

CHAPTER 10 DEFINITIONS

Section 1	Rules	121
Section 2	Definitions	121

Section 1 Rules

Certain words or terms used in this Ordinance shall be interpreted according to the following rules:

- A. Whenever a word or term defined in Section 2., below, appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition. If no set definition is given in the Ordinance, the word may be interpreted according to the dictionary definition.
- B. Words used in the present tense shall include the future;
- C. Words used in the singular shall include the plural and the plural the singular;
- D. The word "structure" shall include the word "building" and the word "lot" shall include the word "piece" or "parcel";
- E. The word "shall" is mandatory;
- F. The word "may" is permissive; and
- G. The word "person" includes a firm, association, partnership, trust, company, or corporation, as well as an individual.

Section 2 Definitions

For the purpose of this Ordinance, certain words and terms are hereby defined as follows;

Accessory building or structure. Any building or structure that is incidental to the principal use of the property.

Accessory use. See “Use, accessory.”

Adult body painting studio. An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in the terms of “specified anatomical areas.”

Adult book store. An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio tapes, video tapes, computer or video disks, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty percent (20%) of the useable floor area of the establishment, building or business, characterized by the emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

Adult cabaret. An establishment, building or business that provides dancing or other live entertainment if such dancing or live entertainment is distinguished or characterized by an emphasis on the performance or presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult car wash. A wash facility for any type of motor vehicle that allows employees, agent, independent contractors or persons to appear in a state of partial or total nudity in terms of “specified anatomical areas.”

Adult companionship establishment. An establishment or business, if such establishment excludes minors because of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult entertainment facility. A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages area being sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult establishment. An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices:

1. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage either by law or by the operator of such business; or
2. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to “specified sexual activities” or “specified anatomical areas”.

Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studio.

Adult hotel or motel. A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult massage parlor, health/sport club. A massage parlor or health sport club that restricts minors because of age or law, which provides services of massage if such services is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult mini-motion picture theater. A business or establishment in an enclosed building with a capacity for less than fifty (50) persons used for the presenting of visual media material if such business as a prevailing practice excludes minors by age or law, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons.

Adult modeling studio. An establishment or business whose major business is the provision of customers of figure models who are provided with the intent of providing sexual stimulation or sexual gratification to such customers who engage in “specified sexual activities” or emphasize “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

Adult motion picture arcade. Any building or place to which the public is allowed or invited in which coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices that show images to five (5) or fewer persons per machine at once, and characterized by an emphasis on depicting or describing “specified sexual activities” or specified anatomical areas.”

Adult motion picture theater. A business or establishment in an enclosed building with a capacity for fifty (50) or more persons used for the presenting of visual media material if such business as a prevailing practice excludes minors by age or law, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons.

Adult novelty business. A business that has a principal activity for the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or which relate to “specified sexual activities” or “specified anatomical areas.”

Adult sauna/steam room/bathhouse. A business that excludes minors because of age, or which provides a steam bath or heat bathing room used for bathing, pleasure, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult use/sexually oriented business. Adult body painting studios, adult book stores, adult car washes, adult hotels or motels, adult motion pictures theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bath houses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry by State licenses registered persons. Activities classified as obscene, defined by Minnesota Statutes Section 617.241, are not lawful and are not included in the definitions of adult uses.

Adult uses, accessory. The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activities and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

Adult uses, principal. The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to the following: adult body painting studio; adult book store; adult cabaret; adult companionship establishments; adult entertainment facility; adult establishment; adult hotel or motel; adult massage parlor, health/sport club; adult mini-motion picture theater; adult modeling studio; adult motion picture arcade; adult motion picture theater; adult novelty business; or adult sauna/steam room/bathhouse.

Agriculture. The art or science of cultivation of the soil, the growing of soil crops, horticulture of crops, and forestry in the customary manner, the accessory raising of livestock and poultry, also packing, treating, or storing the produce raised on the premises. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

Agricultural building or structure. Any building or structure, incidental to agriculture, existing or erected on land used principally for agriculture, with the exception of a dwelling.

Agricultural land. Land which is used for agriculture, including land temporarily removed from the agricultural use. See also “Agriculture.”

Alley. A public right-of-way which affords a secondary means of access to abutting property.

