

SECTION 8. SUPPLEMENTAL REGULATIONS

Subsection 8.1: Structures to be Removed

No structure shall be moved to a new location within Swift County until a building permit has been secured. Any such structure shall conform to all provisions of this Ordinance and the uses specified within the respective district the structure is being moved to.

Subsection 8.2: Structures Under Construction

Any structure for which a building permit has been issued and the construction has started prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which the building permit was granted for the structure.

Subsection 8.3: Subdivisions

No subdivision shall occur outside the incorporated limits of those Municipalities located within Swift County. Subdivisions shall only occur within a Municipality's incorporated limits. Any future subdivision of land lying outside the incorporated limits of a Municipality must first be annexed and approved by the respective Municipality where each subdivision is adjacent to.

Subsection 8.4: Exploration & Excavation of Mineral Materials

The use of land for the exploration and/or commercial excavation of mineral materials or removal of topsoil, sand and gravel are not permitted in any district within the unincorporated areas of Swift County except with the granting of a conditional use permit as specified by this Ordinance. Permits shall be granted for one year and shall be subject to review and approval at that time.

- A. Upon the receipt of an application, after the annual renewal time of notice for other conditional use permits for commercial excavation of sand and gravel, the Zoning Administrator is authorized to issue a conditional use permit provided:
 1. The applicant was granted a conditional use permit by the County Board of Commissioners for the same pit in the immediate preceding year.
 2. The Zoning Administrator shall publish notice and in notify in writing, as prescribed in Subsection 2.9(Conditional Use Permits).
 3. The Zoning Administrator receives no objections in writing within ten (10) days of the notice, to the granting of the permit.
 4. A fee of double the amount for the conditional use permit for commercial excavation of sand and gravel shall accompany the late application.
 5. All conditions attached to other conditional use permits for commercial excavation of sand and gravel in the current year shall be attached to this permit, in addition to any special conditions attached to this permit in preceding years.
- B. When the Zoning Administrator receives written objections to the granting of conditional use permits under the preceding terms, then the Zoning Administrator shall set a date for the public hearing to be held and re-notify in writing all person receiving the original notice. This public hearing shall be included as part of the original application of this party for the current year.

C. Special Conditional for Commercial Extraction of Mineral Materials.

1. No stock, overbearing, etc. shall be located within 100 feet from the centerline of a road or 75 feet from the right-of-way line, or whichever distance is greater.
2. No excavation of topsoil, mineral material, etc. shall be done within 5 feet of a property line, right of way line or Municipal boundary. The side walls of all extraction pits shall be sloped to a grade of not less than 4 to 1.
3. Sufficient topsoil shall be retained at the excavation site to renovate the area.
4. When sufficient area has been excavated, the area already excavated shall be renovated as far as practical each year with topsoil being spread over the side slopes and bottom and seeded to cover crop.
5. Surface water drainage in the area cannot be disturbed.
6. Compliance with the preceding conditions shall be the responsibility of the property owner. Failure to comply with these conditions shall be cause for revoking this permit until conditions are corrected.
7. Roads that are damaged due to the activities of the pit will be repaired by the pit owner or operator to their pre-existing conditions.
8. An operator's permit will be required each year the pit is in operation.

Subsection 8.5: Fences

No fence, wall, structure, planting or other obstruction shall be permitted over three feet in height within 25 feet of any road right-of-way intersection in order to ensure visibility across such road intersections. Open fences constructed so as not to obstruct snow shall be permitted on property lines.

Subsection 8.6: Landfill Operations

The location of expansion of existing and future landfill sites must be approved by the MPCA. Proposals to expand or relocate landfill site operations must receive a conditional use permit from the Swift County Board of Commissioners prior to the development of a land site operation. No landfill site operation shall be located within the Floodplain Management District, however, a conditional use permit may be granted to develop a landfill site operation within all other districts located in the County if approved by the MPCA.

Subsection 8.7: Sanitary Provisions

- A. All sewage facilities shall be connected to sewers when available; where sewers are not constructed or in operation, all sewage facilities shall be connected to septic tanks and disposal fields in accordance with MPCA Rule #7080.
- B. Upon a change in ownership of any parcel involving a dwelling structure or structure requiring an onsite sewage treatment system, or at any time construction is proposed for an addition to such structure, the onsite sewage treatment system shall be inspected for conformance with MPCA's Rule # 7080. For the purpose of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the system's improper setback from the Ordinary High Water Level or property line.

- C. If the Zoning Administrator determines that an onsite sewage treatment system is a nonconforming system, that system shall be upgraded and brought into conformance within 90 days.

