

SECTION 9 — GENERAL REGULATIONS

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SECTION 9 — GENERAL REGULATIONS

9.1 Subdivision 1 — Applicability

- 9.1.1. The regulations listed in Section 9 of the ordinance shall apply to all areas of the unincorporated part of the county unless specified otherwise.
- 9.1.2. New moved non-farm buildings: All new and moved buildings shall be acceptable, in appearance and value, with the buildings in the area in which they are placed.
- 9.1.3. Moved non-farm buildings: The placement of moved non-farm buildings shall be by conditional use permit only Section 2 Subdivision 5.

9.2. Subdivision 2 — Sanitary Provisions
Amendments: December 16, 1997
June 19, 2001

Individual Sewage Treatment Systems

9.2.1. Purpose and Intent

9.2.1.1. The purpose of the Individual Sewage Treatment Systems (ISTS) Ordinance shall be to provide minimum standards for the regulation of ISTS. The improper location, design, installation, use, and maintenance of individual sewage treatment systems adversely affect the public health, safety, and general welfare by discharge of inadequately treated sewage to the ground surface, surface waters, and ground waters. In accordance with the authority granted in Minnesota Statutes, Chapters 103F, 103G, 115 and 116, the Minnesota Pollution Control Agency (MPCA) provides the minimum standards and criteria for individual sewage treatment systems, and thus protects the surface and ground waters of the state, and promotes the public health, safety, and general welfare.

9.2.2. General Provisions

9.2.2.1. Standards Adopted by Reference

9.2.2.1.1. The county hereby adopts, by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315, including 7080.0910, as now constituted and any future amendments.

9.2.2.1.2. The county hereby adopts, by this reference, Minnesota Rules Parts 115.57 as now constituted and any future amendments.

9.2.2.2. Permits

9.2.2.2.1. No person shall install, alter, repair, or extend any individual sewage treatment system in the county without first applying for and obtaining a permit from the Chippewa County Land and Resource Management Office. Included with this permit shall be the Designer's Preliminary Assessment Worksheets (provided by the office) completed by the Licensed Designer I or Designer II. A fee, set in the schedule in the Chippewa County Land & Related Resources Management Ordinance, will be charged for each permit. The fee covers administration, inspection costs associated with the ISTS installation or upgrade, and a Septic System Owners Guide published by the Minnesota Extension Service. The permit may be issued to the landowner or the licensed installer. Such permit shall be valid for a period of twelve (12) months from the date of issuance.

Twenty-four (24) hours prior to installing the system, the contractor must call the office to let them know when installation work will begin. If the licensed inspector is unable to be at the site the date of installation, the licensed installer or the property owner is responsible to take pictures of the septic tank, drop boxes, drainfield lines, and other critical items, along with a detailed drawing with measurements and setbacks, prior to backfilling of the excavation by the licensed installer or property owner.

The permit application, final as-built drawing, and photos will act as the Certificate of Compliance and Final Inspection Report.

9.2.2.3. License Requirements

9.2.2.3.1. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of ISTS without first obtaining a license to perform such tasks from the MPCA, except as provided under part 7080.0700, subpart 1.

9.2.2.4. Failing Septic Systems

9.2.2.4.1. A Notice of Noncompliance (completed by a Licensed Designer I) shall be issued and copies provided to the property owner and to the county within 30 days under the following conditions:

9.2.2.4.1.1. A failing ISTS shall be upgraded, replaced, or its use discontinued within one year. The department will give consideration to weather conditions as it establishes compliance dates.

9.2.2.4.1.2. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced, or repaired, or its use discontinued, within an appropriate time no greater than 10 months.

9.2.2.4.1.3. Sewage systems installed prior to the adoption of these standards may continue provided they are not discharging to the ground surface.

9.2.2.5. Additional Soil Treatment Area Requirements

9.2.2.5.1. On all lots created after January 1, 1998, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

9.2.2.5.1.1. Homeowners that wish to install their own ISTS must consult with a Licensed Designer I or Designer II and install the system according to the designer's plan. All other permit criteria will be handled the same.

9.2.3. Enforcement

9.2.3.1. Any person who violates any of the provisions of this ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.

9.2.3.2. In the event of a violation of this ordinance, in addition to other remedies, the county attorney may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations.