Animal unit. A unit of measure used to compare differences in the production of animal manure that uses as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents apply:

ANIMAL		UNIT	
One slaughter steer or heifer	1.0	animal	unit
One mature dairy cow	1.4	animal	unit

ANIMAL		UNIT	
One horse	1.0	animal	unit
One swine over 55 pounds	0.4	animal	unit
One sheep	0.1	animal	unit
One swine under 55 pounds	0.05	animal	unit
One turkey	0.018	animal	unit
One chicken	0.01	animal unit	

For animals not listed, the number of animal units is defined as the average weight of the animal divided by one thousand (1,000) pounds.

Antenna. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips.

Attached. The sharing of a common wall or portion of a wall with a door, so that a person may travel between buildings without going outside.

Automobile wrecking. See “Junk yards.”

Bedrock. That layer of parent material which is consolidated and unweathered. Bedrock also includes layers of which greater than fifty percent (50%) by volume consists of unweathered in-place consolidated bedrock fragments.

Bedroom. Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.

Block. An area of land within a subdivision that is entirely bounded by a street, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or a lake.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

1. Part or all of the feature is located in a Shoreland area;
2. The slope rises at least twenty-five feet (25’) above the ordinary high water level of the waterbody;
3. The grade of the slope from the toe of the bluff to any point twenty-five feet (25’) or more above the ordinary high water level that averages thirty percent (30%) or greater; and
4. The slope must drain toward the waterbody.

An area otherwise within a bluff with an average slope of less than eighteen percent (18%) over a distance of fifty feet (50’) or more, measured on the ground, shall not be considered part of the bluff.

Bluff impact zone. A bluff and land located within twenty feet (20’) from the top of the bluff.

Board of Adjustments. The Becker County Board of Adjustments.

Building. Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind. Each portion of a building separated by common walls without openings is a separate building. A structure used for essential services is not a building.

Building, agricultural. See “Agricultural building.”

Building Code. The State of Minnesota Building Code contained in Minnesota Statutes Sections 16B.59 through 735.

Building height. The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck of mansard roofs or flat roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building line. See “Building setback line.”

Building setback line. A line within a lot or other parcel of land parallel to the lot lines defining a portion of the lot between the setback line and the lot lines or on which buildings may not be placed.

Business. For the purpose of the provisions in Chapter 4, Section 10, *Individual subsurface sewage treatment Systems*, of this Ordinance, an individual or organization that conducts site evaluations or designs, installs, maintains, repairs, pumps, or inspects an individual subsurface sewage treatment system.

Campground. A parcel of land under single ownership, designed, constructed and administrated for the placement of recreation vehicles, tents or trailers.

Certificate of compliance, ISTS. A document written after a compliance inspection, certifying that an individual subsurface sewage treatment system is in compliance and signed by a qualified employee or licensee.

Certified statement. A statement signed by a licensee or qualified employee certifying that individual subsurface sewage treatment system work was completed in accordance with applicable requirements.

Cesspool. An underground pit or seepage tank into which raw sewage is discharged and from which the liquid seeps into the surrounding soil, bedrock, or other soil materials.

Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

Commercial use. The use of land or buildings for the sale, lease, rental or trade of products, goods or services.

Commercial planned unit development. A planned unit development that provides transient short-term lodging spaces, rooms or parcels. For example, hotels, motels, resorts, recreational vehicle and camping parks.

Community water and sewer systems. Utilities systems serving a group of buildings, lots or an area of the County, with the design and construction of such utility systems approved by the County and the State of Minnesota. The system may be operated by any unit of government. In a planned unit development, the sewage water system may be managed and operated by the homeowners association or common interest community association.

Compliance inspection. Any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding an individual subsurface sewage treatment system to reasonably assure an individual subsurface sewage treatment system is in compliance as specified under Chapter 4 Section 10. Compliance inspections must be conducted by a qualified employee or under a license independent of the owner and the installer.

Comprehensive Plan. The group of maps, charts and texts that make up the comprehensive long-range plan for the County.

Conditional use. A land use or development that would not be appropriate generally but may be allowed with appropriate controls upon a finding that certain conditions as detailed in this Ordinance exist.

Conservation Subdivision. See “shoreland conservation subdivision”.

