

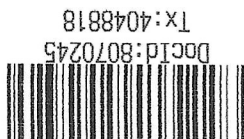
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COUNTY OF BELTRAMI, MINNESOTA

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COUNTY RECORDER  
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# BELTRAMI COUNTY COVER SHEET

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# BEMIDJI TOWNSHIP LAND USE ORDINANCE

## AN ORDINANCE DIVIDING THE UNINCORPORATED AREAS OF BEMIDJI TOWNSHIP INTO DISTRICTS AND REGULATING AND RESTRICTING THE USES OF LAND IN SAID DISTRICTS

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AS AMENDED AND REVISED JUNE, 8, 2004 AS  
AMENDED AND REVISED FEBRUARY 11, 2014  
AS AMENDED AND REVISED JULY 3, 2017, AS  
AMENDED AND REVISED JUNE 11, 2019, AS  
AMENDED JULY 7, 2020, AS AMENDED AND  
REVISED FEBRUARY 13, 2023, AMENDED AND  
REVISED APRIL 9<sup>TH</sup>, 2024, REVISED OCTOBER  
8<sup>TH</sup>, 2024

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## **Article 1 – Purpose**

The purpose of this Ordinance is:

1. Protect the public health, safety, morals, comfort, convenience and general welfare.
2. Promote orderly development of the residential, commercial, industrial, recreational and public areas.
3. Conservation of the natural and scenic beauty and attractiveness of the Township.
4. Conservation and responsible development of natural resources.
5. Providing for the compatibility of different land uses and the most appropriate use of land throughout the Township.
6. Promote and protect agricultural areas.

## **Article 2 – Jurisdiction**

This ordinance shall apply to all unincorporated land within the boundaries of Bemidji Township, unless said land is under the jurisdiction of Beltrami County Shore-land Ordinance (BSCO) or the Mississippi Headwaters Conservation Ordinance (MHCO). In the event land within Bemidji Township is under the jurisdiction of the BSCO and/or the MHCO, this ordinance shall apply to those provisions not addressed and not in conflict with the BSCO and/or MHCO or if the provisions of this ordinance are stricter or provides more stringent protection to those areas. It is the responsibility of the property owner to comply with all rules and regulations enforced by other competent jurisdictions. For issues associated with roads, right-of-way, signs, nuisance, animal and/or rental permits and/or allowed use refer to the applicable township ordinances. In the event contrary terms or a conflict noted in another township ordinance arises, the terms of this ordinance shall prevail.

## **Article 3 – Land Use Districts**

The legal descriptions of the districts in Bemidji Township are as follows:

Bemidji Township hereby adopts the Beltrami County tax parcel identification maps, so long as they are true and correct with overlays as required. All changes, combinations, and divisions require the assignment of new tax parcel identification numbers. All permits required by this ordinance shall be issued based upon the Beltrami County tax parcel identification number system. The official map of Bemidji Township shall be posted and maintained at the Bemidji Township Hall and updated as required. For purpose of complying with the provisions of this ordinance the unincorporated areas of Bemidji Township are hereby divided into the following land use districts.

1. Agricultural District – District “A” (minimum of 10 contiguous acres)
2. Rural Residential Areas – District “R-1” (minimum of 105,000 square feet or 2.4 contiguous acres)
3. Commercial District – District “D” (minimum 217,800 square feet or 5 contiguous acres)

The above-named districts are hereby established and shown on the map which shall be referred to as the official zoning map of Bemidji Township and which is incorporated herein and made a part hereof.

#### **Article 4 – Rules and Definitions**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules and construction:

1. The singular number includes the plural and the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word “shall” be mandatory and the “may” is permissive.
4. The masculine gender includes the feminine and neutral genders.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot.
7. In the event of conflicting provisions within this Ordinance, the most restrictive provision shall apply.

For purpose of this ordinance, the following terms shall have the meaning indicated in this Article unless specifically stated otherwise. Words used in the present tense shall include the future; words used in the future tense shall include the present tense; words used in the singular shall include the plural; words used in the plural shall include the singular; the word “shall” is mandatory and discretionary; the word “persons” includes an individual, firm, association, syndicate, partnership, joint enterprise, corporation, trust or any other legal entity. Words omitted from this Article shall be defined using Black Law Dictionary primarily and then Webster’s Collegiate Dictionary secondarily.

1. Access Drive: An improved area of any lot or parcel which is used for vehicular access or parking. Drives improved solely with gravel or rock materials shall not be used to calculate lot coverage areas; any paved (bituminous, concrete, paving blocks, etc.) area shall be counted/calculated as impervious surfaces.
2. Accessory Structure: Any subordinate structure, except residential structures intended for human habitation, incidental to and customarily connected and/or associated with the principal building or use and which is located on the same parcel with such principal building or use. Examples of such structures and facilities may include but are not limited to: swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; transmitters and receivers; detached garages and storage buildings.
3. Accessory Use: Any use which is incidental to the principal use of a lot, except additional residences intended for human habitation.
4. Agricultural Use: The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; silviculture; animal and poultry husbandry and the necessary accessory uses for treating and storing the produce, provided the operation of any such accessory uses shall be secondary and related to that of the principal agricultural

activities. Additionally, livestock products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.

5. Agricultural Structure: Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units intended or customarily use for human habitation.
6. Airport or Heliport: Any land or structure which is used or intended for use for the landing and take-off of aircraft, and for appurtenant land or structure used or intended for use for airport buildings or other airport structures of rights-of-way.
7. Airport Zone: The Zone for the Bemidji Airport is shown on Bemidji Township Map.
8. Amendment: A revision to the content of this Land Use Ordinance whether by deleting and/or amending to provide clarification of the intent or the revision or deleting of entire sections.
9. Annexation: The formal act of political unit, such as a nation, state, or municipality, expand or appropriate land to its' domain.
10. Auto or motor vehicle reduction yard: A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage and/or abandonment. (see also junk)
11. Board of Adjustment: Bemidji Township Planning and Zoning Commission or Board of Supervisors designees.
12. Board of Supervisors: The Bemidji Town Board of Supervisors.
13. Buffer: The use of topography, spaces, geography and screening to separate uses or structure(s) from other uses. Examples include, but are not limited to, trees, shrubs, fences and buildings.
14. Buildable Area: The portion of a lot or parcel remaining after the required setback(s) and well and sewer/septic requirements have been provided.
15. Building: Any structure, either temporary or permanent, having a roof or other covering, and used for shelter or enclosure of any human, animal or property of any kind, situated on private and/or public property. When such structures are divided by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.
16. Building line: The line measured across the length or width of a lot at the point at which the principal structure or structure cannot extend.
17. Building setback: The minimum horizontal distance between the building or structure and specified lot line as prescribed in this Ordinance.
18. Business: Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold or where services are offered for compensation, barter and/or some other benefit.
19. Cannabis Dispensary: Place where cannabis is distributed, provided, produced or manufactured, per Minnesota Statutes.
20. Cemetery/Mausoleum: Public and private cemeteries as defined under Minnesota Statutes.

21. Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
22. Clear-Cutting: Shall meant “intensive vegetative clearing” including the complete removal of trees or shrubs in a contiguous patch, strip, row or block.
23. Commercial Agricultural Use: commercial agriculture use are operations of which are conducted without the principal residence of the owner on-site or on the tax parcel.
24. Commercial Use: The use of land or building/structures for sales and rental revenue producing activities.
25. Contiguous: Land that is joined by common boundary and not separated by roads, easements, or public waters.
26. Conditional Use: A land use development as defined by Ordinance that would not be appropriate or allowed generally but may be allowed and requires special approval with specific restrictions and review process as provided by official controls upon a finding that standards and criteria stated in this Ordinance shall be satisfied. The special approval with conditions is a Conditional Use Permit.
27. Comprehensive Plan: The 2040 plan for Bemidji Township.
28. Cul-de-sac: A vehicular turn-around terminating a dead-end street.
29. Dead-End Street: A street/roadway with one end open to traffic.
30. Deck: A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending above the ground.
31. Demolition Landfill: Any area of land used for the disposal of non-leachable solid waste from construction or destruction of residential or commercial buildings or the contents of such buildings.
32. Density: The number of dwelling units or commercial buildings residing upon or to be developed upon.
33. District: An area of the Bemidji Township in which the regulations governing the use of land are uniform.
34. Driveway Permit: A permit issued to construct a drive to access a tax parcel, property.
35. Dwelling Site: A designated location for residential use, either permanent or temporary, by one or more persons, including camping and recreational vehicle sites.
36. Dwelling/Dwelling Unit: Any building, structure, or portion of a building or structure, or other shelter, designed as a short or long-term living quarters for one or more persons, as a single-family dwelling, (separated by a wall from another) including rental or timeshare accommodations such as a motel, hotel, resort rooms and/or cabins.
37. Easement: A grant by the owner for use of land for the public or private use for specific purposes.
38. Essential Services: All utility services whether that are public or private. Antennas and support structures shall not be considered an essential service.
39. Exotic Animal: All members of the cat family, except domestic cats/ This includes, but is not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots and servals. Also bears,

wolves, fox, raccoon, nonhuman primates, wildlife and/or any hybrid or cross between an animal previously listed as well as offspring all subsequent generations of those crosses or hybrids. Exotic animals are also captive wild animals that has a phenotype not significantly affected by human selection but that is captive or otherwise lives under direct human supervision or control, including but not limited to zoo animals, wildlife parks and commercial game preserves and/or commercial hunting preserves.