SECTION 9 — GENERAL REGULATIONS

9.3. Subdivision 3 — Essential Services

- 9.3.1. Since some essential services may have an effect either upon county parks and recreation areas, drainage facilities, public waters and highways, or the public health, safety and welfare, the location of all such essential services in any zoning district shall be filed with the zoning administrator prior to the commencement of any construction by the applicant.
- 9.3.2. Except as otherwise provided herein, prior to constructing or modifying facilities for essential services, the applicant shall observe the following procedures:
 - 9.3.2.1. Pipelines shall be covered with a minimum of five (5) feet of dirt.
 - 9.3.2.2. The depth of an electric line shall be determined by following provisions of the National Electric Safety Code, except when the electric line follows a cross-country routing, then the depth shall be five (5) feet.
 - 9.3.2.3. Telephone lines shall be at a minimum depth of eighteen (18) inches and shall show routing.
- 9.3.3. A utility placement map shall be provided to each land owner by the applicant showing the actual route and depth of the installation through affected lands. In addition, a master placement map shall be provided by the applicant to the county engineer and the zoning administrator.
- 9.3.4. After the public hearing, the planning commission shall make a report of its findings and a recommendation to the county board.
- 9.3.5. Upon receipt of the report of the planning commission on the planned essential services, the board of county commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modification required under this ordinance.

9.4. Subdivision 4 — Solar Access

- 9.4.1. Purpose - The purpose of this subdivision is to promote the use of solar energy systems, defined as, "a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy" and to assure access to solar energy in accordance with Minnesota Statutes 1978, Chapter 786.
- 9.4.2. Variance - The board of adjustment may consider the inability to use a solar energy system a "hardship" in granting a variance.
- 9.4.3. Solar Easements
 - 9.4.3.1. Definition of solar easement — a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of assuring adequate exposure of a solar energy system.
 - 9.4.3.2. Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easement shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county. Solar easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated therein pursuant to the provisions of Chapter 786, Section 500.20.

- 9.4.3.3. General requirements - Any deed, will, or other instrument that creates a solar easement shall include, but not be limited to:
 - 9.4.3.3.1. A description of the real property subject to the solar easement and a description of the real property benefited from the solar easement.
 - 9.4.3.3.2. A description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and time of day in which an obstruction to direct sun light is prohibited or limited.
 - 9.4.3.3.3. Any terms or conditions under which the solar easement is granted or may be terminated.
 - 9.4.3.3.4. Any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement.

9.5. Subdivision 5 — Land Use Permits

- 9.5.1. No person shall erect, structurally alter (including extension of existing walls), change the placement of any building or structure or move any building or structure without first securing a land use permit (LUP). EXCEPTION: Additions and alterations to conforming farm buildings shall be exempt from the land use permit requirements except within the Flood Plain Management District.
- 9.5.2. Permit fees as may be established by resolution of the county board shall be collected by the zoning administrator for deposit with the county and credited to the general revenue fund.
- 9.5.3. Construction for which a land use permit is approved must begin within six (6) months of issuance of the permit and must be completed in accordance with the time schedule set forth in the permit.
- 9.5.4. Should property be petitioned into the city during building construction under a county permit, said permit shall become void and a new permit shall be obtained from the city.

9.6. Subdivision 6 — Additional Setback Requirements

- 9.6.1. The safety of the motoring public and of pedestrians is jeopardized when direct access is allowed from individual properties in built up areas onto a heavily traveled roadway. In addition, the health, convenience and welfare of persons on or occupying the premises, the adequate and economic provision of public services and preservation of property values are jeopardized if buildings and other structures are not situated at a sufficient distance from a heavily traveled roadway. Even though a roadway is not heavily traveled prior to development, preventing placement of buildings and other structures at an insufficient distance from the roadways to allow the construction of frontage roads, or other direct access limitations, to allow sufficient room for utility lines and to allow adequate distances for places of residence, business, and employment from heavily traveled roadways.
- 9.6.2. No building used as a place of residence, business, or employment, nor any other permanent building or structure, shall be placed closer than 110 feet to the outside edge of the right-of-way of any roadway listed in Section 9, Subdivision 6.3. of this ordinance. The board of adjustment may reduce or eliminate the additional setback requirements for any property upon finding, after application and hearing in the same manner as required for variance, that the purposes specified in Section 9, Subdivision 6.1. of this ordinance will not be served by enforcement of the additional setback requirements.
- 9.6.3. The following roadways shall be deemed roadways which are heavily traveled, or which in the future will become heavily traveled, and for which additional setback requirements are applicable:
 - 9.6.3.1. State Highway 7, east from Montevideo city limits to County Highway 7.
 - 9.6.3.2. State Highway 7 and 59 West and North from Montevideo city limits to Tunsberg Township.
 - 9.6.3.3. U.S. Highway 212 east from Montevideo city limits to County Highway 16.
 - 9.6.3.4. County Highway 15 east from Montevideo city limits to County Highway 16.
 - 9.6.3.5. County Highway 42 (old U.S. 212) east and south from Montevideo city limits to U.S. Highway 212.
 - 9.6.3.6. State Highway 29 north from Montevideo city limits to Rosewood Township.

