one year, or is changed to a conforming sign, any future sign must be in conformity with the provisions of this Ordinance;
3. Any legal nonconforming sign must be removed and must not be repaired, replaced or rebuilt if it is damaged by fire or other peril to the extent of greater than 50 percent of its estimated market value at the time of destruction and no sign permit or building permit (if applicable) has been applied for within 180 days of the date of destruction.

SECTION 4: Non-conforming use provisions relating to sanitary landfills and junk yards: Notwithstanding any other provisions of this Ordinance relating to non-conforming uses, the continued operation of junk yards or sanitary landfills existing at the time of adoption of this Ordinance shall not be permitted in the Township for more than one year after passage of this Ordinance without obtaining a conditional use

permit. Making application for said permit within said time shall extend the right to continue use of the facility until the application for a conditional use permit is finally acted upon hereunder. The administrative authority may impose all conditions which it deems appropriate to eliminate the objectionable characteristic of said sanitary landfill or junkyard as conditions on the granting of said conditional use permit. Said conditions may include, but shall not be limited to, provision for fencing, vegetative screening, elimination of accumulated refuse or other materials, elimination of attractive nuisances, and prevention of expansion of the existing use.

SECTION 5: To the extent that the general provisions relating to non-conforming uses are applicable to signs and junk yards, the same shall be applicable in addition to the preceding two sections of this article.

ARTICLE VIII **ADMINISTRATION**

SECTION 1: A Planning and Zoning Commission is hereby established. The Commission shall consist of five (5) members. The members of this commission shall constitute the existing members of the Land Use Committee, except that the Helga Town Board Supervisor shall be replaced with another fee holder within Helga Township by appointment of the Helga Town Board. The initial terms of the Planning and Zoning Commission shall be as follows: One member for a term of one year, two members for a term of two years, two members for a term of three years. The Planning and Zoning Commissioners shall be elected by ballot in the same manner the Township Clerk and Supervisors are elected. The quorum for the Planning and Zoning Commission to transact business shall be three members.

- A. The Planning and Zoning Commission shall elect a Chair and Vice-chair from among its members. It shall adopt rules for the transaction of business and shall keep a permanent public record of its proceedings, findings, and determinations.
- B. The Planning and Zoning Commission shall:
 - 1. Assist the Town Board in the formation of goals, policies and programs for the future development of Helga Township.
 - 2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies.
 - 3. Review the applications for conditional use permits and conduct public hearings in accordance with the provisions of this Ordinance, and make decisions accordingly.
 - 4. Review application for zoning amendments, conduct public hearings in

accordance with the provisions of this Ordinance, and make recommendations to the Town Board.

5. Review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plat recommendations to the Town Board.
6. Any other such duties as required or requested by the Town Board to further goals and policies in furtherance of the intent of this Ordinance.
7. Any vacancy shall be filled by appointment by the Town Board until the next annual Township election. The balance of the remaining term shall be filled at the next election.
8. Upon notice and hearing a member of the Planning and Zoning Commission may be removed for incompetence, misconduct in office, or absenteeism, including but not limited to, absence from three consecutive meetings without reasonable excuse.
9. The Town Clerk or his/her deputy appointed by the Town Board shall be the clerk for the Planning and Zoning Commission. The Town Clerk shall perform the following for the Planning and Zoning Commission: filing, service, notice and other necessary duties when the Commission is required to take such action under this Ordinance.

SECTION 2: A Board of Adjustment is hereby established in accordance with Minnesota law. The Board of Adjustment consists of the Town Board of Supervisors.

- A. The Board of Adjustment shall elect a Chairperson and a Vice Chairperson from among its members. It shall adopt rules, for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations.
- B. The meetings of the Board of Adjustment shall be held as specified in the rules, and at other such times as the Chairperson of the Board of Adjustment shall deem necessary and appropriate.
- C. The Board of Adjustment shall have the exclusive power concerning the following:
 1. To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in this Ordinance.
 2. To hear and decide any appeal from an order, requirements, decision, or determination made by the Planning and Zoning Commission.

