

CHAPTER SIX

ADMINISTRATION, ENFORCEMENT AND FEES

An Ordinance relating to, and regulating administrative standards and practices, provisions for appropriate fees, and enforcement procedures for the administration and implementation of land use regulations within Lent Township for the purpose of promoting and protecting the public health, safety, order, convenience, prosperity, and general welfare of Lent Township.

LENT TOWNSHIP does ordain as follows:

SECTION 1. TITLE

This Ordinance shall be known, cited and referred to as the LENT TOWNSHIP ADMINISTRATION, ENFORCEMENT FEES ORDINANCE except as referred to herein, where it shall be known as “this Ordinance.” The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within Lent Township, Chisago County, Minnesota.

SECTION 2. PURPOSE AND INTENT

The purpose of this Ordinance shall be to establish uniform standards and procedures for the administration and enforcement of the Lent Township Land Use Regulations, and to establish appropriate fees necessary to implement the provisions of the Lent Township Land Use Regulations. It is the specific intent of the Lent Township Land Use Regulations to effectuate the Lent Township Comprehensive Plan in order for the citizens of the Township to enjoy a safe and healthy environment that is sustained by a rational integration of diverse land uses, orderly growth and the preservation and protection of unique cultural and natural resources.

SECTION 3. ADMINISTRATION

3.01 Administrating Officers

A. Town Board.

The Town Board shall retain and exercise all duties and responsibilities set forth within the various Chapters of the Lent Township Land Use Regulations, and shall exercise all of the authorities and powers granted pursuant to Minnesota Statutes Section 462.537 and any other applicable Minnesota Statutes and Rules.

B. Planning Commission.

The Planning Commission shall carry out all duties and responsibilities set forth within the various Chapters of the Lent Township Land Use Regulations, and shall exercise all of the authorities and powers granted pursuant to Minnesota Statutes Section 462.537 as follows:

1. The Planning Commission shall adopt rules for the transaction of its business and shall keep public record of its transactions, findings, and recommendations.
2. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the Township in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.
3. The Planning Commission shall provide assistance to the Town Board and Zoning Administrator in the administration of this ordinance and shall review, hold public hearings, and make recommendations to the Town Board on all applications for zoning amendments and conditional use permits using the criteria in the Township Ordinance.

C. Board of Adjustment and Appeals.

The Board of Adjustments and Appeals shall carry out all duties and responsibilities set forth within the various Chapters of the Lent Township, and shall exercise all of the authorities and powers granted pursuant to Minnesota Statutes Section 462.537 as follows:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.

Lent Township Land Use Regulations

2. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

D. Zoning Administrator.

The Zoning Administrator shall be appointed by the Town Board and shall carry out all duties and responsibilities set forth within the various Chapters of the Lent Township Land Use Regulations. The duties and responsibilities of the Zoning Administrator shall be delegated and divided as follows:

1. For the purposes of receiving applications, issuing and publishing administrative documents such as permits, variances, appeals and notices, receiving fees, scheduling inspections, distributing informational materials, and other duties as assigned by the Town Board, the Zoning Administrator shall be the Township Clerk or another designated employee of the Township.
2. For the purposes of evaluating applications, reviewing plans and specifications, rendering determinations or interpretations for any of the provisions and requirements of the Lent Township Land Use Regulations, enforcing, investigating, and reviewing all violations of the Lent Township Land Use Regulations, and all other duties and responsibilities established within the various Chapters of the Lent Township Land Use Regulations, one of the following individuals:
 - a. The Township Supervisor serving as advisor and liaison on land use regulation; or
 - b. The Vice Chair of the Planning Commission; or
 - c. The Township Building Inspector.
3. For the purposes of carrying out the duties and responsibilities of the Zoning Administrator, those persons designated pursuant to this Section shall be available as follows:
 - a. The Township Clerk, acting as the Zoning Administrator, shall be available at all times that the Township Offices are normally open for business;
 - b. Those individuals designated as the Zoning Administrator pursuant to Section 3.01D.2 shall be available at those times for which an appointment has been scheduled with the Township Clerk

E. Township Inspectors.

Township Inspectors shall be designated and hired by the Town Board and shall carry out all duties and responsibilities set forth within the various Chapters of the Lent Township Land Use Regulations. The Township Building Inspector shall be a Minnesota Certified Building Official pursuant to the requirements of Minnesota Statutes, Section 16B.65. Township inspectors shall only be available for inspections as scheduled with the Township Clerk, serving as the Zoning Administrator.