- 9.6.3.7. County Highway 15 west from Montevideo city limits to its intersection with the township road which runs north there from between Sections 10 and 11, Township 117 North, Range 41 West.
- 9.6.3.8. County Highway 41 north from its intersection with State Highway 7 to the point where it turns west, and thence west on County Highway 41 to State Highway 29.
- 9.6.3.9. That township road, known as Town Road, that runs between Section 12, Township 117 North, Range 41 West and Section 7, Township 117 North, Range 40 West and north thereof, north from Montevideo city limits to the point where it crosses the Chippewa River.

9.7. Subdivision 7 — Mining Standards

In zoning districts where mining is a conditional use, the planning commission shall use the following standards to determine whether it should recommend to the county board that the county board grant a conditional use permit.

- 9.7.1. The time limit for mineral exploration drilling, excluding operations, shall be for a term of five (5) years from the date of issuance of the permit, provided that the applicant may renew the permit for an additional five (5) year term, but not longer than the term of the recorded leases upon the filing of a request to renew the permit within 90 days of expiration, provided the applicant abides by the regulations in the conditional use permit.
- 9.7.2. The permit applies only to the land leased under the conditions of the leases.
- 9.7.3. A requirement that the company be in compliance with the state laws as to mineral rights held by the state.
- 9.7.4. The permit is subject to the requirement that there shall be recorded in the county recorder's office at the time of the granting of the permit a lease covering mineral rights or recorded adverse claims on Torrens property and also the applicant record any other documents as necessary covering surface property rights prior to commencing exploration.
- 9.7.5. The permit shall be granted only to the applicant of said permit.
- 9.7.6. At least ten (10) days prior to commencement of exploratory boring, the explorer shall submit to the Minnesota Department of Natural Resources (MN DNR) a county road map (scale ½ inch to 1 mile) as prepared by the Minnesota Department of Transportation (MN DOT) indicating the location(s) of the proposed exploratory boring(s) to the nearest estimated 40 acre parcel. A copy of this map shall be submitted to the zoning administrator and the Minnesota Department of Health (MDH). The explorer shall notify the zoning administrator of any change in hole location. The explorer shall allow state and county officials to review the operation at any time.
- 9.7.7. All test holes shall be abandoned in accordance with MHD 218 and shall not be used as a water well unless approved by the Minnesota Department of Health (MDH).
- 9.7.8. A casing shall be used in the test hole through the unconsolidated glacial material.
- 9.7.9. In the case of an unexpected emergency, including but not limited to any act or condition that would affect the health, welfare, and property of area residents, the applicant shall notify the zoning administrator along with the proper state agencies, within 24 hours.
- 9.7.10. Precautions shall be taken to prevent fires.
- 9.7.11. An abandonment report shall be filed with the zoning administrator every six (6) months with a map showing drill hole locations.
- 9.7.12. Test holes to be used as water wells shall be tested for radiation by the Minnesota Department of Health (MDH).
- 9.7.13. The site of the exploratory boring shall be returned as near as possible to its original condition.
- 9.7.14. Mineral exploration shall occur by drilling only.

9.8. Subdivision 8 — Platting Regulations

The platting regulations which were already in effect at the time the ordinance was adopted, shall remain in effect, except for references to lot size. Lot sizes must conform to this ordinance. Only land which lies in the Urban Development District (See Section 4 of this ordinance) may be subdivided.

9.9. Subdivision 9 — Environmental Review Program

9.9.1. Chippewa County shall participate in the Environmental Review Program which is involved with the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04, Subd. 2 (1974) and Minnesota Statutes 1163.01 (1974) as amended to implement the Environmental Review Program in accordance with 6 MCAR 3.021 to 3.052, one copy of which is on file in the office of the zoning administrator.

9.9.2. When a private person proposes to undertake an action, and the final determination has been made that an Environmental Impact Statement will be prepared by Chippewa County on that action, the proposer shall be assessed for the reasonable costs of preparing and distributing that Environmental Impact Statement in accord with MCAR 2.047 to 3.051.