3. To interpret any district boundary on the Official Land Use Map.
- D. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from the Planning and Zoning Commission orders, requirements, decisions or determinations shall be final except that any aggrieved person, department, agency, or resident of Helga Township shall have the right to appeal to the District Court within fifteen (15) days after issuance of a written decision made by the Board of Adjustment. In the event of a tie vote that precludes the Board from reaching a decision by a required majority, the result shall constitute a DENIAL for all purposes including, but not limited to, the requirements of Minn. Stat. § 15.99. The Board shall promptly take all action required upon a denial automatically deemed under this policy in the same manner as if the Board had voted to deny the request.
- E. Any vacancy shall be filled by appointment by the Town Board for the balance of the unexpired term.
- F. Upon notice and hearing a member of the Board of Adjustment may be removed for incompetence, misconduct in office, or absenteeism, including but not limited to, absence from three consecutive meetings without reasonable excuse.

SECTION 3: The position of Land Use Administrator is hereby established, which the Town Board may appoint as it may deem proper. The term of office of Land Use Administrator shall be indefinite and shall terminate at the pleasure of the Town Board. The Land Use Administrator shall follow the direction and instruction of the Town Board.

SECTION 4: Fees. In order to defray the administrative costs associated with the processing of applications for land use and related permits, conditional use permits, variance requests and amendments, a schedule of fees shall be prescribed and adopted by resolution passed by the Helga Town Board of Supervisors. This schedule of fees shall be posted in the Helga Town Hall.

SECTION 5: Land Use Permits: On or after the effective date of this Ordinance, no person shall excavate for a basement, erect a foundation, or change the exterior perimeter of a building vertically or horizontally, move, or alter any building, structure, or part thereof, in a manner that increases the foot print by 101 square feet or more without first obtaining a land use permit from the Township (excluding open air decks).

- A. **Exceptions:** Replacement of siding, doors, windows, roof, interior remodeling, or replacement of any wells or septic systems are permitted without a land use permit. However, well and septic system replacements permits must be obtained from Hubbard County.
- B. **Application Process:** Application for a permit shall be signed by the applicant or his/her authorized agent and filed with the Town Clerk. The application shall

be accompanied by the required permit fee, a sketch describing the improvement and giving its dimensions, an estimate of the cost of said improvement, the location of the improvement in relation to adjoining boundary lines, right-of-way lines, existing buildings or structures, a description of the existing and planned uses of the land and buildings, a current fire number, a phone number and address where the applicant can be reached, the appropriate fee and such other information as may be required by the Township. IN THE EVENT THE IMPROVEMENT IS THE CONSTRUCTION OF A NEW DWELLING, THE APPLICATION FOR A BUILDING PERMIT SHALL CONTAIN A DESCRIPTION OF THE LOCATION OF THE WELL, SEPTIC TANK, DISTRIBUTION BOX, AND DRAIN FIELD.

C. **Penalties:** Failure to obtain a land use permit prior to commencing the above activities renders the landowner subject to penalties under this Ordinance. Any person commencing land use activity which requires a permit, without obtaining prior authorization, shall pay double permit fees. The land use permit must be displayed on the property during the excavation, moving, changing, or altering any part of the structure or part thereof. Failure to display the land use permit will subject the landowner to penalties under this Ordinance.

D. **Setbacks:** If you do obtain a Land Use Permit, please remember that building setbacks on all structures shall be setback a distance of not less than fifty (50) feet from the edge of the road right-of-way as defined in this Ordinance.

Lots that have double frontage (exposure to a roadway), are required to comply with the fifty (50) foot setback on both frontage lines. All structures shall be setback a distance not less than thirty (30) feet from the side and rear lines of the lot.

E. **Duration:** All land use permits are valid for one (1) year from the date the permit is issued. If substantial construction has not taken place within one (1) year from the date on which the permit was granted, the permit shall become void.

Fees for land use permits required under this Ordinance shall be set by the Town Board on an annual basis and are available through the Township Clerk and Township.

SECTION 6: Conditional Use Permits

1. **Application:** Application for a conditional use permit shall be made by the property owner or his/her authorized agent to the Land Use Administrator. The Land Use Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fee. If an application is not complete, the Land Use Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Township's receipt of the

application. The Land Use Administrator shall forward complete applications to the Planning Commission to conduct a hearing. No conditional use permit shall be approved unless real estate taxes on the subject property are current.