3.02 Variances from Land Use Regulations

All requests for a variance from any requirements or provisions of Chapters Two (2) through Four (4) of the Lent Township Land Use Regulations shall be conducted according to the procedures established in Section 8.06 of the Lent Township Zoning Ordinance, Chapter Two (2), Lent Township Land Use Regulations, and any additional requirements or procedures set forth in the specific Chapter under which the variance is being requested.

3.03 Appeals from Land Use Regulations

All appeals from administrative actions or decisions rendered pursuant to the various Chapters of the Lent Township Land Use Regulations shall be conducted according to the procedures established in Section 8.07 of the Lent Township Zoning Ordinance, Chapter Two (2), Lent Township Land Use Regulations, and any additional requirements or procedures set forth in the specific Chapter from which an appeal is being requested.

3.04 Amendments to Land Use Regulations

All requests to amend any requirements or provisions of the various Chapters of the Lent Township Land Use Regulations shall be conducted according to the procedures established in Section 8.08 of the Lent Township Zoning Ordinance, Chapter Two (2), Lent Township Land Use Regulations, and any additional requirements or procedures set forth in the specific Chapter for which an amendment is being requested.

SECTION 4. FEES AND ADMINISTRATIVE CHARGES

4.01 Fees and Administrative Charges

Lent Township Land Use Regulations

A. To defray the costs associated with administrative requests and actions, the Township shall charge fees and administrative costs for applications and other administrative actions as established within the various Chapters of the Lent Township Land Use Regulations . Such fees and administrative charges shall be established in Chapter Ten (10), Appendix A of the Lent Township Land Use Regulations.

B. In order to defray the additional cost of processing applications for amendments, conditional uses, variances, or appeals, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

1. "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing or reproduction of same.

2. "Staff and/or Consulting Time" shall include any time spent in either researching for or actual production of materials.

3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

C. All fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless an application is withdrawn prior to referral to the Planning Commission. The refund will be less any expenses incurred prior to withdrawal. A deposit to cover staff or consulting time and special materials shall be established by the Town Board of Supervisors as provided herein, and shall be payable at the time the base fee is paid.

D. Surety.

The Town Board shall have the authority to require a performance guarantee when it is deemed necessary and appropriate for the administration and enforcement of the Lent Township Land Use Regulations.

E. Performance Guarantees.

Where a performance guarantee is required or authorized by this Ordinance, and in the event any applicant does not comply with the obligations set forth in the applicable Section(s) of this Ordinance, the Town Board shall notify the applicant of such deficiency in writing. The applicant shall have twenty (20) days from the receipt of such notice to correct such deficiency and bring the deficiency into full compliance, or must obtain approval from the Town Board for an extension under extenuating circumstances. Upon final completion and inspection of all applicant's obligations under this Ordinance and applicable Section(s), termination of any warranty period and satisfaction of all applicant liability, the Township shall cause the then current remaining balance in the performance guarantee, if any, to be refunded to the applicant. The applicant shall remain responsible for all expenses and costs of construction or repairs required to bring deficiency in compliance which exceeds the amounts posted by the performance guarantee.

4.02 Fee Schedule

A schedule of fees shall be established in Chapter Ten (10), Appendix A of the Lent Township Land Use Regulations. Copies of the schedule of fees shall be available at the Township Offices located in the Township Hall and on the official Lent Township Website at: <http://www.lenttownship.net/>

SECTION 5. ENFORCEMENT

5.01 Enforcement Officer and Citation Powers

A. Those individuals designated as the Zoning Administrator pursuant to this Ordinance shall be fully empowered to investigate any violations of the requirements or provisions of the various Chapters of the Lent Township Land Use Regulations and recommend appropriate enforcement action to the Town Board.

B. Upon approval of the Town Board, the Chairman of the Town Board shall authorize, in writing, the appropriate enforcement action. ~~The three (3) member panel, serving as the Zoning Administrator pursuant to Section 3.01D.2 of this Ordinance, may delegate one or more of its members to investigate violations of the requirements or provisions of the various Chapters of the Lent Township Land Use Regulations, and to serve criminal citations upon any firm, person or corporation who violates any of the provisions of the various Chapters of the Lent Township Land Use Regulations.~~

C. When approved by the Town Board and authorized by the Chairman of the Town Board, the Chisago County Sheriff's Department shall be requested to serve all criminal citations upon any firm, person or corporation who violates any of the provisions of the various Chapters of the Lent Township Land Use Regulations.

