

## **SECTION 11.            ADMINISTRATION**

### **11.1    LAND USE PERMITS:**

*(AS AMENDED 1 March 2022)*

A Land Use Permit shall be obtained prior to erecting or installing a new structure or altering any structure or part thereof if the outside dimensions are changed or the use thereof is converted to another use. A Land Use Permit shall also be obtained prior to the moving of a structure. It shall be the duty of the contractor to inspect the Land Use Permit application as approved and to perform the construction in compliance with the permit and this ordinance. It shall also be the duty of contractor to make certain that the permit is secured before the construction begins. Contractors performing construction activities without the benefit of an issued permit shall be subject to monetary penalty as specified in the fee schedule resolution of the County Board of Commissioners.

#### **11.1.1    Permits:**

An application for Land Use Permit shall be made on forms supplied by the County. Each application shall include a sketch plan drawn to scale showing the exact size and location of the buildings and accessory buildings to be erected, and the size and location of any existing buildings, wells or sewers located on the lot. An application is deemed complete when all required fees, plans and data are submitted. Fees for Land Use Permit shall be according to the fee schedule resolution of the County Board of Commissioners.

- A.    Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.
- B.    Before any permit is issued under this section, the construction erosion standards found in Section 10.4 shall be met.

#### **11.1.2    Construction period:**

A Land Use Permit is valid for a period of one year. If construction is not completed at one year, a one-year permit extension may be granted by the Administrator upon full payment of a fee equivalent to the original permit fee. If construction is not completed upon permit expiration after the first extension, future permit extensions may be granted for a one-year period upon full payment of a fee equivalent to two times the original permit fee.

- A.    Construction is considered completed when the exterior of the structure is fully completed to the extent that there appears to be no additional construction necessary.
- B.    All yard landscape work shall be fully completed during the first one-year permit period.

## **11.2 ZONING ADMINISTRATOR:**

The Board of County Commissioners hereby delegates to the Zoning Administrator the duties of administering and enforcing the Minnesota Pollution Control Agency's feedlot permitting program within Pope County to the extent authorized pursuant to Minnesota Statutes Section 116.07, and all rules promulgated thereunder, and administering and enforcing the requirements of this ordinance. Application for all permits required by this ordinance shall be made to the Zoning Administrator and he shall issue such permits subject to the provisions stated within this ordinance. The Zoning Administrator shall keep the necessary records pertaining to this ordinance. The Zoning Administrator, subject to County Board approval, shall have the authority to revoke any permit issued under this ordinance whereupon it is found that the holder of the permit has violated any of the terms of this ordinance or any stated conditions of the permit. The Zoning Administrator and/or his duly appointed representative, shall have the authority to enter, at reasonable times, upon the premises of property located in any of the zoning districts described herein to determine compliance with this ordinance. The Zoning Administrator shall have authority to issue administrative orders directing owners and users of land to discontinue uses or activities which violate the provisions of this ordinance. The Pope County Director of Public health shall have independent authority under this ordinance to issue administrative orders directing owners and users of land to discontinue and to abate uses, activities or conditions which are deemed by the Pope County Director of Public Health to constitute a public health nuisance.

## **11.3 FEES:**

### **11.3.1 Description:**

- A. All fees collected as required by this ordinance shall be credited to the County General Revenue Fund.
- B. All fees collected pursuant to this ordinance shall be according to a fee schedule resolution of the County Board of Commissioners.
- C. Prior to adoption of the fee schedule resolution, the County Board shall hold a public hearing thereon.
- D. In any event that an applicant for Conditional Use, Variance or Preliminary Plat requests a special meeting of Planning Commission or Board of Adjustments for the purpose of expedient action on said permit, said applicant shall pay the full cost of the special meeting.

## 11.4 PLANNING COMMISSION/BOARD OF ADJUSTMENT:

A combined Planning Commission and Board of Adjustments is hereby established. Membership shall consist of seven persons, six of whom are voting members when meeting as Board of Adjustments, and all seven of whom are voting members when meeting as Planning Commission. The seventh member shall be a County Commissioner who will serve as a non-voting ex-officio member when meeting as Board of Adjustment.