2. **Information Required:** All applications shall include the information required for a land use permit together with any other information required by specific sections of this Ordinance and all other information requested by the Planning & Zoning Commission and the Township.
3. **Site Investigation:** The Township may conduct one or more site investigations as part of processing a permit application. The Township may also perform one or more site investigations to review a potential or alleged violation of the conditions imposed on a permit or of this Ordinance.
4. **Notice:** Notice shall be published in the Township's official newspaper at least ten (10) days prior to the public hearing. Owners of adjoining property within the Helga Township and within one quarter mile of a boundary line of the property for which a conditional use permit is requested shall be notified by first-class mail as to the time, place and purpose of the public hearing. Failure of any such property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof. If a special meeting of the appropriate body of the township is requested by the applicant, an additional fee shall be paid by the applicant before the meeting will be scheduled.
5. **Hearing:** The Planning Commission, within forty-five (45) days after receipt of the application, fee and required information, shall act by making a recommendation to the Town Board regarding the application at a public hearing. The Planning Commission shall recommend that the Town Board approve or deny the issuance of a conditional use permit. The Planning Commission's recommendation shall include written findings and written conditions if granted.
6. **Criteria Standards:** In addition to any other criteria or standards specifically set forth in this ordinance or unique to the special circumstances of the requested use, the standards reviewed by the Planning & Zoning Commission and Town Board shall issue permits only if it finds that such use at the proposed location:
 - a. Will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the Township.
 - b. Will be harmonious with the general and applicable specific objectives of the Township's Comprehensive Plan.
 - c. Will be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 - d. Will not be hazardous or disturbing to existing or future neighboring uses.
 - e. Will not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or

the general welfare because of excessive production of traffic, noise smoke, fumes, scenic blight, glare or odors.

- f. Whether lighted signs or other signs will impair the enjoyment of property and/or property owners in the vicinity.
- g. Whether the use permitted under the terms and conditional of any conditional use permit can be established and conducted in conformity.
- h. Whether provisions for adequate parking, current and anticipated traffic congestion, traffic safety have been provided so as not to constitute a nuisance.

It is the applicant's burden to prove that the above criteria and standards can be met in a manner that does not adversely affect the health, safety or general welfare of the residents in Helga Township.

7. **Conditions:** Upon consideration of the criteria and standards listed above, the Town Board may attach such conditions, in addition to those required elsewhere in this Ordinance, as it deems necessary to achieve the purpose of this Ordinance. These conditions may include, but shall not be limited to:
- a. Increased setbacks;
 - b. Landscaping, berming, fencing, screening or other facilities to protect nearby property;
 - c. Periods and/or hours of operation;
 - d. Intensity and duration of lighting;
 - e. Deed restrictions;
 - f. Location of parking and signs;
 - g. Toxic material storage and handling;
 - h. Fire control and access plan;
 - i. Compliance with prior conditional use permits and periodic reviews;
 - j. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

All conditional use permits shall be recorded with the Hubbard County Recorder. The permit shall be valid for a period of one (1) year from the date of issuance. If substantial construction has not taken place within one (1) year after the date on which the conditional use permit was granted, the permit shall become void. If the conditional use for which the permit was granted is discontinued for a period of one (1) year, the conditional use permit shall become void.

8. **Violations:** Violation of any of the terms and conditions of a conditional use permit issued pursuant to this Ordinance, or of any provision of this Ordinance relating to the subject matter of a conditional use permit, shall result in the revocation of such permit upon notice and a hearing regarding the violation.
9. **Taxes and Fees Paid.** Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, penalties,

interest, or past due utility fees shall not be considered complete and shall not be processed until the owner certifies to the Town, with adequate supporting documentation, that all such delinquent or past due amounts, interest and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that owes the Town for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs owed to the Town, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full to the Town.

SECTION 7: VARIANCES: Upon written application to the Town Clerk, the Board of Adjustment may grant a variance from the provisions of this Ordinance in order to promote the effective and reasonable application and enforcement of this Ordinance.

