

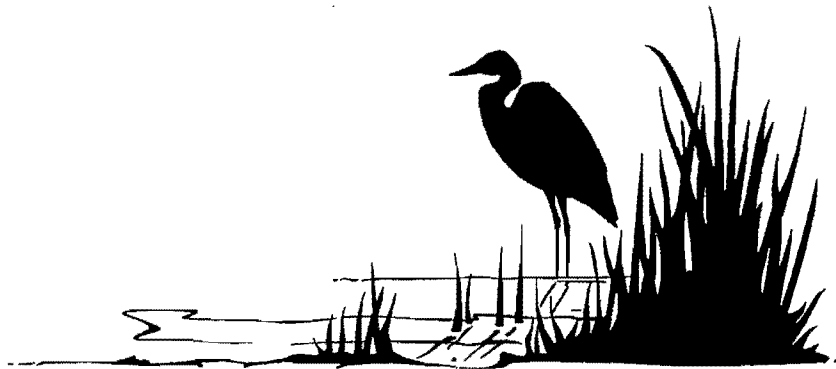
397354

FILED NOV 18 '09 AT 9AM

Diane M. Lafferty, County Recorder

Aitkin County

Mining & Reclamation Ordinance



Adopted November 17, 2009

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1.0 TITLE:

This Ordinance shall be known, cited and referred to as the Aitkin County Mining and Reclamation Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

The Aitkin County Board of Commissioners of Aitkin County, Minnesota ordains:

2.0 DEFINITIONS:

2.01 Conditional Use – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with any existing neighborhood.

2.02 County Board – Board of County Commissioners of Aitkin County, Minnesota.

2.03 Department – Aitkin County Environmental Services Department.

2.04 Governing Body – Aitkin County Board of Commissioners.

2.05 Holiday – New Years Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

2.06 Landscaping –The enhancement of land by altering it's contours, and planting trees, shrubs and ground cover.

2.07 Mining – The excavation, storage or processing of sand, gravel, rock, black dirt (topsoil), peat, soil, and other nonmetallic minerals.

2.08 MPCA – Minnesota Pollution Control Agency.

2.09 Non-conforming Use – Any legal use already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

2.10 Nonferrous metallic minerals – This ordinance incorporates the definition of "nonferrous metallic minerals" as set forth in Minnesota Rules 6132.0100, subp.22.

- 2.11** Operator – The person, partnership, company, corporation or other business entity engaged in or proposing to engage in a mining operation.
- 2.12** Owner – Any individual, firm, association, syndicate, co-partnership, corporation, trust estate, lessee or any other legal entity having a sufficient proprietary interest in the land sought to be mined to commence or maintain proceedings to mine the same under these regulations.
- 2.13** Planning Commission – Aitkin County Planning Commission.
- 2.14** Processing – Any activity which may include the crushing, screening, washing, stockpiling, compounding, mixing, or treatment of sand, gravel, rock, black dirt (topsoil), peat, soil, and other nonmetallic minerals into consumable products, including asphalt and ready-mix.
- 2.15** Reclamation/Rehabilitation – To renew land to a self-sustaining, long term use which is compatible with contiguous land uses and which process shall include the re-establishment of vegetation, soil stability and establishment of safe conditions appropriate to the intended use of the land in accordance with the County's Comprehensive Plan and the Permit conditions allowing for mining, on the site.
- 2.16** Setback – The minimum horizontal distance between a structure, facility or use and other structures, road right-of-ways, property lines, facilities, ordinary high water levels and topographical features.
- 2.17** Slope – The horizontal distance divided by the vertical distance.
- 2.18** Structure – Any building or appurtenance, including decks, platforms, overhangs and projections therefrom; except fences less than (8) feet in height, retaining walls, aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities, antennas, propane tanks, outdoor furnaces and currently licensed fish houses.
- 2.19** Topsoil – That portion of the overburden which lies within the "A" and "B" horizon of soil closest to the surface and which supports the growth of vegetation.
- 2.20** Zoning Administrator – Aitkin County Environmental Services Director

3.0 MINING AND EXTRACTION

3.1 Purpose

Modern life styles create a continuing demand for the various subsurface resources used throughout this county. These resources are unevenly and sometimes sparsely distributed, thus creating a continual shortage of some materials. The unregulated excavation of these resources may not only present conflicts with adjacent land uses but have often, in the past, left the landscape in an unusable state for future populations. These provisions are designed to minimize the conflicts and provide for the reclamation of the landscape. Furthermore, these regulations are intended to promote the public health, safety and general welfare in the unincorporated areas of Aitkin County, Minnesota in pursuant to the authority granted by Minnesota Statutes, Chapter 394.

For the purpose of tracking existing mining operations/sites, Aitkin County will develop a registry of operations/sites with a conditional use permit and standard permit operations/sites.