40. Extractive Use: The use of land for surface and/or subsurface removal (extraction and/or mining) of sand, gravel, rock, industrial minerals, natural minerals, metallic or non-metallic minerals, peat not regulated under Minnesota Statutes. The only exception from this definition shall be removal of minerals associated with construction of a building provided such removal is an approved item in the building permit.
41. Family/Relative: An individual or group of two or more persons related by blood, marriage or adoption, and may include up to three additional persons not related by, blood marriage or adoption, living together as a single housekeeping unit as defined by Minnesota Statutes.
42. Farm: A tract of land, ten (10) acres or more in contiguous size, which is principally used for agricultural activities. (See Agricultural Use)
43. Livestock: Any animal other than a dog or cat normally kept outside of a human dwelling unit. Livestock include, but are not limited to chickens, cows, geese, goats, sheep, horses, llamas and pigs. Includes foreign domestic cattle. Keeping livestock animals is an agricultural use. This does not include exotic animals.
44. Farm and/or Farm Parcel: A tract or parcel of land containing at least (10) acres, devoted primarily to agricultural uses, together with a dwelling and/or other accessory structures.
45. Farm Related Business: A business operated on a farm parcel related to or supportive of agricultural products.
46. Feedlots: An area used in a manner of which requires the operator to secure a Feedlot permit from the Minnesota Pollution Control Agency shall constitute a feedlot, or an area used to keep, maintain, house, raise, breed, board animals of which the species are customarily known to consume growing vegetation during the spring, summer months, however, are fed supplemental food source(s) due to the lack of availability growing vegetation.
47. Fence: A fence is any addition, structure, wall or gate erected as a divider marker, barrier, or enclosure along the boundary, or within the curtilage. The material utilized to construct or erect a fence does not preclude the structure from existing as a fence, so long as the building set-back requirements are satisfied.
48. Footprint: The area of a building measured from the outermost part, including eaves, decks, etc.
49. Garage: An enclosed building designed or used for the storage of motor vehicles.
50. Governing Body: Bemidji Township Board of Supervisors.
51. Hardship: A hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls of this Ordinance; the plight of the landowner is due to circumstances unique to his/her property and was not created by the landowners and/or the landowner knew or should have known that the property was

substandard prior to purchase of the property; and the variance, if granted, would not alter the essential character of the locality. Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls.

52. Hazardous Waste: Any refuse, sludge, or other waste material or any combination of hazardous waste in classification or form, including but not limited to, solid, semi-solid, liquid or gaseous form. Hazardous waste materials may include, but are not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives.
53. Height of Building/Structure: The vertical distance between the lowest ground level at the structure and the highest point of the structure.
54. Home Occupation: A commercial business conducted on the same property and/or tax parcel on which the business owners' home is situated, which is a type or character consistent with the rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance, increase costs to the Township, increase the average daily traffic on the roadway and/or otherwise be incompatible with the surrounding area.
55. Housing/Residential Performance Standards: Those standards established for the purpose of promoting residential energy conservation, preserving and protecting desired architectural and aesthetic characteristics of housing and neighborhoods in the community and protecting the health, safety, welfare and environment of residents in the community.
56. Individual Sewage Treatment System/Subsurface Sewage Treatment System: Any sewage treatment system, part thereof, serving a dwelling, or other establishment, or group thereof.
57. Interim Use Permit: A land use or development defined by Ordinance that would not be appropriate or allowed generally, but may be allowed and requires special approval with specific restrictions and review process as provided by official controls upon a finding that standards and criteria stated in this Ordinance shall be satisfied. The special approval with conditions and an expiration of the permit is an Interim Use Permit.
58. Junk: Any scrap, signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber, debris, waste of junked, dismantled or wrecked automobiles or construction equipment, or parts thereof, iron, steel, and other scrap or nonferrous materials.
59. Junkyard: A place of business, establishments or place of storage maintained for keeping, storing or piling, whether temporarily, regularly, or continually, or a place maintained for buying and/or selling at retail and/or wholesale, used, or second-hand material of any kind, including but not limited to, motor vehicles, machinery and/or parts thereof, cloth, rugs, clothing, paper rubbish, bottles, rubber, iron or other metal or articles, concrete, bituminous, construction debris, which from their worn condition, render them practically useless for the purpose for which they were made. This shall include a lot or yard for the purpose of keeping abandoned inoperable or partially dismantled motor vehicles or the remains thereof for the purpose of dismantling; sale of parts therefrom, sale of scrap, storage or abandonment. Any uncovered storage of any motor vehicles or other used material on any lot in any district shall constitute a junkyard under this ordinance.

60. Kennel: Any structure or premises on which (4) or more dogs over four (4) months of age are kept for pets, sale, breeding, profit, etc.
61. Land Use Permit: A permit allowing a property owner to construct on or more to move a structure onto his/her property. A Land Use Permit may be used generically in this ordinance to include all permits, including but not limited to Land Use, Driveway, Conditional Use, Interim Use, Etc.
62. Lot: A parcel of land designated by plat. Metes and bounds, registered land survey, auditors' plat or other accepted means and separated from other parcels or portions by said descriptions or designated by Beltrami County tax parcel identification number for purpose of sale, lease or separation.
63. Lot Area: The area of land within the boundaries of a lot.
64. Lot on corner: A lot situated at the junction of and abutting on two (2) or more intersections roads; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
65. Lot Line: The line marking a boundary of a lot.
66. Lot of Record: A parcel of land designated by Beltrami County tax parcel identification number as of effective date of this Ordinance or amendment of this Ordinance.
67. Lot Width: Width is the shortest side of a parcel.
68. Map: Official Zoning Map of Bemidji Township.
69. Metes and Bounds: A method of property description by means of their direction and distance from an easily identifiable and permanent point.
70. Mississippi Headwaters Board: A joint powers board established pursuant to law charged with Planning and Zoning in the Upper Mississippi corridor.
71. Mobile Home/Manufactured Home: A structure designed or used for residential occupancy built upon or having frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Mobile homes/manufactured homes shall be treated as single family housing units.
72. Mobile Home/Manufactured Home Park: A parcel of land which has been planned and improved for the placement of two more mobile/manufactured homes and licensed by the State of Minnesota.
73. Multiple Family Dwelling: A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including but not limited to, apartment houses, duplex houses, rooming houses, boarding houses, townhouses, row houses and similar housing types.
74. New Construction: Any structural alteration to a building that exceeds 50% of the value of the structure and/or 50% of the footprint, whichever is more restrictive, shall be considered new construction. The value is to be determined by calculating the square footage value based on the current construction value worksheet used by Beltrami County.
75. Non-Conforming Use: Any building or land lawfully occupied or used at the time of passage of this Ordinance or amendment thereto which does not conform after the

passage of this Ordinance or amendment thereto with the use regulations of district in which it is situated.

76. Nursery/Landscape: A business growing and selling trees, vegetation, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction or improvements.
77. Owner: Any person, individual, firm, association, syndicate, partnership, joint venture, corporation, trust, or any other legal entity having proprietary interest in the land subject to this Ordinance.
78. Parking Space: A single area with a minimum of 10 ft. x 25 ft. size designated for parking one vehicle. Said space shall be used for any computation of impervious surface of a parcel of land for purposes of this Ordinance.
79. Petroleum Contaminated Soil Ordinance: An Ordinance in Bemidji Township regulating the land farming of petroleum contaminated soil. All land farming of petroleum contaminated soil requires an Interim Use Permit.
80. Planning and Zoning Commission: The Bemidji Township Planning and Zoning Commission. (Also known as the Bemidji Township Board of Adjustment or Board of Supervisors designees).
81. Plat: Defined in Minnesota Statute (505.021).
82. Principal Building: A building or structure in which is conducted the main or principal use of the premises on which said building or structure is situated.
83. Principal Use: The primary or main use of the premises.
84. Protective and/or Restrictive Covenant: A contract in readable form entered into between private parties which constates a restriction of the use of a particular parcel of property.
85. Rear Lot Line: Any lot line which is not a front or side lot line.
86. Residential Dwelling Unit: Any space inside a building designed for the dwelling of an individual or family. Said space includes but is not limited to individual apartments, single mobile/manufactured homes, homes in a mobile/manufactured home park, basement apartments, "mother-in-law" suites, etc.
87. Re-Zoning: The action or process of assigning land or property to a different category of restriction on use and development of parcels.
88. Right-of-Way: Land used as an easement, road, street, alley trail or crosswalk.
89. Road: A right-of-way which affords the principal means of access to abutting property, a road may be designated as a highway, thoroughfare, street, parkway, boulevard, avenue, lane, drive, cart-way, easement, place or other appropriate designation.
90. Road Agreement: An agreement in Bemidji Township regulating the road standards. (Refer to Bemidji Township Road Agreement for Plats)
91. Sanitary Landfill/Transfer Station: Any building/structure or land which is proposed to be used for the disposal of solid and/or non-solid waste without creating pollution of land, water or without creating hazards to the public heath or safety or without creating a public nuisance, by utilizing principals of best engineering and environmental principles to confine the solid and/or non-solid waste to the smallest practical volume and/or quantity. This definition shall include, but is not limited to, all sanitary landfills and/or