1. **Qualifications of membership.** One shall be appointed from each of the five County Commission Districts, the sixth shall be appointed at large from the County, and the seventh shall be a County Commissioner. At least two members shall be residents of a non-incorporated area of the County of Pope. No voting members shall have received any substantial portion of income as a land developer during the two years immediately preceding appointment or during the member's term of office. County Board shall make all appointments to Planning Commission/Board of Adjustments.
2. **Removal from Office.** Removal from office shall be by majority vote of the County Board. Cause for removal may be for non-performance of duty or misconduct in office. Absence from three consecutive regular meetings or from four or more meetings in one year shall be deemed non-performance of duty, unless valid excuse is presented and deemed acceptable by the Board.
3. **Term of Office, Vacancies.** The County Board shall approve appointments for each three-year term. A member shall serve consecutively for no longer than three full terms. Appointments shall be staggered to preserve continuity. Vacancies shall be filled by the County Board for the remainder of the term of vacating member.
4. **Ex-Officio Members.** The following local officials shall be deemed non-voting ex-officio members and will be placed upon mailing list for notices, minutes and other pertinent correspondence: County Planning and Zoning Administrator, County Engineer, County Attorney, S.C.S. District Conservationist, DNR Hydrologist, County Commissioners.
5. **Compensation.** Mileage and per diem shall be paid to voting members for all regular and special meetings and scheduled site inspections. The rate for mileage and per diem shall be as set by the County Board.
6. **Officers.** There shall be elected from the membership a Chair, Vice-Chair and Secretary for each the Board of Adjustments and Planning Commission. The Planning & Zoning Administrator and/or staff shall act as recording secretary for preparation of agenda, notices, minutes and other official business. Minutes and notices shall be under separate heading as determined by whether the business is a duty of either Planning Commission or Board of Adjustment. The officers shall serve for one year or until a successor is elected.
7. **Rules/By-Laws.** A common set of rules and by-laws may be adopted by Planning Commission/Board of Adjustment.

The Chair shall preside at all meetings and hearings and shall have the duties normally conferred parliamentary usage on such officers. The Vice-Chair shall act for the Chair in his/her absence. Special meetings may be called by the

Chair.

A quorum shall consist of four members. The number of votes necessary to transact business shall be four.

A public record shall be kept of transactions, findings and determinations. All meetings shall be open to the public. Unless otherwise specified in by-laws, “Roberts Rules of Order” will govern procedure.

**8. Duties When Acting as Planning Commission:**

- a. Makes recommendation to the County Board for adoption of comprehensive plan, and execution of said plan in the form of official controls.
- b. Reviews Conditional Use Permits and subdivision proposals and makes recommendations thereupon.
- c. Conducts public hearings on all permit review and plan review on which recommendation is submitted to County Board.
- d. As delegated by resolution, the County Board may determine the Planning Commission to be final issuing authority on some or all categories of Conditional Use Permits, land subdivisions, or planned unit developments.
- e. As delegated by resolution, the County Board may require Planning Commission review of Plans or official controls of other units of government; or plans for public land acquisition or development by other units of government.
- f. May develop and recommend for adoption official maps and amendments thereto.
- g. May request applicants for Conditional Use Permits to demonstrate the effect of a proposal upon the environment.
- h. May initiate an amendment to official’s controls.
- i. Shall review any amendment initiated by other than Planning Commission and make recommendation to County Board.

**9. Duties When Acting as Board of Adjustment:**

- a. Has final authority to order the issuance of variances.
- b. Has final authority to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official acting pursuant to official controls.
- c. Has final authority to order issuance of permits in an area where such permit may be prohibited by the official map.
- d. Shall hold a public hearing on all variances and appeals upon which action is taken. Reasons for Board of Adjustment decisions shall be stated in writing.
- e. May request that applications for variance demonstrate the effect of the proposal upon the environment.
- f. Appeals to Board of Adjustment decisions shall be in District Court.