3.2 Scope:

There is hereby adopted, for the purposes of regulating mining operation the Aitkin County Mining and Reclamation Ordinance. This ordinance applies to all lands in the unincorporated areas of Aitkin County. Nothing in this ordinance is intended, or shall be construed, to restrict or regulate in any way the mining of ferrous and nonferrous metallic minerals in Aitkin County, which is subject to regulation under Minnesota Statutes, Chapter 93 and Minnesota Rules, Chapter 6130, 6131 and 6132, and peat mining operations over 40 acres in size.

3.3 Permit Requirements:

A. Conditional Use Permits: A conditional use permit shall be required for all mining activities that will not meet the requirements of the standard permit or exemption. These activities shall include, but not be limited to, mining, crushing, screening, washing, asphalt operations, ready-mix operations, refining or processing of sand, gravel, rock, black dirt (topsoil), peat, soil, and other nonmetallic minerals. Said permit shall be valid for a period of time set by the Aitkin County Planning Commission; after which a permit renewal shall be required.

If the request is denied no reapplication shall be made for a period of twelve (12) months.

B. Standard Permit:

1. A permit to crush gravel may be issued provided the following conditions are met:
 - (a) The closest residence, (not including owner occupant) is located no less than ¼ mile (1320) feet from the proposed site.
 - (b) The permit shall be issued for a period not to exceed four (4) weeks in duration and to only allow operation from 6:00 A.M. to 10:00 P.M., Monday through Friday inclusive. No crushing, will be allowed on a designated holiday.
 - (c) A fee comparable to a Conditional Use Permit (CUP) fee shall be imposed.
 - (d) All information required in Section 3.4 shall also be submitted to the Zoning Administrator.
 - (e) If all permit conditions are met, the Zoning Administrator may issue a one time event crushing permit within a twelve month period without holding a public hearing. Any person or firm exceeding these requirements may make application for a Conditional Use Permit. The one event permit shall be issued for a specific site only. All of the requirements contained in Section 3.4 must also be met.
2. A permit to operate a temporary/portable asphalt plant may be issued provided the following conditions are met:
 - (a) The closest residence, (not including owner occupant) is located no less than ¼ mile (1320) feet from the proposed site.
 - (b) The permit shall be issued for a period not to exceed four (4) weeks in duration and to only allow operation from 6:00 A.M. to 10:00 P.M., Monday through Friday inclusive. No asphalt and/or processing operation will be allowed on a designated holiday.
 - (c) A fee comparable to a Conditional Use Permit (CUP) fee shall be imposed.
 - (d) All information required in Section 3.4 shall also be submitted to the Zoning Administrator.

(e) If all permit conditions are met, the Zoning Administrator may issue a one time event asphalt permit within a twelve month period without holding a public hearing. Any person or firm exceeding these requirements may make application for a Conditional Use Permit. The one event permit shall be issued for a specific site only. All of the requirements contained in Section 3.4 must also be met.

C. Exemptions:

- (1) The removal of materials associated with the construction of a building or on-site sewage treatment system permitted by the Department;
- (2) The removal of materials in accordance with the development of plats, and the site preparation for utilities or road construction;
- (3) The excavation for utilities;
- (4) The onsite and offsite excavation of materials in non-shoreland areas used for highway embankments;
- (5) The construction, modification or expansion of animal feedlots and manure storage areas, structures or facilities in accordance with MPCA Rules or the Department;
- (6) Sod harvesting or removal;
- (7) Wildlife ponds constructed in accordance with Minnesota Rules, Chapter 8420; or successor rules;
- (8) Mining of sand, gravel, rock, black dirt (topsoil), peat, soil, and other nonmetallic minerals for personal use and other activities that disturb less than one acre of area. Any such operation that exceeds this one acre standard must apply for a conditional use permit.
- (9) Activities authorized under validly issued permits.
- (10) Mining of ferrous or nonferrous metallic minerals.

D. Pre-permitted uses – Mining operations operating with a valid conditional use permit issued by Aitkin County and in compliance with the terms and conditions of said conditional use permit shall be permitted to continue subject to the following:

- 1) Such use shall not be permitted to expand, either in size or use, beyond the limits set forth in the conditional use permit without first obtaining a new conditional use permit.

3.4 Information Required for Conditional Use and Standard Permits

The following information shall be provided by the person requesting the permit:

- A. Name and address of person requesting the mining permit.
- B. The exact legal property description and acreage of area to be mined.
- C. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn to a scale of one (1) inch to one hundred (100) feet unless otherwise stated below or approved by the Department:

Map A -Existing conditions to include:

- Contour lines at ten(10) foot intervals or whatever is publicly available.
- Existing vegetation.
- Existing drainage and permanent water areas.
- Existing structures.
- Existing wells.

