

**TOWN OF FORD
KANABEC COUNTY**

RESOLUTION NO. 2008-03-01

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON LAND USE
WITHIN FORD TOWNSHIP**

WHEREAS, the Town of Ford (the “Town”) is currently undertaking to draft and adopt that certain Land Use Ordinance of the Town of Ford, Minnesota, governing, among other things, the use and subdivision of the real property in the Town; and

WHEREAS, the Town is currently undertaking to draft and adopt a Comprehensive Plan for the Town of Ford; and

WHEREAS, a public hearing was scheduled for March 11, 2008 as was continued to March 18, 2008, to discuss said proposed Comprehensive Plan for the Town of Ford; and

WHEREAS, a public hearing scheduled for March 17, 2008 as was continued to March 18, 2008, to discuss this interim ordinance; and

WHEREAS, the Town desires to impose a moratorium on certain land use within the Town; and

WHEREAS, the Town finds that this moratorium will protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, pursuant to Minnesota Statute § 462.355, subd. 4, the Town of Ford Town Board (the “Board”) approves the following interim ordinance:

INTERIM ORDINANCE

Section 1. **EFFECTIVE DATE.** This moratorium shall be in effect for a period of one (1) year from the date of this interim ordinance or until such time as the Board determines the moratorium is no longer necessary as to all of the property or any part thereof located within the Town, except that said moratoria shall not apply to those conditions prohibited hereby that existed prior to the effective date of this interim ordinance.

Section 2. **DEFINITIONS.**

- A. [ACCESSORY BUILDING OR USE]. A subordinate building, structure or use which is located upon the same parcel or lot on which

the main building or use is situated and is incidental but reasonably necessary to the principal use of such lot, parcel or building.

- B. [ACRE]. An area of land measuring 43,560 square feet.
- C. [ANIMAL UNIT]. A unit of measure used to compare differences in the production of animal wastes which, as a standard, is the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations, the following equivalents apply: 1 slaughter steer or heifer = 1 Animal Unit (AU), 1 mature dairy cow = 1.4 AU, 1 swine over 55 pounds = .4 AU, 1 sheep = .1 AU, 1 turkey = .018 AU, 1 chicken = .01 AU, 1 duck = .2 AU. For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by 1,000 lbs.
- D. [AUTOMOBILE REPAIR]. General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding and major painting service; the replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service.
- E. [BARN/ POLE BARN/ POLE SHED]. Any building or structure used for any purpose, including but not limited to: storing grain or hay; storing farming supplies and/or any type of equipment whatsoever; storing vehicles; storing personal property; storing goods; and/or for sheltering animals.
- F. [BASEMENT]. A portion of a building located partly or entirely underground.
- G. [BUILDING]. Any structure, temporary or permanent, for the shelter, support, or enclosure of persons, animals, chattel, or property of any kind; and when separated by party walls without openings, that portion of such building so separated shall be deemed a separate building.
- H. [COMPREHENSIVE PLAN]. The general plan for land use, transportation, water and community facilities of the Town.
- I. [CONVENIENCE GROCERY STORE]. Any retail store whose principal business is selling convenience grocery items, health and beauty items, and other items intended for routine use and consumption by the consumer.
- J. [DOG TRACK]. A facility established for gaming and dog racing purposes.

- K. [DWELLING UNIT]. Consists of one or more rooms which are arranged, designed or used as living quarters for one family or household.
- L. [EXCAVATION]. Any breaking of ground, except common household gardening and ground care.
- M. [FARM]. A single tract of land of not less than ten (10) acres, the principal use of which is for agricultural purposes.
- N. [FEEDLOT]. A fenced land area or building or combination of fenced land area and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purpose of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be feedlots.
- O. [GARAGE]. An accessory building or accessory portion of the principal building which is intended for and used exclusively to shelter private passenger vehicles of a family or those families residing upon the premises.
- P. [HORSE TRACK]. A facility established for gaming and horse racing purposes.
- Q. [HOTEL]. A building having provision for nine or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.
- R. [JUNKYARD]. 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, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to three (3) or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