- transfer stations, whether modified or not, permitted and approved by Beltrami County and/or the Minnesota Pollution Control Agency.
92. Selective Cutting: The removal of single scattered trees and/or shrubs.
  93. Sewage Treatment System: Means a septic tank and soil absorption system or other individual cluster type sewage treatment systems. This may also be referred to as a Subsurface Sewage Treatment System (SSTS).
  94. Screening: The use of fences, permanent landscape plantings, or other suitable means to reduce visual impact of a structure or use upon adjacent structure or uses.
  95. Setback: The minimum horizontal distance between a structure, individual sewage treatment system, well and, or other facility, road, highway and/or property line.
  96. Shore-Land Management Ordinance: An Ordinance in Beltrami County regulating the shoreland management.
  97. Short-Term Rental: Means any home, cabin, condominium, or similar building that is advertised as, or held out to be, a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a thirty (30) day period and is not a bed and breakfast, resort, hotel, motel, or other venue as determined by the Bemidji Township (AirBnB, VRBO, or other similar venues).
  98. Sign: An identification, description, illustration, or device which directs attention to a product, place, service, person, institution, event and/or business. (Refer to Bemidji Township Sign Ordinance)
  99. Solar Power: Solar Power from the sun's heat or light that is collected stored and/or transmitted.
  100. Special Event: Is any large indoor or outdoor concert, fair, show, festival, carnival, rally, party, tournament, street dance, run, walk, parade or other entertainment or celebration of limited duration that is held on public or private property or any event that shall require the use of parking concerns, traffic generation, or an increase in demand of the Township infrastructure.
  101. Structure: Anything built, constructed, erected or placed, the use of which generally requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including but not limited to, signs and/or buildings.
  102. Structural Alteration: Any change, except those required by law or Ordinance, which would prolong the useful life of the supporting members of a structure or building, such as bearing walls, columns, beams or girders.
  103. Subdivision: The process or result of subdividing land as defined in the Subdivision Controls Ordinance of Beltrami County as well as the Bemidji Township Ordinance, rules, code and/or regulations.
  104. Substandard Lot: A lot which was recorded prior to the enactment of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
  105. Temporary Structure: A non-dwelling structure not permanently affixed to the ground, which has been erected or moved onto a lot for a specific purpose. Temporary structures,

or parts thereof, shall not be located on a parcel of land for more than six \*6) months in a given year without an appropriate Bemidji Township issued permit.

106. Variance: Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surrounding's, shape, topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or a desire to increase the property value and/or financial profits and/or gain. A variance shall not be used to permit use in a district where it is not allowed under the terms of this Ordinance. Variances shall only be granted in compliance with Minnesota Statutes and the provisions of this Ordinance.

107. Water Course: The term "water course" shall include channel, creek, ditch, drain, river and stream.

108. Wind Energy Conversion System (WECS): An electrical generating facility comprised of one more wind turbines and accessory facilities, including but not limited to: powerlines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

## **Article 5 – General Regulations**

### **A. Compliance with Land Use Ordinances**

No land, structure or part there of may be used, constructed, erected, reconstructed, altered, maintained or occupied except in conformity with the provisions of this Ordinance.

### **B. Permits**

A permit is required for all land use activities, except as noted in this Ordinance.

### **C. Special Event Permit/Conditional Use Permit/Interim Use Permit**

A Special Event/Conditional Use/Interim Use Permit may be required prior to the use of property. (Common Example; engaging in a business venture from your home or property requires a Special Event/Conditional Use/Interim Use Permit in all non-commercial districts.) In addition, Conditional Use/ Interim Use Permit is required when a structure containing a non-conforming use in a district is destroyed by any means and the township determines that because of its location or unique situation and/or condition tat the structure, with a Conditional Use/Interim Use Permit, may be rebuilt, which would allow the use or under the Conditional/Interim use a more restrictive use may continue. The applicant bears the burden of proving that the standards and criteria established by the Ordinance has been satisfied.

All Interim Use Permits must be designate the effective duration of the interim use, do not attach to the property, and are not transferrable to any person ither than the applicant. (See Page 28, Section 4.)

A Special Event Permit must be obtained by any person or organization desiring to hold a special event within any zoning district in Bemidji Township, in addition to any other permit required for the event by State Law, County or Township Ordinance.

#### **D. Junk, Vehicles, Trash and Nuisance/Public Nuisance**

It is unlawful to park or store any inoperable and/or abandoned and/or partially dismantled motor vehicle or the remains as per Minnesota Statute 168B.011 Subd. 3. Vehicles with non-current tabs shall be covered by a cover designed for vehicles. Junk, trash, household furnishings, appliances, and/or parts or components thereof, on any property, public and/or private, unless housed within a lawfully erected building. Any violation of this Section is declared to be a nuisance and upon seven days of written notice to the property as declared by the records in the office of the Beltrami County Auditor, of private premises on which such material is found, the Township may remove the same and certify the cost of such removal as any other special assessment.

#### **E. Number of Dwellings**

Only one (1) dwelling per tax parcel is allowed in any district.

#### **F. Dwelling/Housing Performance Standards**

1. Foundation: All residential dwellings in the Township shall be firmly anchored to an industry accepted standard foundations and/or anchored down with a minimum of eight (8) tornado type anchors attached to the frame with four (4) anchors to each of the sides.
2. Septic Systems: All owners and developers shall obtain the required septic system permits when altering the dwelling or constructing a new dwelling. Copies of the design and final inspection report prepared by a certified septic system inspector shall be supplied when appropriate and/ or requested by Township officials or designees. The site evaluation and/or inspection report prepared by a certified septic system inspector shall be kept on file at the Township when submitted to the Township.
3. Land Use Permits: Land Use Permits are required prior to any excavation, construction on or moving a structure onto any property. Land Use Permits are valid for one (1) year from the date of issuance and all delinquent and/or current property taxes must be paid in full to obtain a Land Use Permit. Relocating an existing structure to a different location on the same parcel of property does not require a Land Use Permit but must meet all of the setback regulations and Ordinance regulations for the district in which it is located. Permits are required for all buildings of greater than 144.0 square feet footprint. Any additions including, but not limited to decks, to existing buildings require a Land Use Permit.

#### **G. Set Back Regulations**

All buildings and structures shall be setback a distance of not less than fifty (50) feet from the edge of the road right-of-way. When a parcel of property borders more than one public roadway, the fifty (50) foot set-back shall be applied on all sides of the property bordering a public roadway.

When new residential development abuts commercial and/or agricultural zones and/or uses, or when new commercial abuts existing agricultural and residential zones and/or uses there shall be a living privacy buffer, (unless there is a public road separation) setback plan coordinated with and outlined by the Beltrami County Soil and Water Conservation District and approved by the

Bemidji Township Board of Supervisors which the landowner must be present at the time of application. This living buffer shall be a setback distance of a minimum of thirty (30) feet and shall be located along the property line where it abuts the commercial and/or agricultural uses and shall be established and shall show evidence of survivability within two (2) years of the building permit being issued. This is the responsibility of the new landowner purchaser and/or developer.

Temporary shelters for persons waiting for a school bus or similar uses shall be exempted from this provision if constructed and located off the road right-of-way so as to not interfere with public road maintenance, including but not limited to snow removal and/or public safety.

#### **H. Location of Essential Services/Utility Equipment**

To the extent feasible, equipment for essential services shall be underground so as to eliminate overhead wires, and other unsightly structure and equipment. Essential services include, but are not limited to, power lines, pipelines, telephone/communication lines, sewer, water, gas, oil, petroleum products, cable television, etc. Prior to the placement/construction of new and/or replacement essential services modalities, an application for a Utility Permit on Township Right-of-Way must be submitted and approved by the Bemidji Township Board of Supervisors. A plan approved by the Bemidji Township Board of Supervisors must also be submitted regarding the removal of the old and/or replaced structures. The placement for essential services shall comply with all other provisions in this ordinance as well as those regulations provided by Beltrami County, State of Minnesota and Federal Law, Regulations and/or Codes.