1. **Application:** The application for said variance shall be in writing and shall contain the same information as required for a conditional use permit, a statement of the reasons for the requested variance and all other information requested by the Township deemed necessary. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment.
2. **Site Investigation:** Upon receipt of a variance application to the Town Clerk, a site investigation shall be conducted by the Town Board.
3. **Notice:** Prior to the public hearing, published and posted notice must be given. Notice shall be published in the Township's official legal newspaper at least ten (10) days prior to the public hearing and notice shall also be posted at places designated as legal places for posting notices at least ten (10) days prior to said public hearing. Owners of adjoining property within Helga Township and within five hundred (500) feet of a boundary line of the property for which a special use permit is requested shall be notified by first-class mail as to the time, place and purpose of the public hearing. Failure of any such property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof.
4. **Hearing:** The Board of Adjustment shall make the final decision after conducting a public hearing. No variance shall be approved unless the applicant meets all of the provision of this Section. Within 45 days of receipt of the application, the Town Clerk shall set a time and place for a hearing on the application.
5. **Criteria:** After the hearing provided for above, the Board of Adjustment shall determine if the strict enforcement of any provisions of this Ordinance would cause unnecessary hardship or if that strict enforcement would be unreasonable, impractical or infeasible under the circumstances. If so determined, the Township may permit a variance from the terms and provisions

of this Ordinance, provided that:

- a. The applicant has demonstrated a hardship. (Hardship means the property cannot be put to a reasonable use under conditions allowed by this Ordinance. Economic considerations alone do not constitute a hardship.)
 - b. There are exceptional circumstances unique to this property, which were not created by the landowner.
 - c. The variance can be granted without upsetting the purpose and intent of this Ordinance.
 - d. The variance can be granted without altering the essential character of the surrounding area.
6. **Conditions:** Upon consideration of the criteria listed above, and in the event that the Board of Adjustment decides to grant the requested variance, the Board of Adjustment may attach such conditions, in addition to any other conditions required by this ordinance, to the variance so as to minimize the inconsistency of the varied use with the permitted used set forth in this Ordinance. All variances shall be recorded with the Hubbard County Recorder.
7. **Appeal:** All decisions by the Board of Adjustment in approving or denying a variance request are final except that any aggrieved person, department, agency, board of commission or resident of Helga Township shall have the right to appeal to the District Court in which the property is located within fifteen (15) days after issuance of a written decision of the Board of Adjustment.
8. **Violations:** Any violation of the terms and conditions of a variance issued pursuant to this Ordinance, or the violation of any provision of this Ordinance relating to the subject matter of the variance, shall result in the immediate revocation of such variance. The revocation of a variance may be appealed in the same manner as the appeal of the denial of the issuance of a variance.

SECTION 8: INTERIM USE PERMITS: As of the effective date of this Ordinance, no use requiring an interim use permit shall be initiated or expanded except upon issuance of an interim use permit from the Town Board pursuant to this Section.

1. **Application:** An application for an interim use permit shall be on the Town's application form and must, at a minimum, contain all of the following information:
 - a. The name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the application relates.
 - b. The name of the applicant and of all owners of the property to which the application relates.

- c. A description of the proposed use including, to the extent applicable, hours of operation, parking, anticipated traffic and routes, lighting plans, identification and explanation of any potential sources of significant noise, dust, vibration, or other impacts reasonably anticipated to be generated by the proposed use which could affect surrounding properties.

2. **Procedure:** Requests for an interim use permit shall comply with the following:

- a. **Land Use Administrator:** An application for an interim use permit must be submitted to the Land Use Administrator who shall review the application to determine if it contains all the required information and is otherwise complete. If an application is not complete, the Land Use Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Township's receipt of the application. The Land Use Administrator shall forward complete applications to the Planning Commission.
- b. **Planning Commission:** The Planning Commission shall conduct a public hearing on the proposed interim use permit. At least ten days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed to all property owners of record, according to the county assessment records, within one quarter mile of the property to which the application relates. Failure of any such property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof. The Planning Commission shall conduct the hearing and develop a recommendation to the Town Board regarding the proposed interim use permit. In reviewing the request and developing its recommendation, the Planning Commission may consider such criteria as it determines is appropriate to evaluate the proposed use including, but not limited to, the criteria used to evaluate an application for a conditional use permit to the extent they may be applicable. The recommendation shall include any conditions the Planning Commission determines are appropriate to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare. The Planning Commission shall forward its recommendation, together with its supporting findings, to the Town Board.
- c. **Town Board:** The Town Board shall consider the Planning Commission's recommendation and make a final decision regarding the proposed permit. The Town Board may consider such criteria as it determines is appropriate for evaluating the proposed use including, but not limited to, the criteria evaluated by the Planning Commission in making its recommendation. The Town may impose such reasonable conditions as it determines are necessary on interim use permits it issues, including a requirement to provide and maintain with the Town a performance bond or other financial

security. An interim use permit must indicate, in the conditions placed on the permit, the date and/or event on which it terminates.