10. Any appeal from any order, requirements, decision or determination of any administrative official shall be filed within thirty (30) calendar days (legal holidays excepted) after the date of the decision that affects the aggrieved person specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same not later than thirty (30) days from the date of the hearing. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing. The appeal shall be filed with the Zoning Administrator. Any communications purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is made upon the form prescribed, including required date.
11. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.
12. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.
13. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.

**11.5 CONDITIONAL & INTERIM USE PERMIT:**

*(AS AMENDED 20 May 2019) (AS AMENDED 6 April 2021)*

**11.5.1 Description:**

Within the unincorporated areas of the County a Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be required for the establishment of each use permitted by ordinance as a CUP or IUP. An IUP may be granted in lieu of a CUP to regulate land use activities that the Board of County Commissioners, at its sole discretion, determines should be permitted for a limited duration.

Expansion of a permitted CUP/IUP shall require an amendment to the CUP/IUP, except that minor development activities determined by the Administrator to not increase the scale or intensity of the CUP/IUP may be allowed with the issuance of a Land Use Permit.

An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.

Structures and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the Interim Use Permit expire.

**11.5.2 Procedure:****A. Application Requirements:**

The following requirements are for Conditional or Interim Use Permit applications where applicable:

1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.
2. Written description of the proposed activities, including:
  - a. Type of business or activity (including scope of operations);
  - b. Proposed number of employees;
  - c. Days and hours of operation;
  - d. Equipment and vehicles to be used for the activity;
  - e. Proposed floor plan of any structure or use indicated;
  - f. Sanitary sewer and water plan with estimated use per day;
  - g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and
  - h. Proposed exterior lighting, signage and storage.
3. Site plan (completed by a licensed land surveyor if applicable) including, but not limited to:
  - a. Property lines;
  - b. Existing topography;
  - c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.);

- d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.;
  - e. Finished grading and drainage plan;
  - f. Existing and proposed screening; and
  - g. Other requirements as deemed appropriate by the Administrator.
4. Any additional information required by the Administrator.
- B. The Administrator shall refer the application to the Planning Commission for a public hearing. Property owners of record within 1320 ft. of the affected property or the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners; and the Commissioner of Natural Resources shall be given ten (10) days notice of the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city or village if the incorporated limits of same lie within two (2) miles of the proposed Conditional or Interim Use. Notice shall also be given the Town Board of the Township wherein the Conditional or Interim Use is proposed. Notice of the time, place and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.
  - C. The Planning Commission shall consider the application at its next regularly scheduled meeting after compliance with the provisions of notice above specified.
  - D. The applicant or applicant representative shall appear before the Planning Commission and answer any questions concerning the proposed conditional or interim use.
  - E. The Planning Commission shall consider possible adverse effects of the proposed conditional or interim use and what additional requirements may be necessary to prevent such adverse effects.
  - F. The report of the Planning Commission shall be referred to the County Board and placed on the agenda of the Board at its regular meeting following referral from the Planning Commission.
  - G. The County Board shall take action on the application within forty-five (45) days after receiving the report of the Planning Commission.
  - H. In considering a Conditional or Interim Use Permit, the County Board shall consider the effect of the proposed use upon health, safety and general welfare of the occupants of surrounding lands, the effect of the proposed use on the environment, the effect of the use on existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on property values and scenic views in the surrounding area. It shall make at least the following findings, and others where applicable:
    1. The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted.
    2. The use is not in conflict with the County Comprehensive Land Use Plan.

3. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair neighboring property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole.
  4. The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area.
  5. The structure and site shall have an appearance that will not have an adverse effect on adjacent properties.
  6. That the road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion.
  7. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor or general unsightliness.
  8. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area.
  9. That adequate utilities, drainage, and other necessary facilities have been or are being provided.
  10. That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- I. A certified copy of any Conditional or Interim Use Permit shall be filed with the County Recorder for record. The Conditional or Interim Use Permit shall include the legal description of the property involved.
  - J. Any conditional or interim use shall comply with all reasonable conditions deemed necessary to protect the public health safety, and general welfare. In connection with ordering the issuance of a conditional or interim use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. Interim use permits will be limited to a specific timeframe or event, may be terminated by a change in zoning regulations and may require an annual inspection fee if deemed necessary by the Board.