9.10. Subdivision 10 — Sign Regulations
Adopted March 19, 1996
Amended February 17, 1998

All signs hereafter erected or maintained shall conform with the provisions of this ordinance and any other ordinances or regulations of Chippewa County except: (1) official traffic and street signs; and (2) signs in location subject to Minnesota Statute 173.15 as heretofore amended, but not including signs subject to these laws in cases where this ordinance is more restrictive.

The following regulations shall apply to all permitted signs in all zoning districts and new zoning districts hereafter created unless otherwise expressly provided in such districts. Subject to all other conditions of this ordinance and laws governed by the State of Minnesota, signs shall meet the following guidelines:

- 9.10.1. Signs shall not be permitted within the public right-of-way or easements.
- 9.10.2. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
- 9.10.3. All signs shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed, or painted out when, in the opinion of the planning commission, they are not so maintained.
- 9.10.4. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air ingress or egress for any building or structure.
- 9.10.5. No sign shall be placed that resembles an official marker erected by a governmental agency or shall display such words as "stop" or "danger."
- 9.10.6. The owner, lessee, or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- 9.10.7. The zoning administrator shall order the removal of any sign erected or maintained in violation of this ordinance. Ten (10) days' notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the ordinance. The property owner of the violation will be allowed the opportunity to appeal before the planning commission. Upon failure to remove the sign or to comply with this notice, the zoning administrator shall remove the sign. The zoning administrator shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the zoning administrator shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and all costs shall be assessed against the property.
- 9.10.8. When a sign is illuminated, the source of light shall not shine upon any part of a residence.
- 9.10.9. Minnesota Statutes, Chapter 173, "Minnesota Outdoor Advertising Control Act," do not replace, but are in addition to these regulations.
- 9.10.10. Abandoned signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the zoning administrator shall remove it in accordance with Subdivision 9.10.7. hereof. These

removal provisions shall not apply when a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.

- 9.10.11. Only the following signs shall be permitted within the Agricultural Preservation, Flood Plain, Shoreland, Minnesota River, Natural Areas Preservation, and Urban Development Districts.
 - 9.10.11.1. Permitted signs: The following signs are allowed without a permit but shall comply with all other applicable provisions of this zoning ordinance. The maximum size of the sign shall be thirty-two (32) square feet of surface area per face, unless otherwise specified, such as for the construction sign.
 - 9.10.11.1.1. Government signs. Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
 - 9.10.11.1.2. Directory signs. A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot. Home occupations may display a directory sign.
 - 9.10.11.1.3. Directional and parking signs (on-site). On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon the site where the sign is located.
 - 9.10.11.1.4. Integral signs. Names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
 - 9.10.11.1.5. Real estate sign. For the purpose of selling, renting, or leasing a single parcel, a sign may be placed within the front yard.
 - 9.10.11.1.6. Construction sign. For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign not to exceed fifty (50) square feet of surface area per face, may be erected upon the project site.
 - 9.10.11.1.7. Election sign. Election signs are permitted in all districts, provided such signs are removed within ten (10) days following the general election.
 - 9.10.11.1.8. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
 - 9.10.11.1.8.1. One (1) sign located in the development.
 - 9.10.11.1.8.2. Directional signs, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the

subdivision or development. No such sign shall be allowed on minor residential streets.

9.10.11.1.9. One (1) identification sign for the following uses: church, school, hospital, parks, and recreation areas, or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.

9.10.11.1.10. Business signs for allowed uses, subject to the following provisions:

9.10.11.1.10.1. No more than one (1) on-premise freestanding, pylon, or flat wall sign.

9.10.11.1.10.2. Identification signs on buildings shall not be considered advertising signs provided that the identification consists of letters which do not exceed the dimensions of 18 inches by 24 inches. Letters exceeding this size may be allowed by conditional use permit. One identification sign per business is permitted per building.

9.10.11.1.10.3. No sign shall project above the permitted building height for the district in which it is located.

9.10.11.1.10.4. If more than one (1) business operates from one (1) building site, the businesses shall be entitled to a sign space, provided that all such signs shall be erected on a single pylon.

9.10.11.1.10.5. Signs in excess of thirty-two (32) square feet may be allowed by conditional use permit.

9.10.11.1.10.6. Portable signs may be permitted by conditional use permit. No conditional use permit is required for a portable sign used less than fifteen (15) calendar days per year upon the legally described property.

9.10.11.1.10.7. A sign advertising an on-premise business may be erected thirty (30) feet from the road right-of-way.

9.10.12. Signs in B-1 Business District, B-2 Highway Business District, I-1 Light Industry District, and I-2 Heavy Industry District

9.10.12.1. The following billboards, advertising signs, or business signs shall be permitted:

9.10.12.1.1. Advertising signs and billboards shall be subject to the following provisions:

9.10.12.1.1.1. Billboards may be no closer than seven hundred (700) feet in a radius to another billboard. Measurement shall be taken from outermost edges of the billboards.

