

CHAPTER 1 INTRODUCTORY PROVISIONS

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Section 1 Purposes

This Ordinance is enacted for the following purposes:

- A. To promote and protect the health, safety, and general welfare throughout Becker County.
- B. To lessen congestion in public right-of-ways, secure safety from fire, panic and other dangers.
- C. To provide adequate light and air, facilitating the adequate provisions of water, sewerage and other public requirements.
- D. To conserve the value of properties and encourage the most appropriate use of land.
- E. To preserve and enhance the economic values and use of agricultural land.
- F. To preserve and enhance the quality of surface waters.
- G. To conserve the economic and natural environmental values of shorelands.
- H. To provide for the wise use of water and related land resources of the County.
- I. To accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare.
- J. To assist the subdivider in harmonizing his interest with those of the County at large, as well as with those of the local municipalities located within the County.
- K. To prevent piecemeal planning of subdivision, undesirable, disconnected patchwork of pattern, and poor circulation of traffic.
- L. To correlate land subdivision with the County Comprehensive Plan.
- M. To secure the rights of the public, with respect to public lands and waters.
- N. To improve land records by establishing standards for surveys and plats
- O. To discourage inferior development that might adversely affect property values.
- P. To establish subdivision development at standards compatible with affected municipalities with the County.
- Q. To provide clear, reliable, and cost-effective technical standards and criteria for individual subsurface sewage treatment systems.
- R. To provide a framework for a local individual subsurface sewage treatment system permitting and inspection program.

- S. To describe the responsibilities, licensing, and enforcement requirements for individual subsurface sewage treatment system professionals.

Section 2 Statutory Authorization

This Ordinance is enacted pursuant to the following statutes and rules:

- A. Minnesota Statutes Chapter 394, as amended, authorizing county planning and zoning activities;
- B. Minnesota Rules, Parts 6120.2500 - 6120.3900, as may be amended, establishing minimum standards for regulation of shoreland areas;
- C. Minnesota Statutes, Chapter 103G, as may be amended, containing water law of the State;
- D. Minnesota Statutes, Chapters 115 and 116, as may be amended, containing state-wide pollution prevention policies;
- E. Minnesota Statutes Chapter 505 and 515C, as may be amended, governing the platting of land and common interest communities; and
- F. Minnesota Statutes, Chapters 103F, 103G, 115, and 116, and Minnesota Rules Section 7080-7083, as may be amended, establishing the minimum standards and criteria for individual subsurface sewage treatment systems to protect the surface and ground waters of the state.

Section 3 Title

This Ordinance incorporates and updates the previous Becker County zoning ordinance, subdivision ordinance, and individual subsurface sewage treatment ordinance. This unified ordinance shall be known, and may be cited and referred to, as the "Becker County Zoning Ordinance"; when referred to in this Ordinance, it shall be known as "This Ordinance."

Section 4 Jurisdiction

The jurisdiction of this Ordinance shall apply to all areas of Becker County outside the incorporated limits of municipalities, except for the following:

- A. Municipal extraterritorial jurisdiction for subdivision approval. Applications for development within Becker County where the development parcel lies within the extraterritorial jurisdiction area of a municipality that has exercised extraterritorial jurisdiction shall be subject to the subdivision review of such municipality, which may vary from county subdivision provisions. However, the zoning regulations of Becker County as contained in this Ordinance shall remain in effect within any municipal extraterritorial jurisdiction area.
- B. Township zoning adopted. Land within Becker County may be subject to zoning and subdivision regulations adopted by the township where the land is located. Where townships have adopted regulations that conflict with the provisions of this Ordinance, the most restrictive provisions shall apply. Where Townships have adopted an ordinance pursuant to applicable statutes, it shall be the responsibility of the property owner to secure necessary permits from the township zoning official or township board. Becker County is not responsible for the administration of township regulations.

Section 5 Scope

After the effective date of this Ordinance the following activities in Becker County shall conform to this Ordinance:

- A. The use of all property and every structure or portion of a structure erected, altered, added to or relocated;
- B. The platting or subdivision of any lot, tract or parcel of land; and
- C. The location, design, installation, use, and maintenance of individual subsurface sewage treatment systems.

Any existing building or structure and any existing use of property that does not conform to this Ordinance may be continued, extended or changed only as provided by the provisions of this Ordinance relating to nonconforming uses and Minnesota Statutes Chapter 394..

Section 6 Interpretation and Greater Restrictions

The provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. If the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. If the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of the statute, other ordinance or regulation shall be controlling.

Section 7 Headings

Section and paragraph headings used in this ordinance are for convenience only and do not define, limit or construe the contents of the ordinance.

Section 8 Rules

For the purpose of this Ordinance the following general rules shall apply:

- A. Words used in the present tense shall include the future.
- B. Words in the singular shall include the plural, and the plural the singular.
- C. The word "shall" is mandatory and not discretionary.
- D. All distances, unless otherwise specified, shall be measured horizontally.

Section 9 Severability/Validity

If any section, subdivision, clause or portion of this Ordinance is ruled unconstitutional or invalid, the remainder of this Ordinance shall remain in effect.

Section 10 Abrogation

The enactment of this Ordinance does not repeal, abrogate, or impair any existing easements, covenants or deed restrictions but if this Ordinance imposes greater restrictions, this Ordinance shall prevail.

Section 11 Date of Effect

This Ordinance incorporates and updates the previous Becker County zoning ordinance, subdivision ordinance, and individual subsurface sewage treatment ordinance, each of which was in effect at the time of adoption of this Ordinance. The provisions of this Ordinance have been adopted and amended upon resolution of the Becker County Board and shall be in full force and effect from the effective date of first adoption or amendment. The effective dates of adoption and amendment are maintained by and available from the Zoning Administrator.