Contiguous. The sharing of a common lot line or boundary or any portion of a lot line or boundary, touching at any point.

County. The County of Becker, Minnesota.

County Board. The Board of County Commissioners of Becker County.

County Board of Commissioners. See “County Board.”

County Planning Commission. The Becker County Planning Commission.

Covenants. See “Protective Covenants”.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a dwelling unit, principal use or site and extending at any point more than six inches (6”) above ground.

Deck, impervious. A deck that does not meet the requirements of a pervious deck as defined in “deck, pervious”.

Deck, pervious. A deck constructed under the following conditions: maximum material (board width is eight inches (8”); minimum spacing between material (boards) is one quarter inch (1/4”); and the area under the deck is pervious material.

Department. The Becker County Planning and Zoning Department unless otherwise provided herein.

DNR. The Minnesota Department of Natural Resources.

Depth of lot. See “Lot, depth.”

Depth of rear lot. The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.

Design standards. The specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

Detached. Complete separation (including the complete separation of roofs, walls, and decks) or when a person travels between buildings by going outside.

Disclosure. For the purpose of the provisions in Chapter 4, Section 10, Individual subsurface sewage treatment Systems, of this Ordinance, “disclosure” means any conclusions or statements regarding an ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of Minnesota Statutes, section 115.55, subdivision 6.

District. A section of the County for which the regulations governing the height, area, use of buildings and premises are the same.

Domestic animal. Animals typically kept as household pets, such as but not limited to cats and dogs.

Duplex, triplex, and quad. A dwelling structure that has two, three, and four dwelling units, respectively, which units are attached by common walls and have separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling. Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently, or transiently; A mobile home or Park Home shall be considered a dwelling and a travel trailer, recreational vehicle or tent shall not be considered a dwelling for purposes of this Ordinance.

Dwelling, multiple family. A dwelling structure that has more than four dwelling units attached by common walls each of which has separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling, single family. A dwelling structure that is the sole principle structure on a lot, which has common cooking, eating and living facilities which is operated as a single housekeeping unit as distinguished from a boarding house, club house, fraternity house or hotel.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit. Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Essential services. Overhead or underground electrical, gas, steam or water transmission distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives, public cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, microwave relay towers, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

Extractive use. The removal of any sand, gravel, stone, coal, clay, peat, subsoil, topsoil or mineral from the land for sale.

Failing system. Any individual subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell, or leaching pit and any system with less than three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety shall be considered failing.

Farming. See Definition- Agriculture.

Feedlot, agricultural. An enclosure for feeding, breeding, raising or the holding of livestock or poultry of less than 500 animal units, or mink and other fur bearing animals in less than fifteen (15) hutches, or is incidental to a farming operation which has enough land to produce the majority of feed to feed the animals and dispose of the manure (animal wastes).

Feedlot, commercial. An enclosure for the feeding, breeding, raising, or holding livestock, poultry or mink and other fur bearing animals that is not an agriculture feed lot. A pasture is a feedlot when the concentration of livestock, poultry, or other animals is such that a vegetation cover is not maintained.

Final plat. A drawing or map of a subdivision, meeting all of the requirements of the County and in such form as required by Becker County for the purposes of recording.

Floor area. The sum of the gross horizontal area of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

Floor area ratio (F.A.R.). The gross floor area of all structures on a lot divided by the gross lot area.

Footing. Part of the foundation bearing directly upon the earth. For the purpose of this Ordinance, the definitions of footing and foundation may be interchanged.

Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than establishment of a subsequent forest stand.

Foundation. The lowest division of a building, wall or the like, usually of masonry or treated wood, and partly or wholly below the surface of the ground. For the purpose of this Ordinance, the definitions of footing and foundation may be interchanged.

Fur farm. See Definitions Feedlot, Agricultural; Feedlot, Commercial.

Greywater. "Greywater" means sewage that does not contain toilet wastes.

Group care facility. A facility which provides resident services to six (6) or more individuals of whom one or more are unrelated and are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. Category includes use such as homes for the physically

handicapped, mentally retarded, chemically dependent, foster children, maternity shelter and halfway houses.