- K. Should there be any cause for revocation of a Conditional or Interim Use Permit, as in the case of violation of a conditional requirement, the Administrator shall require a hearing on revocation of said Conditional or Interim Use Permit. The hearing shall be conducted under the same procedures specified above. If the matters of concern are not resolved at the hearing or subsequent thereto, a Conditional or Interim Use Permit may be revoked and the use for which the permit was originally issued shall cease. Each Order of the Board which revokes a Conditional or Interim Use Permit shall be effective upon adoption or such other date as the Board may specify and shall be promptly recorded in the office of the Pope County Recorder upon it taking effect.
- L. A Conditional or Interim Use Permit shall take effect upon recording and shall be in effect perpetually or for a shorter period as fixed by the Board unless revoked by the Order of the Board for failure to observe conditions or other violations of law provided that nothing in this section shall prevent the Board from enacting or amending official controls to change the status of conditional or interim uses.
- M. In the event that there is a need to renew a Conditional or Interim Use Permit, the Planning Commission shall review the request for renewal under old business and may decide to: either renew or extend the validity of said permit, or schedule a public hearing on the question of whether the permit shall be renewed.
- N. All decisions made by the County Board in processing a Conditional or Interim Use Permit shall be final except that any aggrieved person shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Pope County District Court.
- O. No application for a Conditional or Interim Use Permit shall be resubmitted for a period of 1 year from the date of said order of denial.
- P. An Interim Use Permit shall terminate on the happening of any of the following events, whichever comes first:
1. The date or event stated in the permit.
  2. Upon violation of conditions under which the permit was issued.
  3. Upon change in the County's zoning regulations where the use is no longer permitted.
  4. The Interim Use Permit shall expire if the approved use is inactive for one year or longer as determined by the Administrator and/or tax records indicating the use was inactive.
  5. Granted Interim Use Permits shall become void if the applicant does not proceed substantially on the work within one year of the date the permit is granted. To proceed substantially means to make visible improvement to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Advisory Commission may at their discretion grant an extension of not more than one year in order to establish the use.

## 11.6 VARIANCE FROM STANDARDS:

### 11.6.1 Description:

In the case of the applicant's request for deviation from standards, a variance may be requested on items of height, bulk, density and yard requirements. The filing fee for variance appeals shall be according to the fee schedule resolution of County Board of Commissioners.

### 11.6.2 Requirements:

*(AS AMENDED 1 March 2022)*

In any case where, upon application of any responsible parties it appears, that by reason of exceptional circumstances, the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Board of Adjustments may permit a variance therefrom upon such conditions as it may prescribe consistent with the general purposes of this ordinance and the intent of this and all other applicable State and local regulations and laws provided that:

- A. The condition causing the hardship is unique to that property.
- B. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by the other owners in the same area or district.
- C. The granting of the variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the neighborhood.
- D. The granting of the variance will not be contrary to management policies of the area or district.
- E. No variance shall be granted simply because there are no objections or because those who do not object out-number those who do; nor for any other reason than a proved hardship.
- F. A copy of all variances granted within a shoreland district shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.
- G. A hearing for variance shall be conducted in similar manner as required for Conditional & Interim Use Permits as stated in Section 11.5 of this ordinance.
- H. Applicants for Conditional & Interim Use Permits and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. *(ADOPTED 4 September 1985)*
- I. No application for a Variance shall be resubmitted for a period of one (1) year from the date of said order of denial.