- 9.10.12.1.1.2. Such advertising structure may not contain more than two (2) signs per facing, back to back, on each billboard site. Back to back shall mean that the two (2) outer faces shall form an angle not greater than thirty (30) degrees.
 - 9.10.12.1.1.3. Advertising structures shall be limited to no more than fifty (50) feet in total length.
 - 9.10.12.1.1.4. Advertising structures shall not exceed thirty (30) feet in height, with a minimum of twelve (12) feet off the ground.
 - 9.10.12.1.1.5. No billboard shall be permitted within two hundred (200) feet of any adjoining residential property. Measurement shall be taken from the billboard's outermost edge closest to that property.
 - 9.10.12.1.1.6. No advertising sign shall be permitted within thirty (30) feet of the right-of-way of any road or highway, with the exception of in the B-1 Business District, where the setback shall be ten (10) feet from the road right-of-way. Measurement shall be taken from the advertising sign's outermost edge closest to the right-of-way.
 - 9.10.12.1.1.7. Maximum size of advertising signs and billboards is three hundred (300) square feet of surface area per face, including border.
 - 9.10.12.1.1.8. Billboards and other off-premise advertising signs shall be a metal structure free of any supports or guy wires. The metal shall be either painted or treated in such a manner as to prevent deterioration.
- 9.10.12.2. Business signs subject to the following provisions:
- 9.10.12.2.1. No more than one (1) free standing or pylon sign of not more than thirty-two (32) square feet of surface area per face.
 - 9.10.12.2.2. Without exceeding 300 square feet of surface area per face, the total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area, whichever is greater.
 - 9.10.12.2.3. No business sign shall project above the permitted building height of the district in which it is located.

9.10.13. Permits and Fees

- 9.10.13.1. Permit Requirements: No sign shall be erected, altered, or relocated without a permit issued by the zoning administrator. Exceptions are listed in 9.10.13.6.
- 9.10.13.2. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc., seal of inspection.
- 9.10.13.3. Application: The permit application shall be signed by the applicant, and when the applicant is any person other than the owner of the property, the permit application shall also be signed by the owner of the property and shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design, dimensions, and locations of the sign and such other pertinent information as the zoning administrator may require to insure compliance with the laws of Chippewa County.
- 9.10.13.4. Fees: Fees for sign permits shall be as determined from time to time by the Chippewa County Board of Commissioners by recommendation of the planning commission. Such fees shall cover the cost of enforcing this ordinance, which shall be considered when setting fees.
- 9.10.13.5. Nullification: A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.
- 9.10.13.6 Permit Exceptions: The following operations shall not be considered as creating a sign and shall not require a sign permit.
 - 9.10.13.6.1. Replacing copy: The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - 9.10.13.6.2. Maintenance: Painting, re-painting, cleaning, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
 - 9.10.13.6.3. Permitted signs listed under 9.10.11.1.

**9.11. Subdivision 11 — Junkyard/Automobile Graveyard
Adopted December 20, 1995**

- 9.11.1. Purpose and Intent: In that junkyard/automobile graveyard and dismantling facilities process materials and debris contaminated by petroleum and chemical products, generate waste tires, batteries, and other materials requiring special disposal methods, and store accumulations of materials and debris with the potential of contaminating soil, ground water, and surface waters, it is in the best interests of the public's health, safety, and welfare to regulate their operations for the protection of the environment, to preserve the public's health, and guard against the danger of fire.
- 9.11.2. Definitions:
- 9.11.2.1. Automobile Graveyard — The term “automobile graveyard” shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- 9.11.2.2. Dismantling Facility — The term “dismantling facility” shall mean the storing or keeping of two or more unlicensed vehicles, of the type requiring licensing by the State of Minnesota or vehicle hulks, except this term shall not apply to vehicles in a roadworthy condition and eligible for licensing, that have been licensed for a period of at least thirty days within the preceding 12-month period, nor shall the term apply to vehicles maintained within a building for their antique or collectible value.
- 9.11.2.3. Hazardous Material — The term “hazardous material” shall mean any material in solid, semi-solid, liquid, or contained gaseous form which, because of its quantity, concentration, chemical, physical, or infectious characteristics may:
- 9.11.2.3.1. cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or
- 9.11.2.3.2. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 9.11.2.4. Hazardous Waste — The term “hazardous waste” shall have the meaning prescribed by Minnesota Statutes, Section 116.06, Subd. 131.
- 9.11.2.5. Junkyard — The term “junkyard” shall mean an establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency, any of which are wholly or partly within one-half mile of any right-of-way of any state trunk highway, including the interstate highways, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.
- 9.11.2.6. Person — The term “person” includes any person, firm or corporation, or group, however organized, and the singular includes the plural.