3. **Expiration and Revocation:** An interim use permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. An interim use permit shall expire as of the date or event identified in the permit, but the owner may apply for a new interim use permit. The Town Board may revoke an interim use permit if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit haven been violated.

ARTICLE IX **APPEALS**

The Town Board is hereby designated the Board of Adjustment of Helga Township. The Board of Adjustment shall decide appeals where it is alleged that there is an error in the order, requirement, decision, permit or determination made by the administrative authority in the administration and enforcement of this Ordinance or any amendments thereto. In exercising this appeal power, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, permit or determination appealed from, and issue such order, requirement, decision permit or determination as it deems appropriate and shall have all powers of the administrative authority from whom the appeal is taken.

Appeals to the Board of Adjustment may be taken by any person aggrieved, whether or not that person is the owner of the property affected directly by the decision being appealed from, or by any officer of the Township. Such appeal shall be taken within fifteen (15) days after the administrative authority issues a written decision by filing a written appeal with the Town Clerk and, as applicable, upon serving a written notice of appeal on the individual receiving the permit or variance. The notice of appeal shall specify the grounds upon which the appeal is brought.

The Town Clerk shall then proceed in accordance with the provisions of this Ordinance relating to the setting of hearings, giving of notices, and holding of hearings relating to conditional use permits so as to ensure the giving of proper posted and published notice of the hearing before the Board of Adjustment and to ensure the holding of said hearing. The Township shall give written notice of said hearing before the Board of Adjustment to the individual who is taking the appeal and to the property owner in the manner provided for written notice to adjoining property owners under the conditional use permit provisions of this Ordinance.

Upon the filing of notice of appeal pursuant to this Article, the permits or variances issued by the administrative authority, which is subject to an appeal, shall not be valid until the appeal has been finally acted upon by the Board of Adjustment.

An appeal from the written decision of the Board of Adjustment may be made within fifteen (15) days after the decision is issued to the District Court. The service requirements for such appeal shall comply with those requirements for a summons and complaint under Minnesota Rules of Civil Procedure.

ARTICLE X **AMENDMENTS**

An amendment to the text of this Ordinance may only occur as provided in this Article.

1. **Who May Initiate:** An amendment to this Ordinance may be initiated by the Town Board, the Planning Commission or by application of an affected property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations, or until at least 60 days after the proposed amendment was submitted to the Planning Commission.
2. **Public Hearing and Recommendation:** The Planning Commission shall hold a public hearing on all proposed amendments. The hearing shall be preceded by at least 10 days' published notice. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.
3. **Final Decision:** The Town Board shall take action on the proposed amendment at a Town Board meeting. If the amendment was initiated by application of a property owner, the Town shall inform the property owner of the Town Board's decision.
4. **Limit on Similar Applications:** No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Town within the 1-year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Land Use Administrator, there is new evidence or a change of circumstances that warrants additional consideration of the proposal by the Town.

ARTICLE XI **ENFORCEMENT**

- A. **Enforcement:** The Helga Town Board or its appointed representatives have the authority to enforce this Ordinance by issuing citations for criminal or civil violations of this Ordinance upon the owner of a property and/or their authorized agent. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements by a landowner or their agent, including violation of or failure to comply with conditions and safeguards established in connection with the granting of variances or conditional uses shall constitute a misdemeanor and

shall be punishable as defined by Minnesota Statute. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance. Each day of a violation of this Ordinance or each day that a failure to comply with any requirements of this Ordinance continues shall constitute a separate offense.