Guest cottage. A structure having floor space equipped with cooking/kitchen facilities, water supply and/or sanitary disposal facilities, sleeping accommodations with any other amenities capable of providing independent human habitation. A structure that is capable of being used as a dwelling unit in addition to the primary dwelling on a lot.

Guest room. A room occupied by one (1) or more guests for compensation in which no provisions are made for cooking, but not including rooms in a dormitory primarily for sleeping purposes. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one (1) lodging room.

Guest quarters. A structure having floor space capable of providing for temporary human occupation, such as sleeping accommodations for short-term guest use. The incidental use of guest quarters is supplementary to the main dwelling unit.

Hazardous waste. "Hazardous waste" means any substance which, when discarded, meets the definition of hazardous waste in Minnesota Rules, chapter 7045.

Highway. Any public thoroughfare or vehicular right-of-way with a Federal, State numerical route designation; any public thoroughfare or vehicular right-of-way with a Becker County numerical route designation.

Highway, major intercity and regional. State and Federal highway routes within the County.

Highway, major arterial. The principal County highways; such arterial highways interconnect communities within Becker County and adjoining counties, and carry traffic between principal land use districts within Becker County.

Highway, minor arterial. The secondary County highways; such highways carry traffic between land use districts, but also provide ready access to private properties.

Home occupation. Any service occupation that is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of the secondary use except for a sign as allowed in Section 7, subdivision 15 of this ordinance.

Hotel. See Definition - Motel.

Ice ridge. A modification to the topographical characteristics of the shore resulting from a water basins expanding and contracting ice sheet and consisting of a linear mound of soil generally parallel to the waters edge.

Impervious surface. Any material that substantially reduces or prevents the infiltration of water. Impervious surfaces include, but are not limited to: streets, roofs, sidewalks, driveways, parking lots, and similar facilities and areas covered with gravel, concrete, bituminous, compacted sand, lime rock, clay or other surfaces that substantially reduce or prevent the infiltration of water.

ISTS. "ISTS" means an individual subsurface sewage treatment system as defined under "individual subsurface sewage treatment system".

ISTS professional. "ISTS professional" means a person who conducts site evaluations or designs, installs, alters, repairs, maintains, pumps, or inspects all or part of an individual subsurface sewage treatment system and is required to comply with applicable requirements.

Individual subsurface sewage treatment system. "Individual subsurface sewage treatment system" means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof that uses subsurface soil treatment and disposal. Individual subsurface sewage treatment system includes holding tanks and privies.

Industrial use. The use of land or buildings for the production, manufacturing, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Junk. Materials including, but not limited to, used or abandoned barrels or drums; dismantled or inoperative industrial or commercial equipment or machinery; household rubbish, debris or garbage; junk vehicles (as herein defined); and any of the following old, scrap or used items: metal, rags, paper, cardboard, plastic, rubber products, glass products, lumber products including pallets, appliances, motors, batteries and industrial or commercial fixtures.

Junk vehicles. Three or more motor vehicles or trailers which are wrecked, abandoned, dismantled, disabled, inoperative, or which do not have a valid license plate attached thereto, or parts of such motor vehicles or trailers. This definition does not include vehicles lawfully placed in storage within a completely enclosed building.

Junk yard. A site where junk (as herein defined) is bought, sold, exchanged, discarded, stored, kept or allowed to accumulate. (This definition does not include properly licensed sanitary landfills or any location where the processing of used, discarded or salvaged materials are part of manufacturing operation located on the same property or contractors' storage yards).

Land alteration. Any change in the surface of the land.

Landscape position. "Landscape position" means the identification of the shape of the land or geomorphic setting of the soil. Terms used to describe landscape position include ridge, side slope, foot slope, closed depression or pothole, drainage way or swale, terrace, or floodplain.

Licensed family day care, Licensed group family day care, Licensed childcare center. A facility holding a license from Becker County or Minnesota pursuant to Minnesota Statutes Chapter 245A and/or Minnesota Rules Chapter 9502 or Chapter 9053, as amended.

Licensee. For the purpose of the provisions in Chapter 4, Section 10, Individual Sewage Treatment Systems, of this Ordinance, "licensee" means the person to whom a license under Minnesota Rules, part 7080.0705 is issued. The designated registered professional is subject to the same obligations as the licensee. The license must be applicable to the work being performed.