Map B -Proposed operations to include:

- Structures to be erected.
- Expected location of sites to be mined showing depth of proposed excavation.
- Expected location of tailings deposits showing maximum height of deposits.
- Expected location of machinery to be used in the mining operation.
- Expected location of storage of mined materials, showing height of storage deposits.
- Expected location of vehicle parking.
- Expected location of storage of explosives.
- Erosion and sediment control structures.

Map C -Proposed end use plan to include:

- Final grade of proposed site showing elevations and Contour lines at ten (10) foot intervals.
- Location and species of vegetation to be replanted.
- Location and nature of any structures to be erected in relation to the end use plan.

- D. A soil erosion and sediment control plan.
- E. A plan for dust and noise control.
- F. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- G. Any other information requested by the Planning Commission or Zoning Administrator.

3.5 Use Restrictions

- A. Mining operations shall be a Conditional Use in all zoning districts with the following exceptions:
 - 1. Not permitted in the residential zoning district.
 - 2. Not permitted within 500 feet of the ordinary high water level of a lake or Mississippi River, or within 300 feet of the ordinary high water level of a river or stream, or within 30 feet of the top of a bluff as determined by the Aitkin County Soil and Water Conservation District.
- B. The Mining and processing of material shall be considered a Conditional Use unless they meet Section 3.3, B - Standard Permit.
- C. Asphalt operations shall be a conditional use unless they meet Section 3.3, B - Standard Permit.
- D. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stock-piling of such products on the site shall be considered a Conditional Use.
- E. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered as a Conditional Use.
- F. The governing body may impose additional performance standards as part of the Conditional Use Permit.

3.6 Performance Standards: Conditional Use and Standard Permits

- A. General Provisions - Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

All equipment used for mining operations shall be assembled, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity. All non-conforming uses shall apply and obtain a conditional use permit.

- B. Water Resources – Mining operations shall comply with the requirements of the Minnesota Pollution Control Agency (MPCA) National Pollution Discharge Elimination System (NPDES) permit, if applicable. In the absence of a NPDES permit, mining shall not interfere with surface water drainage beyond the boundaries of the operation. Water quality of surface and subsurface water resources in the area must not be adversely affected by any permitted mining operations.
- C. Safety Fencing - Any mining operation within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards.
1. Where collections of water occur that are one and one-half (1 1/2) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.
 2. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.
- D. Mining Access Roads - The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety.
- E. Screening Barrier - To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees such as green ash. Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback except where traffic safety requires cutting and trimming.

- F. Setback - processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures. Mining shall not be conducted within 500 feet of the ordinary high water level of a lake or Mississippi River, and 300 feet of the ordinary high water level of a river or stream.

Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such mining operations be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

- G. Appearance - All buildings, structures, and plants used for the production of processing of mined materials shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- H. Hours of Operation - The hours of operation for mining activities shall be as indicated in the conditional use permit or set by the Planning Commission, or for a standard permit as in Section 3.3,B.
- I. Dust and Dirt - All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel and treated to minimize dust conditions.

These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to another zone other than an industrial zone.

- J. Reclaimable Materials – No asphalt or concrete material 4 inches or larger in size shall be left onsite for more than 12 months. Materials to be left onsite for more than 12 months must be approved with a conditional use permit as a solid waste storage facility.

3.7 Land Rehabilitation

All mining sites shall be rehabilitated after mining operations cease/terminate. For reclamation purposes only, mining operations shall be considered to be ceased/terminated when there has been no material excavated and/or removed from the site within a 10 year period or when the resource has been depleted, whichever comes first. When there is a dispute regarding the termination date, receipts, invoices or billing statements must be submitted for verification of mining activity. Rehabilitation shall be complete within one (1) year. The following standards shall apply:

- A. Within a period of three (3) months after the termination of a mining operation, or within three (3) months after expiration of a mining permit, all buildings, structures and plants (unless as approved in Map C in Section 3.4, C) incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
- B. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed one (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope.
- C. Reclaimed areas shall be surfaced with soil of a quality and depth at least equal to the topsoil of land areas immediately surrounding: **Exception** - black dirt (topsoil) mining operations shall leave a minimum of 6 inches of black dirt (topsoil) on the entire site.

Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.

Excavations completed to a water producing depth need not be back-filled if the water depth is at least ten (10) feet and the banks shall be sloped to the water line at a slope no greater than one (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope.

The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

- D. A performance surety, payable to Aitkin County, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor and/or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed 180 days after written notice of noncompliance to the applicant.

The amount of surety required will be set by the Planning Commission or at a minimum of \$1400.00/acre of mined area.