**11.7 PETITION FOR REZONING AND AMENDMENT:****11.7.1 Procedure:**

The procedure for changing zoning district boundaries or amendment to this ordinance shall be as follows:

- A. The Planning Commission, County Board or property owners may initiate a rezoning application. Property owners wishing to initiate a rezoning of their property shall make application to the Zoning Administrator. The fee for rezoning/amendment shall be pursuant to the fee schedule resolution of the County Board.
- B. Hearing shall be before the Planning Commission in similar manner as required for Conditional Use Permit except that notice shall be sent to property owners within ½ mile or to the nearest ten property owners, whichever involves more landowners, in the case of a rezoning. Notice of such hearing shall also be published.
- C. Planning Commission recommendation shall be placed on the agenda of the County Board within a reasonable time after the initial date of hearing. The County Board shall take action on the application within sixty (60) days following receipt of Planning Commission recommendations. If approved, said action taken by the County Board shall be by three-fifths (3/5) of its members, provided, however, that a specific zoning district provided for in Section 9 may be created or eliminated by affirmative vote of three fifths of its members. In any instance in which the County Board reverses the Planning Commission action, such reversal shall only occur following a public hearing as prescribed above.
- D. If a petition for rezoning is denied, further application for rezoning on that particular property may not take place for a period of one year.
- E. This ordinance may be amended in whole or in part by the Board of County Commissioners after proper public hearing conducted by the Planning Commission and as provided in Minnesota Statutes 394.26.
- F. Amendments to this ordinance creating, modifying or eliminating specific overlay districts established pursuant to the provision of Section 9 shall identify lands to be affected with a specific legal description, must be of a form consistent with uniform conveyancing documents or otherwise be suitable for recording as a real estate record and shall be filed with the Pope County Recorder upon adoption. Specific overlay districts identified of record in this manner may but need not be identified on the official zoning map.

## **11.8 ENFORCEMENT AND PENALTIES:**

*(AS AMENDED 3 July 2007)*

**11.8.1** The Pope County Board of Commissioners and the Land & Resource Management Department are responsible for the administration of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with conditions and safeguards established in connection with the granting of a land use permit, or contained within variances or conditional uses shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance. Each day of a violation of this ordinance or each day that a failure to comply with any requirements of this ordinance continues shall constitute a separate offense. The Pope County Land & Resource Management Department, the Pope County Sheriff, Minnesota DNR, shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their agent. Pope County may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.

Any violation of the provisions of this Ordinance shall be a misdemeanor. Failure to show compliance will be just cause to consider each day a violation continues as a separate offense. All fines and violations shall be credited to the County General Revenue Fund. In the case in which an after-the-fact permit application is filed, the county shall charge a surcharge which reflects additional costs to the County. The surcharge shall be according to the fee schedule resolution of the County Board of Commissioners.

**11.8.2** Violations of special conditions imposed pursuant to Conditional Use Permit, Planned Unit Development, Planned Agricultural Development or other order authorizing an otherwise non-permitted use and may warrant revocation, prosecution or injunction may, at the discretion of the Zoning Administrator, be resolved without resort to those remedies upon cessation of the violation, provision of assurances of future compliance deemed adequate by the Zoning Administrator, and payment of a civil fine in an amount adequate to compensate the county for expenses reasonably incurred in enforcing the special condition, but not to exceed \$1,000 per day of non-compliance.

In the event of a violation or a threatened violation of this ordinance, the Zoning Administrator, in addition to other remedies, may initiate civil or criminal actions or proceedings to prevent, restrain, correct or abate such violations or threatened violation, and it shall be the duty of the County Attorney to institute such action.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

### **11.8.3 Prosecution**

The Department may enforce the provisions of the ordinance whether through criminal prosecution, civil remedy, or both. Utilization of a 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.

**11.8.4 Duty to Enforce**

It shall be the duty of the Department, the County Attorney, and the County Sheriff to perform such duties as may be necessary to enforce the provisions of this ordinance.

**11.8.5 Cease and Desist Orders**

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this or any other County ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, it shall not again be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

**11.8.6 Administrative Fees and Restoration**

Any application for a permit that is made after the work has commenced and which requires a permit or is done in violation of a permit may be charged an additional administrative fee. In addition, the Planning Commission, Board of Adjustment, or the Department may require correction and/or restoration of the property to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit.

**11.9 VALIDITY/SEVERABILITY:**

Should a court of competent jurisdiction declare any part of this ordinance to be invalid, such decision shall not affect the validity of the remainder.