Lot. A parcel of land in separate ownership from all surrounding parcels.

Lot area. The area of a lot within the lot lines excluding any part of the lot that is below the ordinary high water level of any public water, within any wetland, within the area of a bluff, within the area of any easement for ingress or egress or within the area of any road right-of-way. Easements for public utilities may be included in the lot area.

Lot area per dwelling unit. The lot area required for each dwelling unit in a dwelling structure.

Lot, corner. A lot having frontage on two intersecting streets. The greater dimension of a corner lot is its depth, and its lesser dimension is its width.

Lot depth. The measurement of a lot measured at either of the side building set back lines, whichever is shortest.

Lot, double frontage. An interior lot having frontage on two non-intersecting streets.

Lot, interior. A lot other than a corner lot.

Lot lines. The lines bounding a lot. A street or front lot line is a lot line adjacent to the public road frontage. On a lot with frontage on two public roads both lot lines adjacent to the public roads are the front lot lines. A rear lot line is a line opposite a front lot line. Side lot lines are lines that are not otherwise defined as rear or front lot lines.

Lot of record. A lot that was buildable before the May 5, 1971 enactment of this Ordinance.

Lot, sewered. A lot that has access to publicly owned sewer service.

Lot, unsewered. A lot that does not have access to publicly owned sewer service.

Lot width. The measurement of a lot measured at either the front or back building set back lines, whichever is narrower. It shall be the width of the lot at the ordinary high water level on riparian lots.

Maintenance and/or repair. Normal upkeep of a structure that does not involve the replacement of the main structural frame or walls, or changes in the exterior dimensions of the structure, such as, but not limited to: work performed on the interior of the structure; painting; replacement of siding, windows, doors, soffit, fascia, shingles, additional doors or windows; new floorboards to decks. Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls or the exterior dimensions. Removal of the structure or any part of a structure and rebuilding on an existing slab or foundation constitutes new construction.

Manufactured home. A non-mobile housing unit that is fabricated at a central factory and transported to a building site where it is permanently affixed.

Marina. An in-land or off-shore structure for the concentrated mooring of five or more watercraft.

Mass gathering. A Mass Gathering is a gathering of people together on one (1) Site for any purpose where it is planned or may reasonably be expected that more than three hundred (300) persons attending the assembly will remain on the Site for more than eighteen (18) consecutive hours.

Metes and bounds. A method of describing property lines by their direction and distance from an easily identifiable point.

Minor. Any person under the age of eighteen (18) years.

Mobile home. A factory-built living unit more than eleven (11) feet in width, with over 400 square feet of living area excluding entrance, closets, and accessory buildings, equipped with the necessary service connections to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit without a permanent foundation.

Mobile home park. A parcel of land under single ownership, or with individually owned lots, designed, constructed, and administered for the placement of Mobile Homes.

Modular home. See Definition - Manufactured Home.

Motel. A building containing guest rooms where, for compensation, lodging or lodging and meals are provided to ten (10) or more persons.

Multi unit development (M.U.D.). A type of development that is characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, clustering of these units or sites to provide areas of common open space, density increases, and mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster developments of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Multi unit residential development (M.U.R.D.). A planned unit development for long term residential use containing more than five dwellings units or sites. See “ shoreland conservation subdivision development”.

Nonconforming structure or use. A structure or use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Nudity: The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the coverage of male genitals in a discernibly turgid state.

Open space. Undeveloped land within the development that has been designated, dedicated, and reserved or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Open space shall not be part of unit sites. Open space shall be substantially free of structures, but may contain historic structures and archaeological sites, wetlands, subsurface sewage treatment facilities and/or such recreational facilities for residents as indicated on the approved development plan.

Ordinary high water level (OHWL). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water level is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water-courses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages the ordinary high water level shall be the operating elevation of the normal summer pool.

Other establishment. For the purpose of the provisions in Chapter 4, Section 10, Individual subsurface sewage treatment Systems, of this Ordinance, "other establishment" means any public or private structure other than a dwelling which generates sewage.

Owner. For the purpose of the provisions in Chapter 4, Section 10, Individual subsurface sewage treatment Systems, of this Ordinance, "owner" means any person having possession of, control over, or title to property with an individual subsurface sewage treatment system.