#### **I. Excavation of Mineral Materials**

The use of land for excavation or removal of any mineral materials for commercial use is permitted by obtaining an Interim Use Permit. The Town Board shall, as a condition of granting the Interim Use Permit, impose all conditions on said use which shall guarantee the health, general well-being, welfare and safety of the inhabitants of the Township and individuals neighboring said excavation area. In addition, the Town Board shall also impose as a provision of granting the Interim Use Permit that certain steps and procedures be undertaken in order to ensure the property management and aesthetic value of the neighborhood is maintained and preserved. The Town Board shall require a reclamation bond prior to any and all work in the excavation of the mineral materials. The bond shall be a minimum of \$50,000 applicable to the first 5 acres and \$10,000 per acre thereafter. Evidence of a reclamation plan is required, based upon the standards and best practices set forth by the Minnesota Department of Natural Resources, in conjunction with the Beltrami County Soil and Water Conservation District. As a further condition of issuance of an Interim Use Permit for said excavation, storage and recycling, the Town Board may impose appropriate standards for the timely reclamation of the land subject to the excavation, storage and recycling so as to ensure its restoration to its original condition insofar as possible as determined by Town Board Resolution.

#### **J. Sanitary Landfill/Transfer Station**

Sanitary landfills and/or transfer stations are not permitted in any of the land use districts in Bemidji Township.

#### **K. Signs and Outdoor Advertising**

Bemidji Township has adopted an Ordinance specifically related to signs and signage within the Township. All signs shall conform to the Bemidji Township's Sign Ordinance and the State of Minnesota sign requirements.

#### **L. Storage and Recycling**

The use of any land for the storage for any purpose and/or recycling of any junk or other used materials including, but not limited to, concrete, bituminous material and/or any other road maintenance materials of more than four (4) cubic yards within the Township is not permitted without an Interim Use Permit granted by the Bemidji Township Board pursuant to the Interim Use Permit procedures of this Ordinance.

#### **M. Fences**

No fence, wall, planting or obstruction of any type shall be permitted within a public road right-of-way. All fences, walls, planting or obstruction of any type within thirty (30) feet of the road right-of-way shall be kept in good repair and must not create a safety hazard to the traveling public.

#### **N. Parking Regulations**

Parking space shall be provided in all zones and/or districts as follows: Each dwelling unit on a single lot shall have provisions for at least two (2) off-street parking spaces. Public buildings, including but not limited to, schools, churches shall provide at least one (1) off-street parking space for every five (5) persons for which seating is provided in the main body of the building. Each commercial establishment must submit plans and shall be required to provide adequate off-street parking for employees and clientele/customers served prior to the issuance of any Land Use Permit. A parking space shall be a minimum of 10 ft. x 25 ft. for each vehicle. Handicap parking must be in accordance with state law and/or regulations.

#### **O. Home Occupations**

All persons engaged in home occupations must comply with the following provisions of this Ordinance.

1. Any persons wishing to engage in a home occupation must obtain an Interim Use Permit to conducting or performing business.
2. Home occupations shall be conducted by the property owner and resident of the tax parcel and/or dwelling in which the business is located and not include and/or employ more than one additional person in total.
3. No mechanical equipment may be used except that equipment which is compatible with and permissible for household purpose or for a home workshop.

4. Sales of good and or merchandise are limited to that which is manufactured and/ or process by the practitioner of the home occupation or is a result of agricultural use of the land.
5. Home occupations which created odor, noise, electrical glare, light pollution, dust or vibrations that may harm and/or create a nuisance to neighboring properties in their quiet enjoyment of the land shall not be permitted.
6. All signs for home occupations shall conform to the Bemidji Township Sign Ordinance.
7. Home occupations shall be conducted in a manner that shall not disrupt the residential character of the structure and residential zone or district where it is located.
8. The home occupation shall provide off-street customer and employee parking.
9. When required, a home occupation land owner shall upgrade the septic system to accommodate additional water usage or to make the existing septic system with Minnesota Codes.

**P. Exotic Animals**

The keeping and/or breeding of exotic animals and non-domestic animals is prohibited in Bemidji Township in all districts. This Ordinance does not prohibit veterinarians licensed by the appropriate state and federal licensing entities from practicing in this specialized field of veterinary medicine in the permitted land use zone(s).

**Q. Multi-Family Dwellings**

Multi-family dwellings are permitted in residential districts subject to the following conditions, which must include, but are not limited to:

1. There is a minimum of 217,800 contiguous square feet of land place twice the required septic space for each residential dwelling unit and the dwelling units do not exceed 2,000 square feet of living space exclusive of garages without living quarters.
2. The dwelling units are in compliance with the setback requirements.
3. Each residential (dwelling unit) building has its own septic system and land space is identified and preserved for an alternate system in accordance with Minnesota Codes.
4. A minimum of two (2) off-street parking spaces are provided for each residential dwelling unit as defined in this Ordinance.
5. No more than thirty-five percent (35%) of the total land area of the parcel is covered by impervious surface.
6. All roads, driveway and parking lots shall be paved in a multi-family dwelling in accordance with the Bemidji Township Road Agreement.
7. Multi-family dwellings are duplexes only.

**Article 6 – Subdivisions of Lands**

Subdivision of lands without planting shall not be allowed unless the same is done in accordance with the law of the State of Minnesota, the Ordinance of Beltrami County, and all lots so created shall comply with the minimum requirements as to the lot sizes within the district in which they lie.

Subdivision of a parcel of land into three (3) or less lots may be accomplished by completing an application for lot division and submitted it to the Township Clerk with the appropriate fee. Upon receipt of the complete application, the Clerk and/or Zoning Administrator and/or Town Board of Supervisors designee shall investigate to ensure that the newly proposed created lot(s) and the remaining lot meets the minimum requirements of this Ordinance for the district in which they are located and that they do not create a substandard and nonconforming situation on any lots that are changed. Upon completion of investigation the responsible party shall notify the Beltrami County Recorder's office via written notice, that said new and remaining lots meet the requirements of the Bemidji Township Land Use Ordinance. All newly created lots shall be divided from lots identified with a tax parcel identification number as assigned by the Beltrami County Tax Parcel Identification System and new lots shall receive tax parcel identification number before a permit shall be issued by Bemidji Township.

Newly created plats (**shall comply with Minnesota State Statute 505**) are allowed upon review of all of the information required of the developer in presenting the proposed plat to the Bemidji Township and Planning and Zoning Commission of Beltrami County. The developer shall also present seven (7) copies of said information to the Town Board and Planning and Zoning Commission for a public hearing. In addition, the developer shall submit seven (7) copies of all addendums and restrictive covenants or other land use restrictions which shall be imposed upon the purchasers of the lots described in the initial plat. All approved plats must be recorded at the Beltrami County's Office within thirty (30) days of approval by the Bemidji Township Board of Supervisors and the Beltrami County Planning & Zoning Commission whichever occurs last. All newly created roads within the plat shall be established as public roads pursuant to the Bemidji Township Road Agreement for Plats.

Upon receipt of the copies of the plat and all addendums from Beltrami County, the Township Clerk or Zoning Administrator and/or Town Board of Supervisors designee, shall cause a thorough investing regarding properties adjacent to the proposed plat, land suitability and any other information as required. Upon completed of the investigation, review of the plat shall be placed on the Planning and Zoning Commission's agenda for the next regularly scheduled meeting so long as the Planning and Zoning Commission shall review the plat and the result(s) of the investigation and forward a recommendation to the Town Board. The Town Board shall then schedule a review of the Preliminary Plat. Upon review, the Town Board shall forward written preliminary approval or disapproval of the proposed plat to the County Planning and Zoning Commission along with comments relating to that action. All review and comments shall be completed and forwarded withing forty-five (45) business days, excluding federal and state holidays, of receipt of all required information.

Upon final approval of the final plat and signed Road Agreement the Beltrami County Planning and Zoning Commission pursuant to the Beltrami County Subdivision Controls Ordinance, the Town Board shall review said plat, the final plat and be signed by the Town Board Chairperson before being approved by the Beltrami County Board of Commissioners.

Upon approval of the final plat by the Town Board, said approval shall be endorsed on the plat and signed by the Chairperson and Town Clerk of the Town Board. Any and all

changes/alterations in a plat must be approved by the Town Board before any and all subdivisions are recorded. Land Use Permits shall not be issued until the plat is recorded and tax parcel numbers are assigned.

A fee to review the plat shall be paid by the developer to the Bemidji Township prior to any review. The fee shall be set by Resolution by the Town Board on an annual basis.

#### **Article 7 – Annexation**

The process of annexation in Bemidji Township shall follow Minnesota Statute 414.031 in its entirety.

