

ORDINANCE NO. 2021-10

LENT TOWNSHIP, CHISAGO COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 6 SECTION 4 SURETY OF THE LENT TOWNSHIP LAND USE REGULATIONS.

THE LENT TOWNSHIP BOARD OF SUPERVISORS ORDAINS:

Section 1. AMENDMENT. Chapter 6, Section 4 of the Lent Land Use Regulations is hereby amended with the following underlined words to be added and the following ~~stricken~~ words to be removed from Section 3 relative to ordinance definitions.

D. Surety.

1. The Town Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate for the administration and enforcement of the Lent Township Land Use Regulations.

E. Review costs.

1. Initial Escrow Funds. In addition to the application fees, the applicant shall also deposit initial escrow funds with the Township as estimated and determined by the Town Board or other Authorized Agent. The initial escrow funds shall be used to pay any and all out-of-pocket expenses the Township incurs in employing Professional Consultants who review and process the applicant's petition or petitions.

2. Replenishment of Depleted Escrow Funds. The applicant must deposit additional escrow funds as directed by the Town Board to replenish the depletion of the initial escrow funds prior to the Township's final action on the applicant's petition or petitions, or prior to final inspection and issuance of certificates of occupancy, unless otherwise determined by the Town Board or other Authorized Agent.

3. Applicant Responsibility for Outstanding Out-of-Pocket Expenses. The applicant must pay any and all outstanding out-of-pocket expenses in excess of deposits of the initial escrow funds and the additional escrow funds within thirty (30) days of the applicant's receipt of billings from the Township. The applicant is responsible for all out-of-pocket expenses the Town Board incurs. The Township will return to the applicant any amount of initial escrow funds / additional escrow funds remaining after the Township's final billing of its out-of-pocket expenses.

4. Town Board Authority and Discretion to Stop Professional Consultant Work. The Town Board shall have the authority and discretion to order the Township's Professional Consultants to not begin or to stop work on any petition either before or after depletion of the initial escrow funds, or before or after the depletion of additional escrow funds in order to avoid or minimize the Township's accrual of unpaid out-of-pocket expenses.

5. Applicant Withdrawal. The applicant shall submit a request in writing to withdraw their land use application and receive a refund of the deposited escrow for a project that has not completed

the review and approval process. The amount of funds returned will be the amount of the initial escrow minus any costs incurred by the Township from the initial application receipt through any processing of the application. The remaining escrow funds will be refunded to the entity that deposited the funds within thirty (30) days of receipt of the applicant's request to withdraw their application.

Section 3. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

Section 4. FINDINGS. Findings for Amending the Lent Township Land Use Regulations by amending Chapter 6, Section 4. In amending the Lent Township Land Use Regulations relating to Surety and Financial Review Costs, the Town Board of Lent Township finds that the amendments do not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area, is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land, is in the opinion of the Township to be reasonably related to the overall needs of the Township, is consistent with the intent and purposes of the zoning ordinance, and will not cause traffic hazards or congestions.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force upon its adoption by the Board of Supervisors.

Attest

By: 

Rick Keller, Chairman

By: 

Kelly Wood, Town Clerk

Passed by the Lent Town Board this 16th day of November, 2021.

Published in the Chisago the 9th day of December, 2021.

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