Subsection 8.8: Easements

- A. No easements may be obtained, nor land purchased, for any of the following uses without first obtaining a conditional use permit for such use:
 - 1. Exploration and/or extraction of mineral materials including, but not limited to the commercial removal of topsoil, stone, sand or gravel.
 - 2. All pipelines.
 - 3. All commercial transmission towers.
 - 4. Electrical transmission lines over 69 kilovolts.
- B. In order to protect prime and good agricultural land, no electric overhead transmission lines over 69 kilovolts shall cross agricultural diagonally, and future transmission lines will follow existing roadways or section lines. No exceptions will be made for State and Federal lands where such lines are proposed.
- C. The purchase of water easements by the Department of Natural Resources and the U.S. Fish and Wildlife Service will be included in this subsection.
- D. The Construction of all underground pipelines must conform to Minnesota Statutes 116.06, subdivisions 1-10.
- E. In the event that it becomes necessary for the Swift County Board of Commissioners or the individual landowner to construct new legal or private (county and judicial) drainage ditches and tile lines in the future, crossing underground public utilities, that would require the lowering of said utility, the public utility company agrees to lower or relocate its utility at its owner expense provided they are given at least 60 days prior to notice in writing of such requirement, including the exact location(s) of such crossing(s), and the design depth(s) and width(s) of such proposed drainage ditch(es) or tile line(s).
 - 1. If the existing public utility company should elect to relocate rather than lower its utilities to accommodate such future ditch(es) or tile line(s), the Swift County Board of Commissioners agrees to make timely amendment of this permit or grant in a timely manner as such new permits as may be required.
- F. In the event that it becomes necessary to construct new County and Township roads in the future where the crossing of underground public and private utilities would require lowering of said utility, the public and private owned utility agrees to lower or relocate its utility at its own expense, provided they are given at least 60 days prior notice in writing of such crossing(s) and the locations of such proposed County and Township roads.
 - 1. If the existing public or privately owned utility should elect to relocate rather than lower its utility to accommodate such future County and Township roads, the

Swift County Board of Commissioners agrees to make timely amendment of this permit or grant in a timely manner as new permits as may be required.

Subsection 8.9: Vacant Farmsteads

Vacant farmsteads in any district can be sold and used for non-farm residential dwellings.

Subsection 8.10: Home Occupations

All parking for home occupations must occur off Township, County or State roads and any road right-of-ways they abut.

Subsection 8.11: Rehabilitation

A permit shall be required for the construction of any building (farm or non-farm) and their accessory buildings where the outside perimeter is being increased.

Subsection 8.12: Existing Commercial or Industrial Developments

- A. Commercial or industrial developments that were in operation on or before July 1, 1983, shall be allowed to continue as such. Any further improvements, expansion, or change in operations which would affect the use; will require a conditional use permit (Subsection 2.9). An increase in lot size, however, is prohibited.
- B. In all cases, proof of existence before July 1, 1983, will be required. Any development which is located in the Floodplain Management District will, however, be excluded from this regulation and will be dealt with as a nonconforming use (Subsection 1.7).

Subsection 8.13: Existing Poultry Operations in the Urban Development District

Existing poultry operations shall not exceed 500 animal units and shall have open ranging of birds. Manure shall not be spread in the Urban Development District, but may be stockpiled at the building site. This stockpile shall be removed from the area at least once a year.

Subsection 8.14: Salvage Yard Performance Standards

- A. Salvage yards are allowed only through a conditional use permit in Agricultural Districts, and the Urban Development District,
- B. Salvage yards must be set back 1,000 feet from the centerline of State and Federal roadways; and 300 feet from the centerline of County and Township roadways,
- C. Access or egress cannot be obtained from State or Federal roadways in agricultural districts,
- D. All salvage yards shall be screened with buffer planting or screen fences. Plans for such screens shall be submitted for approval by the Planning Commission,
- E. Draining, dumping or disposing of any fluid on the ground other than water is prohibited. Such fluids must be contained and disposed of in the proper manner.

- F. Any existing salvage yard has one year from the date of amendment of this Ordinance to submit a conditional use permit for the operation of that junk yard. Failure to do so will place that use in violation of this Ordinance.

Subsection 8.15: Nuisances

A. Nuisance Characteristics

1. No noise, odors, vibration, smoke, air pollution, liquid or solid waste, heat, glare, or other such adverse influences from other than normal or permitted activities shall be allowed in any district that will in any way have a detrimental effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities and conform to the Swift County Solid Waste Ordinance.

B. The following standards apply to non-industrial districts:

1. Animals – Any building in which farm animals are kept shall be a distance of three hundred (300) feet or more from any other occupied buildings. Any open air roofed enclosure in which animals are kept shall be a distance of two hundred (200) feet or more from any occupied residence. The governing body may order the owner of any animals to apply for a conditional use permit if it is deemed to be in the interest of the public health, safety, or general welfare. These regulations shall not apply to normal farm or agricultural operations or residences.

C. Miscellaneous Nuisances

1. No use, structure, sign, building, vehicle, machine, or any piece or article of real estate or personal property may be abandoned or permitted in any public or private place because of disuse or neglect, to become unsightly or offensive to the public.
2. It shall be unlawful to create or maintain a junk yard or vehicle dismantling yard except as provided herein.
3. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.
4. The following are declared to be nuisances affecting public health or safety:
 - a. The effluence from any cesspool, septic tanks, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized;
 - b. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
 - c. Carcasses of animals not buried or destroyed or otherwise disposed of within 24 hours after death;
 - d. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles, garbage or other nuisances which may injure any person or animal or damage any pneumatic tire when passing over the same;
 - e. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient

size to retain any person to be exposed or accessible to the public without removing the doors, lids, hinges, or latches; or providing locks to prevent access by the public.