#### **Article 8 – Agricultural District: District A**

(Minimum of ten (10) acres)

The following uses shall be allowed without a land use permit in the Agricultural District:

1. Farm and Home occupation related to agricultural operations of land owner.
2. Farm animal husbandry and all other operations associated with animal husbandry.
3. Horticulture, forestry and agricultural operations.
4. Agricultural produce and livestock sales grown and/or produced on landowners' property.
5. Veterinarian and animal hospitals (farm and large animal).
6. Towners less than seventy-five (75) feet.
7. Uses related to principal agricultural operations and accessory uses, including but not limited to:
  - A. Manure storage/stockpiling; generated on the property where it is stored/stockpiled.
  - B. Beekeeping.
  - C. Grain elevators and/or silos.
  - D. Outdoor storage of equipment owned, leased or in control and custody of or by the land owner.
  - E. Outdoor storage/stockpiling of animal feed, bedding and/or maintenance products, including but not limited to hay, straw, silage, grain, corn, crops, etc.
  - F. A Conditional/Interim Use Permit is required for anything other than what is permitted above.

#### **Article 9 – Rural Residential Areas; District R- 1;**

The following uses shall be allowed with a duly issued Land Use Permit in the Rural Residential Areas.

(R-1) (Minimum of 105,000 contiguous square feet or 2.4 acres)

1. Single family dwellings and all related structures.
2. Public parks, forest preserves, including but not limited to tree growing on private lands.
3. Accessory buildings.
4. An Interim Use Permit is required for anything other than what is permitted above.

5. A CIC, PUD or the like, are allowed in this district pursuant to Bemidji Township Land Use Ordinance.
6. No livestock are allowed in a recorded plat.

Area Regulations: No buildings shall be allowed on any lot having a width at the building line of less than three hundred (300) feet, not on any lot having an area of less than 105,000 contiguous square feet. Said area shall not include easements, or right-of-way abutting said lot. No more than thirty-five percent (35%) of the total land area of the parcel is covered by impervious surface. Only one dwelling is allowed on a lot/parcel.

The Shore-land Buffer/Mississippi Headwaters Management District shall be governed by the Mississippi Headwaters Conservation Ordinance. Wherever the Bemidji Township Land Use Ordinance are stricter or addresses issues/situations for which the Mississippi Headwaters Conservation Ordinance is silent the Bemidji Township Land Use Ordinance shall apply.

#### **Article 10 – Commercial District: District C**

(Minimum of 217,800 square feet or five (5) contiguous acres)

All uses in this district require a Conditional/Interim Use Permit from Bemidji Township

The following shall require the issuance of a Conditional/Interim Use Permit pursuant to this Ordinance. Violations of the conditions of the permit shall constitute a violation of this Ordinance.

1. Accessory buildings
2. Adult entertainment and/or Uses Principal and/or Accessory
3. Ambulance service facilities, operations
4. Amusement Park facilities, operations
5. Animal, boarding, facilities, operations
6. Appliance retail, wholesale, sales, distribution, warehouse facilities, operations
7. Armory facilities, operations
8. Art galleries and museums, facilities, operations
9. Asphalt, bituminous and/or concrete plant, storage, processing, facilities, operations
10. Athletic complex, facilities, operations
11. Auditorium, facilities, operations
12. Automotive parts, sales, repair, salvage/reclamation, rental, tow/impound facilities, operations
13. Banks, financial institutions, facilities, operations
14. Barber/ beauty shop/ salon facilities, operations
15. Boat sales, service, warehouse, distribution facilities, operations
16. Booster and/or pressure regulating facilities, operations
17. Bowling alley, facilities, operations
18. Building material storage yard, facilities, operations
19. Campgrounds, recreational vehicle facilities, operations
20. Cannabis Dispensary facilities, operations

21. Car wash, facilities, operations
22. Cemetery, mausoleums, facilities, operations, including but not limited to humans and/or animals
23. Chemical storage, facilities, operations (not related to the operations of the land owner)
24. Church, facilities, operations
25. Commercial/Industrial parks, facilities, operations (See Industrial Park)
26. Counseling, facilities, operations (residential and/or non-residential)
27. Crematorium, facilities, operations (See also Funeral Home and/or Mortuary)
28. Dental/Medical Clinic and/or Hospital and/or Medical Facility, facilities, operations
29. Electrical power substations and/or major electric and/or utility transmission lines, facilities, operations
30. Elevated tanks and towers, facilities, operations
31. Event and convention center, facilities, operations
32. Florist/floral shop, facilities, operations
33. Foundry, facilities, operations
34. Fuel storage and/or distribution, facilities, operations
35. Gasoline/convenience store
36. Gasoline service stations facilities, operations
37. Grocery store and/or warehouse, facilities, operations
38. Health club and/or spa, facilities, operations
39. Hospitals, clinics for animals, including kennels, facilities, operations
40. Hospitals, clinics for humans, including short-term and long-term care and/or treatment facilities, facilities, operations
41. Hotel/motel, facilities, operations
42. Incinerators, facilities, operations
43. Industrial, heavy manufacturing, facilities, operations
44. Industrial, light manufacturing, facilities, operations
45. Industrial Park, facilities, operations
46. Landfill/transfer station, facilities, operations (construction waste, solid waste, nonsolid waste, hazardous waste, household waste)
47. Laundromats, facilities, operations and/ or dry cleaners
48. Library, facilities, operations
49. Liquor store and/or commercial liquor warehouse, facilities, operations
50. Lumber yard, sales, warehouse and/or mill, facilities, operations
51. Machine shop, facilities, operations
52. Manufacturing, facilities, operations
53. Monument works, facilities, operations
54. Mortuary and/or funeral homes, facilities, operations (see also Crematorium)
55. Newspaper/printing office, facilities, operations
56. Nuclear power plant, facilities, operations
57. Commercial office, facilities, operations
58. Open sales lot, facilities, operations
59. Outdoor recreational facilities, operations

60. Paper mill, facilities, operations
61. Parks and athletic fields, facilities, operations
62. Parking lot and/or garage and/or ramp, facilities, operations
63. Passive recreational, facilities, operations
64. Pharmacy, facilities, operations
65. Public building(s), facilities, operations
66. Public and/or private utility, facilities, operations
67. Public parks, forest preserves, trails, including but not limited to tree growing on private lands and scenic easements, facilities, operations
68. Recreational facility, operations indoor and/or outdoor, facilities, operations
69. Refuse and/or waste management services facilities, operations, research, design and/or testing facilities, operations
70. Restaurants and/or lounge, nightclub and/or bar, facilities, operations
71. State licensed and/or unlicensed schools, facilities, operations
72. Commercial greenhouses and/or nurseries facilities, operations
73. Truck gardens, fruit growing, and growing of crops and grasses, facilities, operations
74. Farm implement sales, repairs, distribution, facilities, operations, farm and feed retail, wholesale, storage, processing, distribution, and/or operations
75. Equipment services, including but not limited to radio, and television repair shops, facilities, operations
76. Private schools, facilities, operations
77. Roadside stand, facilities, operations
78. Retail and/or wholesale sales, distribution, warehouse, storage, facilities, operations
79. Sand/gravel plant, processing, mini, storage, facilities, operations
80. Theater, facilities, operations
81. Trade shop(s), facilities, operations
82. Transitional housing, facilities, operations
83. Transportation facilities, operations
84. Vehicle manufacturing/manufacturer, warehouse, distribution, sales, facilities, operations
85. Warehouse and distribution center, facilities, operations
86. Warming center, facilities, operations
87. Wastewater treatment plants, facilities, operations
88. Water towers, facilities, operations
89. Wells and pumping stations, facilities, operations
90. Excavation of mineral materials for commercial use, sale, distribution, facilities, operations
91. Commercial radio, television, communication towers, transmitters, facilities, operations

**Area regulations:** No buildings shall be allowed on any lot having a width at the building line of less than three hundred (300) feet, not on any lot having an area of less than 217,800 contiguous square feet. Said area shall not include easements or right-of-way abutting said lot. Only one occupation/business is allowed per lot/parcel. All structures and impervious surfaces shall not exceed sixty-five percent (65%) of said lot.

## **Article 11 – Non-Conforming Uses**

### **Non-Conforming Uses:**

A use of land, building or structure lawfully permitted when this Ordinance or any amendment thereto is adopted which does not comply in whole or in part with the provisions of this Ordinance or any amendment made thereto shall be a non-conforming use.

### **Non-Conforming Use Provision:**

Non-conforming use provision relating to lots not meeting the applicable area regulations for the district in which they are located: A lot legally recorded prior to the adoption of this Land Use Ordinance in 1977 and have at the building line one-hundred-fifty (150) feet would allow single family homes on at least 45,000 continuous square feet in the Rural Residential district (R-1), or three-hundred (300) feet at the building line and 105,000 contiguous feet in the Agricultural district without a variance.

A variance shall be obtained to use any parcel that does not contain the minimal size requirements of the district in which it is located. In all cases, the property owner shall attempt to bring it into conformity with the Land Use Ordinance before applying for a variance.