Park home. A factory-built structure, up to twelve (12) feet wide, with up to 400 square feet of living area including entrance and building additions, with the necessary service connections and constructed to be readily movable as a unit on its own running gear or trailer, and designed to be used as a seasonal dwelling unit without permanent foundation in a Recreational Vehicle Park. Also referred to as Park Models or Park Model Homes.

Parks and playgrounds. Public lands and open spaces in Becker County dedicated or reserved for recreation purposes.

Pasture. Areas where grass or other growing plants are used as feed for grazing.

Pedestrian way. A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Percentage of grade. On street centerline, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

Permit. A building, construction, sanitary, planning, zoning, or other such permit issued for new construction, replacement, repair, alteration, or extension of an individual subsurface sewage treatment system, including artificial drainage and collector systems. Permit also means a permit issued for the addition of a bedroom or bathroom on property served by an individual subsurface sewage treatment system.

Permittee. Any person who is named on a permit issued pursuant to this ordinance.

Permitting authority. Any unit of government, state agency, or any authorized representative who administers or enforces ordinances or laws or rules through permits.

Place of worship: A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

Planned unit development (PUD). see “Conservation Subdivision Development”

Planning Commission. The Becker County Planning Commission as defined in Minnesota Statute Section 394.30.

Plat. A tract other than one unit of a recorded plat occupied and used or intended to be improved by the erection of buildings.

Preliminary plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

Preservation area. An area that is to be left in its natural state with soils, plants, grasses, shrubs and trees and is to be left in and protected from alteration or development.

Protective covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Public library. Any library that provides free access to all residents of a city or county without discrimination and is organized under Minnesota Statutes Chapter 134.

Public park. A park reservation, playground, beach, or recreation or community center in the County owned, leased, or used wholly or in part by the city, county, state, school district, or federal government for recreational purposes.

Public waters. Any public waters or wetlands as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 19, or identified as public waters or wetlands by the inventory prepared pursuant to Minnesota Statutes, section 103G.201.

Qualified employee. For the purpose of the provisions in Chapter 4, Section 10, Individual subsurface sewage treatment Systems, of this Ordinance, "qualified employee" means an employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual subsurface sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Minnesota Rules, part 7080.0815, subpart 1, item B or C, and has been issued performance restrictions.

Recreation facilities. Activities occurring outdoors including, but not limited to, unpaved hiking trails, unpaved biking trails, golf courses, parks.

Recreation vehicle. A vehicle with or without motor power designed for highway travel on its own wheels, constructed and equipped as a temporary living quarters while traveling or during hunting, fishing or vacation season. The term "Recreation Vehicle" shall include camp cars, camp bus, motor homes, "5th" wheelers, and travel trailers up to eight (8) feet six (6) inches in width plus a four (4) foot expansion unit, and forty (40) feet in length.

Recreational vehicle park. A parcel of land under single ownership, or with individually owned lots, designed, constructed, and administrated for the placement of Recreation Vehicles or Park Homes.

Repairs. See Maintenance and/or repair.

Replacement. The replacement of an existing sewage tank, holding tank, dosing chamber, artificial drainage, privy, collector system, or soil treatment system.

Residential planned unit development. See “Conservation Subdivision Development”.

Resort. A development of one or more buildings for lease or rent as temporary residences on one tract of land for the purpose of providing recreation and entertainment especially to vacationers.

Restaurants. "Restaurants" mean establishments that prepare and serve meals and at which multiple use dishes and utensils are washed.

Restoration area. An area that is to be brought back to its previous or original condition with native soils, plants, grasses, shrubs, and trees as determined by the DNR, local watersheds and Soil and Water Conservation.

Riparian. Bordering on a body of public water.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway road, avenue, boulevard, lane, place, cartway or however otherwise designated.

Road cul-de-sac. A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Road width. The shortest distance between lines of lots delineating the road right-of-way.

Salvage yard. Land or buildings where products resulting from disassembling or wrecking of automobiles or other vehicles are purchased, sold, exchanged, stored, cleaned, packed or handled, except that the storage of three (3) or more inoperative motor vehicles for a period in excess of three (3) months is a junk yard.

Saturated soil. The highest elevation in the soil where periodically depleted oxygen levels occur because of soil voids being filled with water. Saturated soil is evidenced by presence of soil mottling or other information.