- 9.11.2.7. **Public Nuisance** — A nuisance is a thing, act, or use of property which: shall annoy, injure, or endanger the safety, health, comfort, or repose of the public; shall offend public decency; shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, river, bay, stream, canal, or basin, or a public park, square, street, alley, or highway; or shall in any way render the public insecure in life or in use of property.
- 9.11.2.8. **Salvage/Junk Materials** — The term “salvage/junk materials” is defined as junked, dismantled, or wrecked motor vehicles, farm machinery, construction machinery, appliances/white goods, or parts thereof, scrap iron, steel, conduit, copper, brass, other old or scrap ferrous or nonferrous material, rope, rags, rubber debris, batteries, papers, synthetic or organic trash, or other scrap material. In addition, materials that are defined by the Minnesota Pollution Control Agency (MPCA) as municipal solid waste and/or demolition debris will be included.
- 9.11.2.9. **Waste Tires** — The term “waste tires” shall mean any tire which is not mountable on a wheel rim, has insufficient tread depth remaining to be legally used on a public roadway under Minnesota Statutes Section 169.723, or has at least one cut, tear, or deficiency which would make it unsafe for use on a public road.
- 9.11.3. **License Required:** It shall be unlawful for any person to operate and/or maintain a junkyard/automobile graveyard or dismantling facility within Chippewa County without a valid junkyard/automobile graveyard or dismantling facility license.
- 9.11.4. **Application for License/Conditional Use Permit and Issuance:** Application for junkyard/automobile graveyard and dismantling facility licenses shall be made to the zoning administrator on a form supplied by the county. The application fee, as herein specified, shall accompany the application, and the zoning administrator shall issue a receipt therefore. The zoning administrator shall present the application for a conditional use permit to the planning commission for consideration. The process used to obtain a conditional use permit is defined in the Chippewa County Land and Related Resources Management Ordinance in Section 2, Subdivision 5. If approved and granted by the planning commission, a conditional use permit and a license shall be issued by the zoning administrator and the board of county commissioners.
- 9.11.5. **General Conditions:** Each application for a junkyard/automobile graveyard license or dismantling facility license shall include the following information:
 - 9.11.5.1. The name and street address of the applicant;
 - 9.11.5.2. The street address, legal description, and parcel number of the premises upon which the junkyard/automobile graveyard or dismantling facility is to be operated;
 - 9.11.5.3. The name, street address, and written consent of the owner of the premises to use the premises for the purposes detailed on the application;
 - 9.11.5.4. The zoning classification of the premises;
 - 9.11.5.5. The date of issuance and status of the conditional use permit, if applicable, for use of the premises for the purposes detailed on the application;
 - 9.11.5.6. A copy of a current industrial storm water permit for the site;

- 9.11.5.7. A copy of a current hazardous waste generator's license for the site, if necessary;
 - 9.11.5.8. A site management plan as herein defined;
 - 9.11.5.9. Worker's compensation insurance information: name and address of insurance company; policy number; dates of coverage; signed (dated signature) statement whereby licensee certifies that the information given is true and that the policy will be kept in effect during the license period.
- 9.11.6. Site Management Plan: Each person holding a junkyard/automobile graveyard or dismantling facility license issued by Chippewa County shall maintain a current site management plan on file with the zoning administrator. At a minimum, the site management plan shall include the following:
- 9.11.6.1. A site sketch showing the general location and dimensions of all fire lanes, buildings, storage areas of hazardous, explosive, or flammable materials, waste piles of 10 or more tires, location of all fire extinguishers, and site entrance and exit points.
 - 9.11.6.2. A fluid management plan describing the processing of hazardous or flammable fluids, to include fluid drainage, storage, disposal, and spill containment and cleanup.
 - 9.11.6.3. A plan for the storage, processing, and disposal of batteries, tires, contaminated parts and components, and other contaminants, including a statement as to expected volume.
 - 9.11.6.4. The location and depth of all wells registered with Countryside Public Health Department, located within 1,000 feet of the property lines of the junkyard/automobile graveyard or dismantling facility.
- 9.11.7. General Requirements: On or after January 1, 1996, unless sooner required by law, it shall be unlawful for any junkyard/automobile graveyard or dismantling facility located in Chippewa County to operate except in conformance with the following provisions:
- 9.11.7.1. Battery Storage: All batteries must be stored on a non-reactive, curbed, and an impermeable surface without a floor drain and protected from accumulations of rain, snow, and drain water, or stored within a covered, non-reactive, impermeable container.
 - 9.11.7.2. Antifreeze Disposal: Antifreeze shall be collected and recycled, or disposed of through other Minnesota Pollution Control Agency (MPCA) approved methods. Antifreeze shall not be discharged to land, water, any septic system, or public sewer system.
 - 9.11.7.3. Refrigerants: Refrigerants shall be recovered and recycled or reclaimed by methods approved by Minnesota Pollution Control Agency (MPCA).
 - 9.11.7.4. Recycling Petroleum Products: Used oil, including engine oil, transmission fluid, hydraulic oil, and similar petroleum products, shall be recycled or disposed of through Minnesota Pollution Control Agency (MPCA) approved methods.
 - 9.11.7.5. Draining Fluids:
 - 9.11.7.5.1. All junkyard/automobile graveyard and dismantling facilities shall have facilities to drain fluids on a curbed, impermeable surface; within a structure with an