### **Non-conforming Use Provision:**

Non-conforming use provision relating to existing uses, buildings and structures:

The following provisions shall be applicable to any non-conforming significant and actual use of land, buildings, or structures in any district.

1. Buildings: The lawful use of a building, structure, or land substantially undertaken and existing at the time of adoption of this Ordinance or any subsequent amendments may be continued although such use does not conform with the district use provision hereof. Additions to or alterations of buildings shall be permitted with a duly issued Land Use Permit provided that said addition or alterations shall comply with Minnesota Statute Chapter 366.18 and set-back regulations.
2. Non-conforming use, damaged: A non-conforming building, structure, or use of land damaged or destroyed by and cause whatsoever, may be restored, reconstructed in its original size, and used as before, provided that such restoration is completed within eighteen (18) months of such happening. Said restoration or reconstruction shall comply with Minnesota Statute Chapter 366.18.
3. Change: Whenever a non-conforming use has been changed to a conforming use or to a use allowed by a Conditional/Interim Use Permit, it shall not thereafter be changed to a non-conforming use of a less restricted area.
4. Discontinuance: In the event that a non-conforming use of any building or land be discontinued for a period of eighteen (18) months, the use of the same shall conform thereafter to the uses allowed in the district in which it is located.

5. Zone Change: The forgoing provisions relative to non-conforming uses shall apply to buildings, structures, land, and uses which hereafter become non-conforming due to reclassification of districts under this Ordinance.
6. Change of Ownership: In the event that a non-conforming building or land is conveyed to another person and/or legal entity, such non-conforming use is extended to the new owner of the property provided that uses and time requirements of non-conforming uses shall be determined as if the new owner had possession of the property continually from the date of enactment of this Ordinance.

## **Article 12 – Administration**

### **Section 1 – Township Board of Supervisors**

The Bemidji Township Board of Supervisors shall serve as the administrative authority to this Ordinance. The Town Board in the course of its duties shall:

1. Receive all information and recommendations from the Planning and Zoning Commission and/or as the Town Board deems necessary to grant or deny all Interim use, Conditional Use, Special Event and Variance applications. The Town Board of Supervisors is the final determiner of all permits, variances, approvals, denials and other official actions and activities of the Township.
2. Enforce and administer the terms and provisions of this Ordinance through supervision and review of the officials it appoints.
3. Ensure that the Town Clerk or designee of the Town Board of Supervisors publishes and maintains all records in a timely manner necessary for the proper enforcement and administration of this Ordinance.
4. Act as the Board of Adjustment for Bemidji Township under the rules of the State of Minnesota.
5. Hire Township employees to accomplish the goals of the Township Board of Supervisors and the duties entrusted to it by the constituents of Bemidji Township as well as under statutory authorities.
6. All employees if the Township are at will employees serving the Town Board of Supervisors.

The Town Clerk and/or his/her Deputy Clerk shall be the Clerk employed by Bemidji Township and all employees of the Bemidji Township are non-voting members of the Town Board and Planning and Zoning Commission. As part of the Town Clerk's and/or designee of the Town Board of Supervisors duties, shall include all required filing, service, notice and all other actions requested by the Town Board in its enforcement of this Ordinance.

The duties of the Zoning Administrator or in the alternative the Town Clerk and/or Township Board or their designee shall be as follows:

1. Inspect all construction setback requirements, development, and Land Use permit applications within ten (10) working days of receiving a Land Use application.

2. Receive evidence and prepare written evidence/findings and recommendations regarding Conditional Use permits, Interim Use permits and variances to the Planning and Zoning Commission and/or Town Board.
3. Take necessary steps to ensure that the provisions of this Ordinance are being complied with, which may include providing assistance in the enforcement of the Ordinance through inspections and offering testimony.
4. Maintain all records necessary for the proper enforcement of the terms and provisions of this Ordinance.
5. Issue Land Use Permits and Lot Division approvals for those applications that fall within the standard guidelines of this Ordinance.
  - A. For Land Use Permits and Lot Division request, an inspection of the property shall be performed, and as applicable, issue a permit or written approval or denial within ten (10) working days of receipt of the complete permit application.
  - B. All denials of an application shall result in written explanation to the applicant citing the particular section of this Ordinance that applies. All denials shall be reviewed by the Planning and Zoning Commission, if such a Commission exists, and the Town Board at the next regularly scheduled meeting.
6. Review and approve/deny standard (non-plat) lot division applications.
7. Schedule actions for hearing before the Planning and Zoning Commission and the Town Board.
8. Update and maintain the official map of the Township.
9. Coordinate with other agencies regarding enforcement and maintenance of this Ordinance.
10. Perform all other duties as requested by the Town Board.

## **Section 2 – Planning and Zoning Commission**

The Planning and Zoning Commission shall consist of five (5) members to be appointed by the Town Board. The members of the Planning and Zoning Commission shall serve for a term of three (3) years, unless removed by the Town Board. A member of the Planning and Zoning Commission may be removed for the following of which include but are not limited, incompetence, misconduct in office, failing to uphold the terms of this Ordinance, favoritism, conflicts of interest, discriminatory actions, absenteeism, including but not limited to, absence from three (3) consecutive meetings without an excuse deemed reasonable by the Bemidji Township Board of Supervisors.

The quorum for the Planning and Zoning Commission to transact business shall be three (3) members. The duties of the Planning and Zoning Commission shall be as follows:

1. Conduct Public Hearings on Plats, Conditional Use/Interim Use/Special Event and Variance applications and prepare written findings of fact and a recommendation to the Town Board.
2. Supervise and provide assistance in the enforcement of this Ordinance through inspections and offering testimony.

3. Supervise the maintenance of all records necessary for the enforcement of the terms and provisions of this Ordinance.
4. Review the Town Clerk, Deputy Cler, employees and Zoning Administrators performance of his/her duties and report to the Town Board with recommendations at the March Annual Meeting.
5. Review and provide recommended updates and/or revisions of this Ordinance to the Town Board at least annually.
6. May act as members of the Board of Adjustment for the Bemidji Township under the rules of the State of Minnesota.

### **Section 3 – Land Use Permits and Driveway Permits**

#### **Required Applicants:**

On or after the effective date of this Ordinance, no person shall construct any driveway or roadway which intersects or connects with any public roadway, excavate for a basement, erect a structure of more then one-hundred-forty-four (144) square feet in footprint, or change the exterior perimeter of a building vertically or horizontally, move, or alter any building, structure, or part thereof, without first obtaining a Land Use Permit and/or Driveway Permit from Bemidji Township.

#### **Exceptions:**

1. In Agricultural District A, the construction of temporary animal shelter shall be allowed without a Land Use Permit.
2. In Agricultural District A, the construction of a field entrance is allowed if the separation of the fields/property is a result of a constructed fence or other barrier and/or the next closest access is greater than three hundred (300') feet from the new field access.
3. Alteration and/or replacement and/or maintenance/repairs of exterior finishes and essential components does not require a Land Use Permit. (Examples include but are not limited to, painting, replacement of siding, replace or add windows, doors, replacement of roofing materials. i.e., shingles.)
4. Interior alterations to any building structure, or part thereof that does not result in any exterior alterations does not require a Land Use Permit.

#### **Application Process:**

Application for a Land Use Permit, Conditional Use Permit, Interim Use Permit, Driveway Permit, Road Agreement, Special Event Permit, Variance or Lot Division or combination shall consist of a completed application form(s), signed by the applicant or his/her agent and accompanied by the required permit fee(s), a sketch describing structure dimensions, the location of the improvement in relation to adjoining property lines, right-of-way lines, existing buildings or structures, and such other information as may be required by the Township Official(s). The complete applications and applicable fee(s) shall be submitted in their entirety to Bemidji Township prior to full acceptance of the application, consideration for approval, scheduling of Special Meetings, Hearings, presentation to the Commission and Board, and the issuance of a

permit. If a violation of any Ordinance is discovered during the application process, a permit shall not be issued, and/or may be revoked, until the violation is mitigated/remedied by the landowner to the satisfaction of the Town Board. In all events, the proposed land use which created the requirement of the approval and issuance of a Land Use Permit must be implemented within one-year of the permit issuance. In the event the implementation of the proposed use for which the Land Use Permit does not occur within one-year of the issuance of the permit, the permit is void and the applicant shall be required to submit a new application along with the required fees relative to special meetings and/or hearings.

The land use/driveway permit must be displayed on the property during the excavation, construction, moving, changing, alternating or other activity for which the permit was issued for the entire duration of the activity. All terms and conditions of Bemidji Township Land Use Permit, including driveway permits, Conditional Use Permits, Interim, Use Permits are the responsibility of the property owner regardless of whether they are conducting the work or have retained, bartered, directed, and/or otherwise allowed another to perform the activities.