D. When approved by the Town Board and authorized by the Chairman of the Town Board, any of the individuals designated as the Zoning Administrator pursuant to this Ordinance, shall be empowered to serve all administrative citations upon any firm, person, organization or entity who violates any of the provisions of the various Chapters of the Lent Township Land Use Regulations.

5.02 Criminal Penalty

A. Any firm, person or corporation who violates any of the provisions of the various Chapters of the Lent Township Land Use Regulations, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law.

B. Each day that a violation continues to exist shall constitute a separate offense.

C. All criminal citations issued pursuant to this Section shall be referred to the County Attorney for prosecution as provided under Minnesota Statutes Chapter 609.

D. In the event of a violation or threatened violation of any of the provisions of the various Chapters of the Lent Township Land Use Regulations, the Township may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations.

E. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

5.03 Administrative Penalty

A. Any firm, person or corporation who violates any of the provisions of the various Chapters of the Lent Township Land Use Regulations, shall be guilty of an administrative offense and shall be subject to the administrative penalties established in this Section.

B. Each day that a violation continues to exist shall constitute a separate offense.

C. Order to correct; administrative citation

1. Upon the reasonable belief that an administrative offense has occurred, the Zoning Administrator shall serve on the violator an order to correct the violation.

2. If compliance is not achieved by virtue of an order to correct, the Zoning Administrator is authorized to issue an administrative citation pursuant to this Section.

3. An administrative citation shall be presented in person or by mail to the person responsible for the violation.

4. The citation shall state the date, time, and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting a hearing before the Board of Adjustment.

D. Civil Fine

1. An administrative offense shall be subject to a civil fine. The amount of a civil fine may not exceed the amount of the maximum fine allowed if each violation had been prosecuted as a misdemeanor.

2. The Township Board of Supervisors shall adopt by resolution a schedule of civil fines for administrative offenses for which a citation has been issued. The Zoning Administrator shall adhere to this schedule of fines in issuing administrative citations pursuant to this Section.

3. The person responsible for the violation shall either pay the scheduled civil fine or request a hearing before the Board of Adjustment within twenty-five (25) days after issuance of the administrative citation. The Board of Adjustment shall report its findings and recommendations to the Town Board. The Town Board has sole authority to uphold the full enforcement of the citation and civil fine, or dismiss the citation and/or waive the scheduled civil fine.

E. Fee for late payment of civil fine; recovery of costs

1. A late payment fee of ten percent (10%) of the civil fine amount shall be imposed if the person responsible for the violation fails to pay the civil fine within twenty-five (25) days after issuance of the administrative citation or fails to request a hearing pursuant to this Section.

2. If a civil fine is not paid within the time specified and no request for a hearing is received, the nonpayment of the civil fine shall constitute a personal obligation of the violator that may be collected by any appropriate legal means. If the action warranting the fine requires corrective measures to bring the action into full compliance with Lent Township Land Use Regulations, the Township may undertake such corrective measures on its own accord and assess the applicable property for the full cost of carrying out such measures.

F. Failure to pay civil fine or late payment fee.

1. Failure to pay any civil fine or late payment fee to the Township shall result in the Township placing an assessment lien upon the property in question pursuant to the provisions of Minnesota Statutes, Section 366.012.
2. The Township shall provide written notice of its intent to file and certify any assessment liens pursuant to this Section to the affected property owner on or before September 15 of the year in which the assessment lien will be certified to the Chisago County Auditor.
3. The Township shall file and certify any assessment liens pursuant to this Section with the Chisago County Auditor on or before October 15 of each calendar year.

G. Nothing in this Section shall be construed to limit the Township's other available legal remedies for any violation of the Lent Township Land Use Regulations, including the prosecution of criminal, civil, or injunctive actions against the offender.

5.04 Prosecution of Violations

All criminal and administrative citations issued pursuant to the provisions of the various Chapters of the Lent Township Land Use Regulations and Sections 5.01 and 5.02 of this Ordinance shall be referred to the Township or County Attorney for prosecution as provided under Minnesota Statutes Chapter 609.

SECTION 6. DATE OF EFFECT

6.01 Date of Effect.

This Ordinance shall be in full force and effect after its approval and publication as provided by law.

Passed and approved this 16th day of January, 2007, by the Lent Township Board of Supervisors.

Gene Olson

Gene Olson, Chairman

ATTEST:

Roxanne Kahler

Roxanne Kahler, Township Clerk

Published in the *Chisago County Press* January 25, 2007.

Published in the *East Central Minnesota Post Review* January 24, 2007.

Amendments

Amendment 06-001 passed and approved May 20, 2008, by the Lent Township Board of Supervisors.