impermeable floor; on an unbermed, impermeable surface with adequate spill control equipment, and absorbent material immediately available to contain any spill which may occur.

- 9.11.7.5.2. Where disassembly of any salvage-related material, or parts thereof, is necessary at a location without an impermeable floor or surface, all drain plugs, hose connections, and other orifices which allow for the leakage of fluids, shall be tightly capped prior to parts movement to avoid spillage of residue liquids.
- 9.11.7.6. Oil Filter Disposal: Used oil filters shall be recycled, disposed of as hazardous waste, or after being drained and tested by a professional testing laboratory, disposed of as solid waste. Oil filters may remain attached to engines or motors when sold to a second party or transported as scrap, so long as the receiving person will accept the filter.
- 9.11.7.7. Tire Storage:
 - 9.11.7.7.1. Tires shall be stored in cells no larger than 10,000 square feet by 10 feet high with a posted fire lane 50 feet wide surrounding each cell and leading to a public street. The applicant shall insure emergency vehicle access on said fire lanes at all times of the year.
 - 9.11.7.7.2. Tire piles shall be located 50 feet away from any vegetation more than 12 inches in height.
 - 9.11.7.7.3. No more than 500 waste tires shall be stored at any junkyard/automobile graveyard or dismantling facility without a current permit from the Minnesota Pollution Control Agency (MPCA). Tires maintained for resale as vehicle components shall be stored separately from waste tires.
- 9.11.7.8. Hazardous Material Storage: Flammable and hazardous materials shall be stored in covered and appropriately marked containers suitable to the contents in storage. Adequate aisle space shall be provided for access by emergency personnel and for spill containment and cleanup equipment.
- 9.11.7.9. Fencing: Fencing shall be installed in accordance with county specifications on the perimeter of all junkyard/automobile graveyard or dismantling facilities at least six feet high to deny public access except through controlled access gates. In the case where the facility has a minimum of 100 feet of vacant land between all junkyard/automobile graveyard or dismantling facilities, and any adjacent property or public road, and the absence of a fence will not pose an unreasonable threat to the public safety, the planning commission may allow the posting of "No Trespassing" signs at intervals no greater than 50 feet around the perimeter of the facility in lieu of the required fence.
- 9.11.7.10. Screening: Visual screening shall be provided through fencing or landscaping to block from view all dismantling, auto, or salvage/junk storage, and related activities, from adjacent property or any public right-of-way. Adequacy of screening shall be determined by the planning commission as part of site management plan approval.