**Penalties:**

Failure to obtain any required Land Use Permit, Driveway Permit, Conditional Use Permit, Interim Use Permit, Special Event prior to commencing the above activities renders the landowner subject to penalties under this Ordinance of which may include an after-the-fact permit fee and/or reinstatement of the land, property, etc. to the pre-violation condition. Failure to display and Land Use Permit(s) shall subject the landowner to penalties under this Ordinance of which may include revocation of the issued permit.

**Setbacks:**

All setbacks set forth in this Ordinance shall be complied with unless a variance has been provided by the Town Board.

**Duration:**

All Land Use and Driveway Permits expire one (1) year from the date of issuance. In the event the work has not been completed to ninety (90) percent within the one (1) year period, a new Land Use Permit and the required fee shall be required to complete the work. The work shall be deemed ninety (90) percent complete upon proof of the performance of all State of Minnesota required inspections, including but not limited to septic system, well, electrical, etc. and all exterior construction work, including landscaping. In the event, the work has been completed to ninety (90) percent and extension permit may be granted by the Town Board.

**Fees:**

All Land Use, Driveway, Conditional Use, Special Event, Interim Use Permits, Variance required under this Ordinance shall be set by Resolution of the Town Board on an annual basis.

#### **Section 4 – Conditional Use/ Special Event/ Interim Use Permits**

Upon receipt of the completed Conditional Use/ Special Event/ Interim Use Permit, Re-Zoning and Variance application, established fee and conclusion of the investigation, a Public Hearing shall be scheduled at the next regularly scheduled meeting of the Bemidji Township Planning and Zoning Commission or in the alternative the Bemidji Town Board providing that the Township can meet the ten (10) day public notice requirement. If a special meeting is requested by the applicant, an additional fee shall be paid by the applicant at the time of the request. The Planning and Zoning Commission or in the alternative, the Bemidji Township Board shall act on the application at a public hearing within forty-five (45) days after receipt of the complete application and required fees.

##### **Notice:**

Prior to the public hearing, published and posted notice must be given at least ten (10) days prior to said hearing by publishing in the designated legal newspaper and notice shall be posted at the places designated as legal for posting notices. Owners of adjoining property within the Township and within five-hundred (500) feet of a boundary line of the property for which a Conditional Use Permit and/or Special Event Permit, and/or Interim Use Permit and/or Variance is requested shall be notified at least ten (10) days prior to said hearing by first class mail as to the time, place and purpose of the public hearing.

Failure of any such property owner to receive such mailed notice shall not in any way affect the validity of the hearing or result thereof.

The hearing shall be noticed and conducted in accordance with the provisions relating to hearing of the Special Event, Conditional Use, Re-Zoning, Variance and/or Interim Use permits. The said fee shall be in addition to the fee for a Land Use Permit required by this Ordinance.

A Special Event, and/or Interim Use Permits may not be given, sold, changed, or transferred to include additional parties not named in the said permit application and permit. The location stated in the Special Event and/or Interim Use Permit is the only location where the use is permitted. A Special Event, or Interim Use Permit does not transfer with the ownership of the land and does not imply that a future permit shall be granted. All Interim Use Permits and/or Special Events shall be issued with an expiration date. The duration of an Interim Use Permit may not exceed four (4) years. In all events, the proposed use which created the requirement of the approval and issuance of an Interim Use Permit does not occur to the required completion percentage within one (1) year of the issuance of the permit, the permit is void and the applicant shall be required to submit a new application along with the required fees relative to special meetings and/or hearings.

The criteria and standards reviewed and recommended by the Planning and Zoning Commission to the Township Board of Supervisors in the Board's determination of whether to grant or deny an application for a Special Event, Conditional Use, and/or Interim Use Permit include the following, in addition to any other criteria or standards specifically set forth in the Ordinance or unique to the special circumstances of the requested use:

### **Findings of Facts for Conditional Use, Interim Use, or Special Events Permits**

1. Shall the proposed use be in harmony with the comprehensive plan of Bemidji Township?

Yes ( ) No ( )

Why:

2. Shall the proposed use be injurious to the use and enjoyment of other property and the environment of the immediate vicinity, neighborhood or township?

Yes ( ) No ( )

Why:

3. Shall the proposed use substantially diminish or impair the property values and environment in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

4. Shall the proposed use impede the normal and orderly development in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why?

5. Are adequate utilities, access roads, drainage and other necessary facilities and controls being provided or have been provided?

Yes ( ) No ( )

Why:

6. Have adequate measures been addressed to prevent and/or control odor, fumes, dust, noise, vibrations, scenic blight or any other annoyance and nuisance so that the use shall not have a negative effect on the public safety, health and welfare in the immediate vicinity, neighborhood or Township in accordance with the Bemidji Township Nuisance Ordinance?

Yes ( ) No ( )

Why:

7. Shall the use produce any lighted signs or other visual conditions that shall impair the enjoyment of property and/or property owners in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

8. Shall the use be in accordance and conducted with the current land use district setbacks and standards?

Yes ( ) No ( )

Why:

9. Are there provisions for adequate parking, current and anticipated traffic congestion and traffic safety so as not to constitute a nuisance as defined by the Bemidji Township Land Use Ordinance?

Yes ( ) No ( )

Why:

10. Shall the infrastructure of the Township be able to accommodate increased traffic for the proposed use without an additional burden on the Township or its constituents?

Yes ( ) No ( )

Why:

**Conditions that need to be met for the issuance of the purposed permit:**

Upon consideration of the above noted criteria and provisions within the Ordinance and Bemidji Township Ordinances, the Planning and Zoning Commission and/or the Town Board may attach such conditions, in addition to those required in this Ordinance, as it deems necessary to achieve the purposes of this Ordinance. Violation of any of these conditions or those which are attached by the Town Board shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the Special Event, Conditional Use and/or Interim Use permit with fines and penalties.

**Section 5 – Variance**

Upon receipt of the completed variance application, established fee and conclusion of the investigation, a public hearing shall be scheduled at the next regularly scheduled Bemidji Township Planning and Zoning Commission and/or the Bemidji Town Board. The said public hearing shall follow the same process and procedures set forth in the Special Event, Conditional Use and/or Interim Use Permit public hearings. The said fee shall be in addition to the fee for a Land Use Permit, Special Hearing fee and/or other fees required by this Ordinance.

After hearing provided for above, the Town Board shall determine if the strict enforcement of any provisions of this Ordinance would cause unnecessary hardship or if that strict environment would be unreasonable, impractical or infeasible under the circumstances. The Town Board shall consider all other criteria relating to the issuance of a variance which are

set forth in other applicable provisions of this Ordinance. To the extent that those other provisions are inconsistent with this Section, they shall control. If so determined, the Town Board may permit a variance from the terms and provisions of this Ordinance provided that:

### **Findings of Facts for Variances**

1. Is the variance in harmony with the comprehensive plan of Bemidji Township?

Yes ( ) No ( )

Why:

2. Without the variance is the owner deprived of reasonable use of the property?

Yes ( ) No ( )

Why:

3. Without a variance does a hardship occur?

Yes ( ) No ( )

Why:

4. Is the alleged hardship due to circumstances unique to this property?

Yes ( ) No ( )

Why:

5. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners?

Yes ( ) No ( )

Why:

6. Shall the issuance of the variance maintain the essential character of the vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

7. Does the alleged hardship involve more than economic hardship?

Yes ( ) No ( )

Why:

8. Will the granting of a variance NOT cause damage to the environment, property rights of others, property values in the vicinity, neighborhood, or Township?

Yes ( ) No ( )

Why:

9. Shall the granting of the variance NOT be contrary to public interest, health, safety or welfare?

Yes ( ) No ( )

Why:

10. Has the land owner considered other options such as acquiring other land or designs that shall not cause the need for the variance?

Yes ( ) No ( )

Why:

A variance shall not be granted because there is no objection to the granting of the variance, or because those who not object outnumber the majority of those who do object to the granting of the variance.

If all answers are “yes” the criteria for granting a variance quest has been met.

Upon consideration of the above noted criteria and provisions within this Ordinance and Bemidji Township Ordinances, the Town Board may attach such conditions, in addition to those required in this Ordinance, as it deems necessary to achieve the purpose of this Ordinance so as to minimize the inconsistency of the varied use with the permitted uses set forth in this Ordinance.

Violation of any of these conditions or those which are attached by the Town Board shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the variance.

### **Section 6 – Re-Zoning**

Upon request, or a need of the Township, a parcel or parcels of land may be re-zoned from its current classification to another classification in the Township district as long as it does not conflict with any Township Ordinance or Land Use Ordinance. After a permit application and appropriate fees are paid, an investigation by the Planning and Zoning Administration, the Planning and Zoning Commission may allow a re-zone after the conclusion of finding of facts. The Planning and Zoning Commission shall make a proposal to approve or deny the re-zoning request to the Bemidji Township Board.