School. A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or other vocational technical college, shall not be deemed a school for the purpose of this Ordinance.

Seepage bed. An excavated area larger than 36 inches in width which contains drain field rock and has more than one distribution pipe.

Seepage pit, or leaching pit, or dry well. An underground pit into which a sewage tank discharges effluent and from which the liquid seeps into the surrounding soil at a loading rate greater than 1.20 gallons per day per square foot or with a hydraulic head greater than 30 inches.

Semipublic use. The use of land by a private, nonprofit organization, other than a church, to provide a public service that is ordinarily open to persons other than the organization's members.

Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Septage. Solids and liquids removed during periodic maintenance of an individual subsurface sewage treatment system, or solids and liquids which are removed from toilet waste treatment devices or a holding tank.

Septic tank. Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, and store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system.

Setback. The minimum horizontal distance between a building, structure, sewage treatment system, or other facility and an ordinary high water level, top of the bluff, road, highway, property line, or other facility.

Sewage. Any water-carried domestic waste from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources. Animal waste and commercial or industrial waste are not considered domestic waste.

Sewage tank. A tank used in the treatment of sewage and includes septic tanks and aerobic tanks.

Sewage tank effluent. That liquid which flows from a septic or aerobic tank under normal operation.

Sewage treatment system. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 4, Section 10 of this Ordinance.

Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to and 1/2 the setback from it except that on property used for agricultural purposes the shore impact zone boundary is a line parallel to and 50 feet from the ordinary high water level.

Shoreland. Land located within the following distances from Public Waters:

- a. 1,000 feet from the ordinary high water level of a lake, pond or flowage, and
- b. 300 feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater.

The limits of shoreland may be reduced whenever the waters involved are bounded by natural topographic divides that extend landward from the waters for lesser distance and when approved by the Commissioner of the Department of Natural Resources.

Shoreland conservation subdivision development. A planned unit development consisting of sites or units that are sold, lease for periods longer than 28 days, or any other method of transferring long term rights to lodging spaces, rooms, RV sites, or parcels shall be considered permanent.

Shore recreation area. An area for activities occurring near the shoreline including, but not limited to, swimming areas, docking area and docks, watercraft mooring area, launching ramps where structures are not permitted.

Sign. A name, identification, description, display, illustration or device that is affixed to or represented directly or indirectly upon a building, structure or land in view of the public which directs attention to a product, place, activity, person, institution or business. Warning signs of less than two (2) square feet in area shall be exempt from the definition of signs.

Sign, advertising. A sign that directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where sign is located; a billboard.

Sign, business. A sign that directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where the sign is located.

Sign, flashing. An illuminated sign on which the illumination is not stationary or constant in intensity and color at all times during use.

Sign, illuminated. Any sign that has characters, letters, figures, designs, background or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, nameplate. Any sign that states the name or address, or both, of the business or occupant of the lot where the sign is placed.

Sign, rotating. A sign that revolves or rotates on its axis by mechanical means.

Sign, surface area of. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of the sign that do not form an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area. If the sign surface areas of a double-face or V-type sign are of different sizes, the larger of the two faces shall be used to compute surface area.

Single family dwelling. See “Dwelling, single family”.

Single family residential use. The use of the land or buildings for a single-family dwelling.

Significant historic site. means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are significant historic sites.

Site. The area bounded by the dimensions required for the proper location of the soil treatment system.

Slope. The ratio of vertical rise or fall to horizontal distance.

Soil textural classification. The soil particle sizes or textural classification as specified in the Soil Survey Manual, Agricultural Handbook No. 18, United States Department of Agriculture, 1993.

Soil treatment area. The area of trench, at-grade rock bed, or seepage bed bottom which is in direct contact with the distribution medium of the soil treatment system.

Soil treatment system. A system where sewage tank effluent is treated and disposed of into the soil by percolation and filtration, and includes trenches, seepage beds, drainfields, at-grade systems, and mound systems.

Specified anatomical areas. Anatomical areas consisting of:

- a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus, or female breast, or breast below the point immediately above the top of the areola or any combination of the foregoing; and/or
- b. Human genitals in discernibly turgid state, even if completely or opaquely covered.