- E. For topsoil mining operations the Planning Commission may reduce the amount or wave the performance surety if a vegetative management plan is submitted to and approved by the Natural Resource Conservation Service and a soil and erosion control plan is submitted to and approved by the Soil and Water Conservation District.

3.8 Pre-existing Nonconforming Uses

All pre-existing nonconforming uses shall comply with the following:

- A. General Provisions - Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

- B. Water Resources - Mining operations shall comply with the requirements of the Minnesota Pollution Control Agency (MPCA) National Pollution Discharge Elimination System (NPDES) permit, if applicable. In the absence of a NPDES permit, mining shall not interfere with surface water drainage beyond the boundaries of the operation. Water quality of surface and subsurface water resources in the area must not be adversely affected by any permitted mining operations.
- C. Safety Fencing – Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards.
- (1) Where collections of water occur that are one and one-half (1 1/2) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.
 - (2) In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.
- D. Screening Barrier - To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees such as green ash. Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback except where traffic safety requires cutting and trimming.
- E. Setback - processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures. The processing of minerals shall not be conducted within 500 feet of the ordinary high water level of a lake or Mississippi River, and

300 feet of the ordinary high water level of a river or stream.

Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such mining operations be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

- F. Appearance - All buildings, structures, and plants used for the production of processing of mined materials shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- G. Dust and Dirt - All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel and treated to minimize dust conditions.

These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to another zone other than an industrial zone.

- H. All mining sites shall be rehabilitated after mining operations cease/terminate. For reclamation purposes only, mining operations shall be considered to be ceased/terminated when there has been no material extracted and/or removed from the site within a 10 year period or when the resource has been depleted, whichever comes first. When there is a dispute regarding the termination date, receipts, invoices or billing statements must be submitted for verification of mining activity. Rehabilitation shall be complete within one (1) year. The following standards shall apply:

- (1) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope.
- (2) Reclaimed areas shall be surfaced with soil of a quality and depth at least equal to the topsoil of land areas immediately surrounding.

Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions.

Excavations completed to a water producing depth need not be back-filled if the water depth is at least ten (10) feet and the banks shall be sloped to the water line at a slope no greater than one (1) foot vertical to three (3) feet horizontal or 33 percent slope or 18.4 degree slope.

The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

4.0 Enforcement:

- A. This ordinance is adopted by reference pursuant to the provisions of Minnesota Statutes Section 394.37. It is declared unlawful for any person to violate any of the terms or conditions of this ordinance. Violation thereof shall be a misdemeanor.
- B. In the event of a violation or a threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The Department may and is empowered to issue cease and desist orders to halt the progress of any on-going violation. When the work has been stopped by the Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

- C. Any person with standing, may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.
- D. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.
- E. Any application for a permit which is made after the work is commenced and which requires a permit shall be charged five (5) times the permit fee or five (5) percent of the project cost, whichever is more. The Planning Commission and/or Board of Adjustment may require correction and/or restoration of the property to its original state before the permit is considered.

5.0 Interpretation:

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

6.0 Severability:

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.


7.0 Abrogation and Greater Restrictions:

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. Where this ordinance is inconsistent with any other ordinance or statute, the greater restriction shall prevail and be imposed.

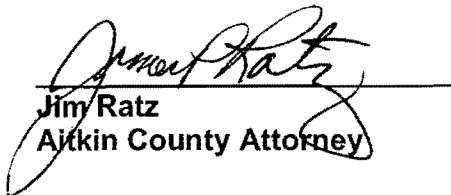
Adopted by the Aitkin County Board of Commissioners this 17th Day of
November, 2009.


Chairperson
Aitkin County Board of Commissioners

Attest:


Kirk Peysar
Aitkin County Auditor

Approved as to Form:


Jim Ratz
Aitkin County Attorney

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ORDINANCE CERTIFICATION CHECKLIST
AITKIN COUNTY MINNESOTA

1. September 2, 2009
September 9, 2009 Date of Published Hearing Notice.
2. August 29, 2009 Date of Postmark of Hearing Notice
To Commissioner of the DNR / Area
Hydrologist.
3. September 21, 2009 Date of Hearing (s).
October 27, 2009 + November 17, 2009
4. November 17, 2009 Date of Ordinance Adoption.
5. September 9, 2009 Date of Affidavit of Published
Amendments to the Ordinance.
6. November 19, 2009 Date of Official Filing of Adopted
Amendments to the Ordinance.
(397354 Record ~~Book~~ Number
Page Number.)
7. YES Board of Adjustment/Appeals has
Been Established.

1
no dka

Littler County zoning

11-18-9

SEARCHED _____
INDEXED _____
SERIALIZED _____
GRANTEE _____
COMPARED _____

COUNTY RECORDER
ATKIN COUNTY, MINNESOTA
FILED

NOV 18 2009 9:41 M

As Dec. No. *Dispute Resolution*
397354