- S. [KENNEL]. A place where three (3) or more of any single type of animal over four (4) months of age are owned, boarded, bred or offered for sale.
- T. [LIGHT MANUFACTURING]. Any enterprise which includes the compounding, processing, packaging, treatment or assembly of products and materials.
- U. [LIVESTOCK]. Any animal raised for home use or profit, including but not limited to cattle, horses, sheep, chickens, turkeys and pigs. Livestock shall not include dogs and/or cats maintained as household pets.
- V. [LIVESTOCK SALES]. A commercial enterprise where the livestock sold is not a product of the property where the livestock is being sold.
- W. [MINING]. The extraction of sand, gravel, rock, soil or other material from the land in the amount of One Thousand (1,000) cubic yards or more and the removing thereof from the site without processing shall be mining.
- X. [MOTOR FUEL STATION]. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services.
- Y. [MOTOR COURT, MOTOR HOTEL OR MOTEL]. A building or group of buildings not to exceed two (2) stories other than a hotel used primarily as a temporary residence of motorists, tourists, or travelers.
- Z. [NOXIOUS MATTER OR MATERIALS]. Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.
- AA. [OPEN STORAGE]. Storage of material outside of a building.
- BB. [OWNER]. An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having a legal or equitable interest in the land.
- CC. [RECREATION EQUIPMENT]. Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding Twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment greater than 100 square feet in size.

- DD. [SALVAGE YARD]. Any use which involves or includes the storing, keeping, salvaging and/or holding for sale all or parts of the following: unlicensed and/or inoperable motor vehicles; used farm machinery and equipment unless used as part of a farm operation or unless held for sale under a permit authorized by this ordinance; scrap iron and scrap metals; and any other item or items which no longer customarily serve the purpose for which they were designed.
- EE. [SIGN]. The board or display used to identify or advertise a place of business, goods or services.
- FF. [STRUCTURE]. Anything constructed or erected, the use of which requires location on or in the ground or attached to something having a location on or in the ground.
- GG. [SUBDIVISION]. The division of a parcel of land into two or more lots or parcels, for the purpose of transfer or ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or development of a new street, road, or highway is involved, any division of a parcel of land shall be considered a subdivision.
- HH. [TRAILER]. Any trailer or semi-trailer not used as a residence, but used for temporary living quarters for recreational or vacation activities and that may be towed on public roads in connection with such use.
- II. [USE]. The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
- JJ. [USEABLE ACRE]. An acre of land (as defined in Section 2(B) above) fenced off from the surrounding land, containing grass and other similar vegetation upon which animals and livestock may graze. For purposes of this definition 2(II), if such land is covered by a river or other body of water greater than one-quarter (1/4) of an acre in size with a depth in excess of two (2) feet at any one point, such portion of the land which is covered by said body of water shall not be included in the calculation of usable acreage.

Section 3. **BUILDINGS AND STRUCTURES.** No Owner of property, whether residential, commercial, agricultural or otherwise, shall be permitted to erect any new Structure or Building thereon larger than One Hundred (100) square feet. This includes, but is not limited to, houses, Garages, carports, Accessory Buildings, greenhouses, Kennels,

doghouses, any type of Barn or Pole Shed and/or temporary buildings, and/or any additions thereto.

Section 4. **DWELLING UNITS.** No cellar, Garage, Trailer or Basement with unfinished Structure above or Accessory Building shall at any time be used as a Dwelling Unit or residence.

Section 5. **SUBDIVISIONS.** No Owner of property whether residential, commercial, agricultural or otherwise shall be permitted to divide, subdivide, plat, parcel and/or split said property for any purposes whatsoever including simple plat Subdivisions and/or standard plat Subdivisions.

Section 6. **AGRICULTURAL USE.** No property may be used for agricultural purposes not already in existence as of the date of this interim ordinance. For purposes of this Section 6, the phrase “for agricultural purposes” shall include, but shall not be limited to:

- A. General Farm and dairy operations if the Animal Unit density is greater than one (1) unit per Usable Acre;
- B. Raising Livestock, Livestock products and other domesticated animals kept for use on the farm or raised for sale or profit;
- C. Domestically raised fowl;
- D. Feedlots;
- E. Any operation or use of property resulting in Animal Unit density greater than one (1) Animal Unit per Useable Acre.

Section 7. **CEMETERIES.** No property may be used for the construction of a cemetery.

Section 8. **ORGANIZED CAMP GROUPS.** No property may be used for the purpose of running an organized group camp.

Section 9. **SIGNAGE.** No property Owner whether residential, commercial, agricultural or otherwise may erect any Signs on his property greater than four (4) square feet in size.

Section 10. **COMMERCIAL USE.** No property may be used for commercial purposes not already in existence as of the date of this interim ordinance. For purposes of this Section 10, the phrase “for commercial purposes” shall include, but shall not be limited to:

- A. Auto car wash
- B. Automobile Repair or service

- C. Bowling alleys
- D. Drive-in retail or service uses
- E. Wholesale uses as defined: Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products
- F. Livestock sales
- G. Drive-in theaters
- H. Miniature golf courses
- I. Motel, Hotel, or tourist camps
- J. Professional offices
- K. Building and material sales
- L. Dwelling Units for watchmen and their families, located on the premises where they are employed in such capacity
- M. Garages for storage, repair and servicing of motor vehicles
- N. Auction houses
- O. Light Manufacturing
- P. Convenience Grocery Stores
- Q. Motorized vehicle recreational area
- R. Dog Tracks
- S. Horse Tracks

Section 11. **HAZARDOUS WASTE.** No hazardous waste facilities may be operated on any property.