- 9.11.7.11. Hazardous Spills: Spills of oil, lubricants, or other hazardous material shall be promptly contained, cleaned, and disposed of in accordance with current Minnesota Pollution Control Agency guidelines.
- 9.11.7.12. On-Site Disposal: On-site disposal of any material is prohibited, except under proper license or permit.
- 9.11.7.13. Battery Cable Disposal: Lead battery cable ends and heater cores shall be removed from units prior to crushing and shall be recycled separately, unless accepted as a unit component by a second person.
- 9.11.8. Inspections and Monitoring:
 - 9.11.8.1. Inspections by Officials: In order to insure compliance with the license or permit granted in this ordinance and as a condition for the issuance of any permit or license granted under this ordinance, the applicant shall allow inspections at reasonable and appropriate times by officials of Chippewa County, or such consultants as the county deems appropriate to retain. The license holder shall routinely be given a minimum of 24 hours notice of any scheduled inspection, but failure to provide such notice shall not be cause to deny an inspection of any facility, nor shall it be cause to deny enforcement of any ordinance, regulation, or law.
 - 9.11.8.2. Monitoring Wells: The planning commission may require that any licensee construct and maintain, at the licensee's expense, ground water monitoring wells on the premises of their junkyard/automobile graveyard or dismantling facility to determine the impact the facility is having on the county's ground water. In determining whether to require monitoring wells the planning commission shall:
 - 9.11.8.2.1. Consult with a licensee, or appoint a representative to consult with the licensee, prior to ordering that the licensee construct a monitoring well;
 - 9.11.8.2.2. Consider the specific geographic, topographical, and other features of the operation as they pertain to the facility's potential to contaminating the county's ground water.
 - 9.11.8.2.3. Consider the professional recommendation of the county engineer or other qualified individual or firm as to the necessity or desirability of constructing monitoring wells at the facility.
 - 9.11.8.3. Inspections and Monitoring: It shall be the responsibility of the county's zoning administrator to conduct or coordinate all inspections or monitoring activities required by this ordinance or required by any license issued pursuant to this ordinance.
- 9.11.9. Report of Spills: It is the duty of every person to notify the Minnesota Pollution Control Agency (MPCA) of any spill or discharge of a substance in accordance with Minnesota Statute, Section 115.061. Any person holding a junkyard/automobile graveyard or dismantling facility license from Chippewa County shall also report to Chippewa County zoning administrator, in writing, the time, date, location, cause, and method of the cleanup of any hazardous material spill in excess of one gallon in volume, which occurs on the premises of the licensee, within 48 hours of the occurrence of the spill.
- 9.11.10. Term of Licenses: Licenses shall be issued under this ordinance for a period not to

exceed one year.

- 9.11.11. Display of License: Every license shall be kept conspicuously posted about the place for which it is issued, along with the telephone numbers of the Minnesota Pollution Control Agency (MPCA) Spill Unit and the local fire department. Licenses shall be exhibited to any person upon request.
- 9.11.12. License Fee: The fee for every junkyard/automobile graveyard or dismantling facility license shall be \$150.00 to cover the initial expense of the public hearing requirements, plus actual site inspection, sampling, and analysis fees, if required. Such fees do not include costs to be paid by the licensee in the design, supervision, and construction of any ground water monitoring wells required as part of this license. The fee for \$150.00 shall cover the initial public hearing requirements. Thereafter, the annual fee for renewal shall be \$50.00. If a license is allowed to expire for more than 12 consecutive months, the licensing process shall commence from the beginning.
- 9.11.13. Revocation: Every license may be revoked by the county board of commissioners for violation of any provision of this ordinance after the licensee has been given reasonable notice and the opportunity to be heard, or upon any change in zoning or special use permit status of the premises whereby junkyard/automobile graveyard or dismantling facilities are prohibited. There shall be no refund of any license fee, inspection fee, or any portion thereof upon revocation.
- 9.11.14. Abatement: If any nuisance described above exists causing a condition which is judged to be harmful or dangerous to the health, morals, or safety of any considerable number of people, the county attorney may take reasonable steps within a reasonable time, which shall both be set out in the resolution, to abate the nuisance. The resolution shall also fix a time and place when the person or persons upon whom the resolution is served may appear before the planning commission and be heard as to any objections concerning the proposed action of the planning commission. Such resolution shall be served upon the person or persons therein required to abate the nuisance, in person or by registered mail; and if the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the resolution on the premises. Service may be proved by filing in the office of the zoning administrator setting forth the manner and the time thereof.

If, after such service of the resolution, the party or parties served fail(s) to abate the nuisance in accordance with the terms of the resolution, and after having heard the objections thereto, if any, the planning commission does not determine otherwise, the planning commission may recommend to the county board of commissioners such nuisance to be abated at the expense of the county. The county can recover such expenditure, either by civil action against the person or persons responsible for the nuisance and/or, if service has been had upon the owner of the real estate upon which the nuisance is located, by ordering the zoning administrator to recover such sum against the property upon which the nuisance existed and to certify the same to the county auditor for collection in the manner as taxes and special assessments are collected.
- 9.11.15. Penalty: Any person who shall knowingly cause or create a nuisance, or permit any nuisance to be created or placed upon or to remain upon any premises owned or occupied by him, shall upon conviction thereof be deemed guilty of a misdemeanor.