### **Findings of Fact for Re-Zoning**

1. Is the re-zone in conflict with the comprehensive plan of Bemidji Township?

Yes ( ) No ( )

Why:

2. Shall the re-zone be injurious to the use and enjoyment of other property and the environment in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

3. Shall the re-zone substantially diminish or impair the property values or environment in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

4. Shall the re-zone impede the normal and orderly development in the immediate vicinity, neighborhood or Township?

Yes ( ) No ( )

Why:

5. Shall the proposed re-zone cause substandard parcels?

Yes ( ) No ( )

Why:

6. Shall the re-zone cause spot zoning?

Yes ( ) No ( )

Why:

### **C. Spot Zoning**

Spot Zoning results when a relatively small area of land, such as a single parcel, is rezoned to allow uses not consistent with the surrounding uses. To avoid spot zoning, town boards should be sure that rezoning requests comply with the comprehensive plan, that the resulting use shall be consistent with the abutting uses, and that the reclassification serves a public purpose rather than just proving a benefit to a private party.

### **Section 7 – Public Hearing Records**

Appeals concerning action by the Township Board shall be tape-recorded or written record of the public hearing conducted by the Planning and Zoning Commission and the Town Board. Any

party seeking to supplement the factual record presented to either Commission or Board at the public hearing with new evidence must submit a written summary of their proposed new evidence to the Town Clerk at least five (5) days in advance of the Town Board's consideration of the Planning and Zoning Commissions recommendation. The Town Board may, in its discretion, allow the presentation of new evidence based on its review of the written summary.

Only parties who have previously appeared at the Planning and Zoning Commission's public hearing may propose new evidence as outlined herein.

### **Section 8 – Recording of Variances**

It is the applicant's obligation to record the variance with the Beltrami County Recorder's office after all appeals related to said variances have been finally determined.

### **Section 9 Waiving of Permit Fee(s)**

In cases where applicants relate to land subject to the terms and provisions of the Shore-land Management Ordinance of Beltrami County, as amended from time to time, and the applicant is required to pay similar fee(s) to the County of Beltrami pursuant to the terms and provisions of the said Ordinance, Bemidji Township shall waive half of the fee relative to Bemidji Township Land Use Permits, Conditional Use/Interim Use Permits.

### **Section 10 – Current Taxes**

All permits and variance requests shall have all delinquent and current property taxes paid in full prior to the approval of the application.

### **Article 13 – Appeals**

Judicial review shall be in the form proscribed by Honn V. City of Coon Rapids, 313 N.W.2d 409 (Minn. 1981). Judicial review must be initiated by filing of the appropriate action with Beltrami County District Court Administrator within thirty (30) days of the Town Board's action. Failure to initiate judicial review within that time period shall deprive the District Court of jurisdiction to undertake review of the Town Board's action.

The action of the Town Board which is the subject of judicial review shall not be suspended or stayed pending final resolution of the District Court's review, except upon the aggrieved party's full compliance with the applicable provisions of the General Rules of Practice for the District Courts. The District Court may upon application for a stay or suspension of the Town Board's action pending final judicial review require that the aggrieved party post bond or other financial security in a form which the Court shall order and approve.

The condition of the bond shall be the payment of the costs of the judicial review, the damages sustained by the Township in consequence of the judicial review, and obedience to the Order of Judgement which the District Court may give if the Town Board's action or any part of it, is sustained, or if the aggrieved party's action is dismissed.

The appeal shall be initiated by service of a Notice of Appeal of the form specified herein with the Town Clerk and filing of the Notice of Appeal, together with proof of service, with the Beltrami County District Court Administrator within thirty (30) days of the Town Board's action.

The notice of appeal shall state in detail:

1. The Articles and Sections of the Ordinance involved in the appeal.
2. The errors of judgment or law claimed by the appellant to have been committed by the Town Board.

#### **Article 14 – Amendments**

Amendments to this Ordinance subject to Chapter 462 of the Minnesota Statutes shall be initiated and carried out with said chapter. All other amendments shall be initiated by one of the following methods and may be affected by a majority vote of the Town Board.

1. Resolution of the Town Board
2. Resolution/recommendation of the Planning and Zoning Commission to the Town Board
3. Petition by thirty (30) or more Bemidji Township property owners for an amendment to this Ordinance. The Town Board must act on said petition within sixty (60) days of receipt.

#### **Article 15 – Enforcement**

##### **Enforcement:**

The Bemidji Town Board shall bear the responsibility for administration and enforcement of this Ordinance.

The Town Board, Zoning Administrator and/or duly authorized township representative has the power to enforce this Ordinance upon the owner of a property and/or their agent.

This Ordinance shall be enforced with the imposition of civil and/or criminal penalties provided for under Minnesota Law. Utilization of civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

Any violation of the provision of this Ordinance or failure to comply with any of its requirements, including failure to comply with conditions attached to permits and variances and making false statements on permit and variance applications, shall constitute a misdemeanor and shall be punishable as defined by Minnesota State law. Each day a violation of this Ordinance or each that a failure to comply with any requirements of this Ordinance constitutes a separate offense.

A violation of this Ordinance may occur regardless of whether or not a permit is required for a regulated activity. In the event any land is used or proposed to be used in such a manner as to be in violation of this Ordinance; or in the event any building, structure, alteration thereof or part thereof, is, or is proposed to be used or erected in violation of this Ordinance; the Town Board or its authorized representative may issue a cease-and-desist order(s) to halt the progress of any on-going violation. Once a cease-and-desist order has been issued, the activity shall not be resumed.

until the violation is remedied and the cease-and-desist order is lifted. In addition, the Town Board or its authorized representative may institute an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, correct, abate or remove such unlawful use, construction, reconstruction, alteration or maintenance.

The Town Board or its authorized representative shall conduct Land Use Ordinance Compliance inspections during the course of construction of permitted activities. No person shall hinder or otherwise interfere with the Town Board or its authorized representative in the performance of their duties and responsibilities. Refusal to allow reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

#### **Enforcement Assessment:**

In the event of a violation of this Ordinance, any costs of enforcement, including administrative expense and legal expense incurred in the enforcement proceedings may be assessed against the party found to have violated the Ordinance. Within forty-five (45) days after the conclusion of a civil or criminal case, Bemidji Township may certify the costs of enforcement for assessment against the violator's property where the violator has either been found to have violated this Ordinance by the Court or has admitted the violation.

The Town Clerk shall prepare a bill for the amount certified. The Town Clerk shall mail a copy by certified mail to the violator's last known address or the violator's address of record with the Beltrami County Auditor's office. In the event the bill is not paid in full within thirty (30) days of receipt of mailing, Bemidji Township may certify the bill as any other special assessment.

The violator may appeal the certification of the costs to the Bemidji Township Board by filing an objection to the assessment within fifteen (15) days upon receipt of the notice of the certification. The appeal must include a detailed explanation of the objection.

#### **Article 16 – Conflict of Other Laws**

When any provision of this Ordinance imposes requirements more restrictive than required by existing laws of the State of Minnesota, any Ordinance of Beltrami County, Minnesota or the Mississippi Headwaters Conservation Ordinance, the provisions of this Ordinance shall govern within the boundaries of Bemidji Township.

#### **Article 17 – Severability and/or Validity**

It is hereby declared to be the intention that several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to particular property, building or structure, such judgement shall not affect other property, buildings or structures.

**Article 18 – Effective Date**

This Ordinance shall take effect and be in force from and after its passage, posting and recording according to law. Copies of this Ordinance shall be kept by the Town Clerk and shall be available for public inspection. In addition, copies of the official zoning map shall be kept by the Town Clerk and shall be available for public inspection.

A copy of this Ordinance shall be recorded in the office of the County Recorder of Bemidji County upon adoption and any amendments thereto shall likewise be recorded with the County Recorder of Beltrami County, Minnesota.

Adopted by the Town Board of Bemidji of Bemidji Township at their regular meeting March 17<sup>th</sup>, 1977, and including amendments passed July 21<sup>st</sup>, 1977; June 21<sup>st</sup>, 1979; October 15<sup>th</sup>, 1981; May 17<sup>th</sup>, 1984; October 9<sup>th</sup>, 1984; September 8<sup>th</sup>, 1986; February 13<sup>th</sup>, 1989; March 11<sup>th</sup>, 1996; April 13<sup>th</sup>, 1999; March 9<sup>th</sup>, 2000; July 1<sup>st</sup>, 2001; February 12<sup>th</sup>, 2002; (editorial changes) May 12<sup>th</sup>, 2003; June 14<sup>th</sup>, 2004; February 11<sup>th</sup>, 2014; July 3<sup>rd</sup>, 2017; June 11<sup>th</sup>, 2019; July 7<sup>th</sup>, 202; February 13<sup>th</sup>, 2023; April 9<sup>th</sup>, 2024, Revised October 8<sup>th</sup>, 2024.

Township Clerk Brittney Sulten  
Township Supervisor [Signature]  
Township Supervisor [Signature]  
Township Supervisor Brian Merdeman  
Township Supervisor [Signature]  
Township Supervisor Stacy Larson