Section 12. **CHEMICAL STORAGE.** No chemical storage facilities may be operated on any property.

Section 13. **JUNKYARDS.** No Junkyards and/or Salvage Yards may be operated on any property.

Section 14. **COMMUNICATION TOWERS.** No communication towers may be erected on any property. For purposes of this Section 14, “communication towers” shall mean radio and television broadcasting, cellular phone and communication devices, and transmission and/or receiving towers and antennas which are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and television reception antennas and amateur radio station antennas, all of which are deemed to be incidental to residential use.

Section 15. **UNDUE NOISE.** No property Owner whether residential, commercial, agricultural or otherwise shall engage in any operation that results in undue noise emanating from said property perceptible beyond the boundaries of the property on which such use is located.

Section 16. **VIBRATIONS.** Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located.

Section 17. **HEAT AND LIGHT TRANSMISSION.** Any use producing intense heat or light transmission detectable at the lot line of the site on which the use is located shall be prohibited.

Section 18. **EMISSIONS.** No property Owner shall engage in any operations which do not meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke and particulate matter.

Section 19. **NOXIOUS MATTER OR MATERIALS.** No property use shall cause the discharge into the atmosphere, water, or subsoil, of any Noxious Matter or Materials.

Section 20. **OPEN STORAGE.** No property Owner shall permit Open Storage on his/her property except for Recreation Equipment; construction and landscaping materials; equipment currently being used for construction on the premises; agricultural equipment and materials if they are used or intended for use on the premises; and boats and Trailers, with up to date license are permissible, if stored in the rear yard not less than 30 feet distant from any property line.

Section 21. **BULK LIQUID STORAGE.** No property Owner may engage in the bulk storage of oil, gasoline, liquid fertilizer, chemicals or any other similar liquids for the purpose of re-sale. Nothing in this Section 21 shall be construed to prohibit the storage of the variety of liquids herein described for personal and/or agricultural use only, so long as the volume of the liquid stored for said personal and/or agricultural use does not exceed 1500 gallons.

Section 22. **OFF-STREET PARKING.** Off-street parking spaces shall not be utilized for Open Storage of goods or for the storage of vehicles which are inoperable or for sale for rent.

Section 23. **MINING OPERATIONS.** No property Owner whether residential, commercial, agricultural or otherwise may engage in any Mining operations on his/her property.

Section 24. **CONCRETE MANUFACTURING.** No property Owner whether residential, commercial, agricultural or otherwise may engage in concrete manufacturing on his/her property.

Section 25. **MOTOR FUEL STATIONS.** No property Owner whether residential, commercial, agricultural or otherwise may engage in the operation of a Motor Fuel Station on his/her property.

Section 26. **PRE-SUBDIVISION PREPARATION.** No property Owner may allow pre-Subdivision preparation work to be performed on his/her property, including but not limited to, Excavation, road improvements, Sign erection, or sewer/culvert work.

Section 27. **VIOLATIONS.** Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor.

Section 28. **CEASE AND DESIST NOTICE.** Whenever any activity is being performed contrary to the provisions of this interim ordinance, the Board may order the activity stopped by providing written notice personally served upon the person and/or entity performing the activity and/or Owner. All activities shall cease and desist until subsequent written authorization to proceed is received from the Board.

Section 29. **INJUNCTIVE RELIEF.** In the event of a violation of this interim ordinance, the Board may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations.

Section 30. **RECOVERY OF COSTS.** All costs incurred for corrective action may be recovered by the Board in a civil action brought in District Court, or, at the discretion of the Board, the costs may be certified to the County Auditor as a special tax against the real property at issue. These and other remedies, as determined appropriate by the Board, may be imposed upon the responsible parties either in addition to, or separate from, other enforcement actions.

Section 31. **SEVERABILITY.** If any court of competent jurisdiction shall adjudge any provision of this interim ordinance to be invalid, such judgment shall not affect any other provision not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this interim ordinance to a particular property, Building, or Structure, such judgment shall not affect other property, Buildings, or Structures.

Moved by Board Member Kim Johnson

Seconded by Board Member Doug Bassett

Adopted this 18th day of March, 2008, three in favor and zero against.

/s/ Katie Kerr

Town Board Chair

ATTEST:

/s/ Sarah Berry

Town Clerk