- B. **Prosecution:** The Helga Town Board or its legally authorized agent may enforce the Ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy. Helga Township may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.
- C. **Cease and Desist Orders:** The Helga Town Board or its legally authorized agent may issue cease and desist orders to halt the progress of any ongoing violation. When any work has been stopped by the Township, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted. An appeal of a cease and desist order may be made to the Board of Adjustment.
- D. **After the Fact Applications:** Any application for a permit which is made after the work is commenced and which requires a permit shall be charged a double administrative fee.
- E. **Performance Bond:** Where a performance bond is deemed necessary to protect the health, safety and welfare of Township residents, the Planning and Zoning Commission, Board of Adjustment or Town Board may require a surety bond, cash escrow, certificate of deposit, securities, letter of credit or cash deposit prior to the issuing of a conditional use permit, initiation or work on proposed improvements or development or variance. Said security shall be irrevocable and shall guarantee conformance and compliance with the conditions issued, Helga Township Land Use Ordinance, Minnesota State law, and/or the Ordinance of the County.
- F. **Assessment:** Upon Court approval, Helga Township may seek the costs of enforcement against any person, business, or party found to have violated the Helga Township Land Use Ordinance. A person, business, or party is considered to have violated the Helga Township Land Use Ordinance if (1) the person is found by the court to have violated the ordinance or (2) upon admission by the violator.

The Costs of enforcement shall include, but not be limited to: the administrative costs of enforcement, reasonable attorney's fees in enforcement, investigative costs and court costs.

Within forty-five (45) days of a violation as determined by the Court (where no appeal

has been timely filed) or upon admission of the violator, Helga Township may certify the costs of enforcement by mailing by certified or registered mail a detailed accounting of the costs of enforcement to the violator at the violator's last known address or the violator's address of record held by Hubbard County Auditor's office. The violator has 30 days in which to appeal the assessment by filing and serving a written appeal with the Township Clerk. The written appeal must include a detailed explanation for the objection to the assessment. If the costs of enforcement are not paid within thirty (30) days (absent an appeal) of receipt of the mailing, Helga Township may certify the costs as any other special assessment. The appeal of an assessment under this provision shall be heard by the Board of Adjustment.

ARTICLE XII **CONFLICT WITH OTHER LAWS**

When any provision of this Ordinance imposes requirements more restrictive than required by existing laws of the State of Minnesota or any ordinance of Hubbard County, Minnesota, the provisions of this Ordinance shall govern. An exception shall be shoreland areas, which will continue to be controlled by Hubbard County Ordinance Number Two – Ordinance for the Management of Shoreland Areas of Hubbard County, Minnesota.

ARTICLE XIII **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 this Ordinance as a whole or any part thereof other than the part specifically and necessarily declared by said Court to be invalid. Furthermore, in constructing this Ordinance, a Court of competent jurisdiction should delete or otherwise change the language of this Ordinance so as to ensure its validity if said deletion or change would be consistent with the intent and purpose of this Ordinance.

ARTICLE XIV **EFFECTIVE DATE**

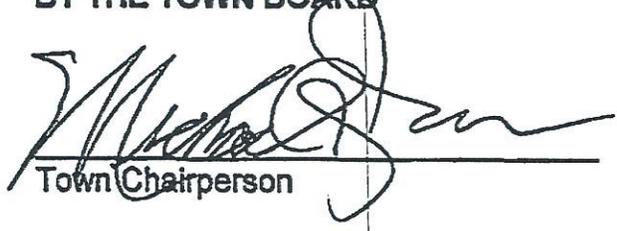
This Ordinance shall take effect and be in force from and after its passage, posting and recording according to law. Copies of this Ordinance shall be kept by the Town Clerk and shall be available for public inspection. A copy of this Ordinance shall be recorded in the Office of the Hubbard County Recorder upon adoption and any amendments thereto shall likewise be recorded with the Hubbard County Recorder.

Originally adopted on September 22, 2005.

Amended on December 21, 2010 by Ordinance No. O-12-21-2010-1

This document incorporates the amendments adopted by the Town Board on December 21, 2010 into the original ordinance and the signatures below indicate this document constitutes the official Helga Township Land Use Ordinance.

BY THE TOWN BOARD


Town Chairperson

Shannon M. Skime
Clerk of Helga Township
Hubbard County, Minnesota
Notarial officer (ex officio notary public)
My term is indeterminate.

ATTEST:


Town Clerk

A000350393
OFFICE OF THE COUNTY RECORDER
HUBBARD COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR
RECORDED BY
01/14/2011 10:35AM
AS DOC #: A000350393

NICOLE K. LIETH
HUBBARD COUNTY RECORDER

BY 
DEPUTY