Specified Sexual Activities. Activities consisting of the following:

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually oriented acts or conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
- b. Human genitals in the state of sexual stimulation, arousal or tumescence; or
- c. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or
- d. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, female breast; or
- e. Stimulations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or

- f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation; or
- h. Any combination of the above.

SDS and NPDES permits. State Disposal System and National Pollutant Discharge Elimination System permits issued by the Minnesota Pollution Control Agency to regulate individual subsurface sewage treatment systems.

Steep slope. Land that is not suited for agricultural activity or development due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with this Ordinance. If specific information is not available, steep slopes are lands having average slopes more than 12 percent, as measured over distances of 50 feet, measured on the ground, that are not bluffs.

Story. The portion of a building included between the surface of a floor and the surface of the next floor above it or, if there is no floor above, the space between the floor and the ceiling next above it.

Structure. Anything constructed, erected or placed; which includes but is not limited to houses, garages, accessory buildings, decks, driveways, sidewalks, patios, fences, retaining walls, mobile homes, dog kennels and signs.

Structural alterations. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders.

Subdivider. Any individual firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interests in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Subdivision. Any tract of land that is to be or which has been divided into two or more parcels.

Suitable area. The area within each tier that is calculated by excluding from the tier area all wetlands, bluffs, road right of way, easements, or land below the ordinary high water level of protected waters.

Surface water flooding. The 100-year flood plain along rivers and streams as defined by the Department of Natural Resources, or in the absence of such data, as defined by the largest flood of record; on lakes, high water levels as determined or recorded by the Department of Natural Resources or, in the case of no Department of Natural Resources record, by local records or experience. Other surface water flooding or high water areas should be determined by local information.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Tangent. A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Ten-year flood. A flood which can be expected to occur, on an average, of once in ten years; or the elevation to which flood waters have a ten percent chance of rising in any given year.

Terrace. An active outdoor use area consisting of either a platformed area, earthen formed area, tiled area or area otherwise so designated. For the purpose of this ordinance, a terrace is a structure and shall be subject to the required setbacks for the district in which it is located. Terraces as an accessory use to a farming operation shall be exempt from required setbacks.

Toe of the bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff

shall be the lowest point on a bluff that is the lower end of a the lowest 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Toilet waste. Waste commonly disposed of in toilets including fecal matter, urine, toilet paper, and any water used for flushing and specifically excluding sanitary napkins, tampons, and disposable diapers.

Toilet waste treatment devices. Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.

Top of the bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be the highest point on a bluff that is the upper end of the highest 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Tower facility. Any structure more than 35 feet in height erected for the purpose of supporting, elevating or attaching one or more antennas. The term also includes, supports and accessory buildings and structures.

Trench. An area excavated from 18 to 36 inches in width, which contains drain field rock or other distribution medium.

Twin home. A duplex where each unit is on a separate lot with the lot line constituting a common wall between units. Each unit of a twin home shall be considered a single family dwelling for the purpose of computing the area and width requirements for a lot.

Unit site. An area controlled by owner including but not limited to structures, parking area, lawn, garden, patios, etc.

Use. The purpose to which land, premises, or a structure or building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Use, accessory. A use clearly incidental or accessory to principal use of a lot or a building located on the same lot as the accessory use.

Variance. A modification or variation of the provisions of the Ordinance, as applied to a specific piece of property.

Vertical curve. The surface curvature on a road or highway center line located between lines of different percentage of grade.

Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

Water oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Watertight. A device constructed so that no water can get into or out of the device except through designed inlets and outlets.

Wetland. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39.

Yard. Any space in the same lot with a building, open and unobstructed from the ground to the sky.

Yard, front. A yard extending across the front of the lot between the side yard lines and lying between the center line of the township or county road and from the right-of-way of any other highway, and the nearest line of the building.

Yard, rear. A yard extending across the back of a lot between the side yard lines and the lying between the back line of the lot and the nearest line of the building. On a corner lot, only one line shall be a rear yard line, in which the rear yard line shall be opposite the street address. This shall be designated by the owner at the time a building permit is applied for or when a plat is submitted.

Yard, side. A yard extending across the side of a lot between the front and back lines and the nearest line of the building.

Zoning Administrator. The Becker County Zoning Administrator.