**11.10 EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its date of adoption or amendment by the Pope County Board of County Commissioners.

**11.11 NOW THEREFORE, BE IT RESOLVED**

that a Pope County Land Use Controls Ordinance as amended is hereby adopted.

**11.12 IT IS ORDERED,**

by the Board of County Commissioners that a full, true and correct copy of this ordinance shall be certified to by that County Auditor who shall forthwith file for record such certified copy in the office of the Recorder for Pope County, Minnesota. Such ordinance shall be a public record and available for inspection at reasonable times in the office of the recorder.

**POPE COUNTY BOARD OF COMMISSIONERS:**

Robert E. McCoy, Chairman

James B. Olson

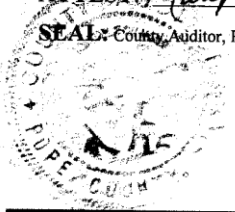
Dwight

Arne Stoen

Bruce M. Thorsman

ATTEST Mary Pischke, County Auditor

SEAL: County Auditor, Pope County, Minnesota

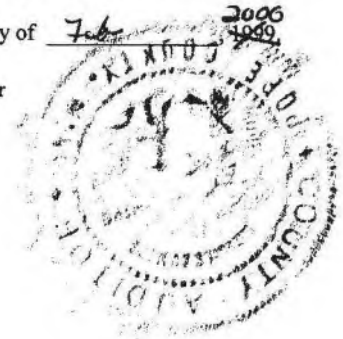


**CERTIFICATE OF COUNTY AUDITOR**

The undersigned duly qualified and acting County Auditor of the County of Pope, Minnesota, does hereby certify that the attached resolution declaring the adoption of a Shoreland Management Ordinance as amended for Pope County, Minnesota, as regularly adopted at a legally convened meeting of the County Board of Commissioners duly held on the 6 day of October, 1999, and further, that such resolution has been fully recorded in the minutes of the Commissioner's proceedings in my office.

In witness whereof, I have hereunto set my hand and official seal this 2 day of Feb 2000

SEAL Mary Pischke, Pope County Auditor



**LEGISLATIVE HISTORY:**

Original Date of Adoption	April 5, 1972
Adoption as Amended	April 3, 1974
Adoption as Amended	March 6, 1980
Adoption as Amended	May 5, 1983
Adoption as Amended	June 5, 1985
Adoption as Amended	July 6, 1986
Adoption as Amended	December 8, 1994
Adoption as Amended	October 6, 1999
Adoption as Amended	February 2, 2000

This recondition reflects all amendments made through and including the amendments of February 2, 2000.

**CURRENT LEGISLATIVE HISTORY:**

Original Date of Adoption	April 5, 1972
Adoption as Amended	April 3, 1974
Adoption as Amended	March 6, 1980
Adoption as Amended	April 6, 1980
Adoption as Amended	May 5, 1983
Adoption as Amended	June 5, 1985
Adoption as Amended	September 4, 1985
Adoption as Amended	July 6, 1986
Adoption as Amended	December 8, 1994
Adoption as Amended	October 6, 1999
Adoption as Amended	February 2, 2000
Adoption as Amended	May 4, 2005
Adoption as Amended	June 1, 2005
Adoption as Amended	September 19, 2006
Adoption as Amended	April 17, 2007
Adoption as Amended	July 3, 2007
Adoption as Amended	November 18, 2008
Adoption as Amended	April 6, 2010
Adoption as Amended	May 6, 2014
Adoption as Amended	January 3, 2017
Adoption as Amended	July 18, 2017
Adoption as Amended	June 19, 2018
Adoption as Amended	July 17, 2018
Adoption as Amended	May 20, 2019
Adoption as Amended	July 7, 2020
Adoption as Amended	April 6, 2021
Adoption as Amended	June 1, 2021
Adoption as Amended	March 1, 2022
Adoption as Amended	April 19, 2022
Adoption as Amended	September 6, 2022
Adoption as Amended	May 16, 2023
Adoption as Amended	June 20, 2023

This recondition reflects all amendments made through and including the amendments of June 20, 2023. Dates will need to be changed.