

**WEST LAKELAND TOWNSHIP**  
Workshop on Ordinance Recodification  
May 5, 2011  
Oak-Land Jr. High Room 102B 7:00 p.m.

Present: Chairman Dan Kylo, Supervisor Dave Schultz, Supervisor Steve Ebner, Town Clerk Sue Agrimson and Betsy Vance, Attorney Scott McDonald(arrival at 7:30 p.m)

Resident: Vince Anderson

Chairman Kylo began the workshop by stating that recodification of the Ordinances is a work in progress for a number of year. The purpose of these workshops is to begin incorporating comments made from the April 11, 2011 regular town board meeting by various residents, adding ordinances that have become necessary through mandates, Washington County Sheriff and modeling many of the ordinances after what the County has.

He said the Township attorney, Scott, McDonald will be attending

It was determined that the three ordinances that received the most comment and discussion are addressed individually below. Changes to various sentences, paragraph, etc. will be in red.

**ACCESSORY STRUCTURES**

Dan Kyllotook what the county statedandput intoour accessory structureto make made it consistent. Being consistent with County ordinance and can be more restrictive. The County has precedence over townships.

The red is what was changed/added to the current ordinances.

6.9.1 Purpose : The purpose of these standards is to regulate the size, use and location of accessory buildings.

6.9.3.2~~No more than one accessory building shall be allowed on any residential lot in West Lakeland. An accessory building shall be any building which is not.....but less than 5 acres; 2500 square feet on lots of 5 acres but less than 7 acres; 3000 square feet on lots of 7 acres but less than 10 acres and 3500 square feet on lots of 10 acres but less than 20 acres....~~

6.9.3.3On parcels 2.5 acres and greater but less than 20 acres a maximum of two ~~one~~ accessory structure are ~~is~~ allowed.....

6.9.2.4The accessory structure shall have a front yard setback equal to or greater than the setback of the main residence ~~from the right- of -way.~~

6.9.4 “A-1” Agricultural and SFE residential Districts Additional Performance Standards. ~~The following additional standards apply to all land within these districts. On parcels less than 2.5 acres, one accessory structure is allowed.~~ The following additional standards apply to all land within those districts.

6.9.4.1 ~~On parcels less than 2.5 acres, one accessory structure is allowed.~~ On parcels greater than 2.5 acres and less than 20 acres, a maximum of ~~one-two~~ accessory structures.....

Chart Changes.....

Lot Area                      Total Square Footage

5.01 acres – ~~7~~20 acres              2,500 sq. ft.

~~7.01 acres 10.0 acres~~              ~~3,500 sq. ft~~

~~20.01 + acres unlimited~~

## **17.9 REGULATIONS RELATING TO LIVESTOCK AND LIVESTOCK OPERATIONS:**

DanKylloput in definitions from Washington County.

Believes that the section that has been definitions in past should be retained and those words will be described that way identical as appropriate to match the glossary this time around.

**17.9.3 Required Permits.** ~~In all districts, the number of livestock animals allowed on a lot with 2 ½ or more acres, of which at least 2 acres are open not wetland is limited to 2 large animals, such as cows or horses, 2 medium animals, such as goats, pigs, llamas or sheep, 15 fowl such as chicken, geese, turkeys, ducks. Quantities of livestock above those limits must be approved by conditional use permit. To maintain livestock, the homeowner must demonstrate control of waste, odors, noise and all considerations listed as par of standard conditional use permit considerations, section (2.6.3. Livestock and Livestock operations must comply with all rules and regulations of federal, state, county and township agencies.~~ In all districts, livestock may be bred without a permit provided there is less than 11 animal units on the property. Quantities of livestock within eleven or more animal units must be approved by conditional use permit. To maintain livestock, the homeowner must demonstrate control of waste, odors, noise and all considerations listed as part of standard conditional use permit considerations. Livestock and Livestock operationis must comply with all rules and regulations of federal, state, county and township agencies.

~~17.7.2 Owner. Any person owning, harboring or keeping a dog, or other livestock.~~

**17.9.4 Performance Standards.** Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required; ~~Livestock and livestock operations must bomply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:~~

~~17.7.3.1 None shall be placed on any residential lot except by permission of the town board and subject to the following provisions.~~ 17.9.4.1 None shall be placed on any residential lot less than five (5) acres.

17.9.4.2 Required setbacks. The following shall be the minimum setback requirements for feedlots

County Parks	300 feet
DNR Protected Watercourse/Lake	300 feet
Wetlands	75 feet
Private Well	100 feet

17.9.5 The following equivalents shall apply with determining animal units

Animal	Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse, donkey, pony, mule	1.0
One swine over 55 lbs	0.4
One llama	0.25
One goose or duck	0.2
One goat or sheep	0.1
One swine under 55 lbs	0.05
One turkey	0.018
One chicken	0.01

For animals not listed above. The number of animal units shall be defined as the weight of the animal; divided by one thousand (1,000) pounds.

17.9.6A minimum of two (2) graze able acres shall be provided for each animal unit or it's equivalent. Grazable acres shall be defined as open, non-treed acreage currently provided enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above

## **FIREARMS**

### **16.5. Use of firearms within Township Shooting and Carrying of Firearms and Weapons**

**16.5.1 Purpose:** The purpose of this ordinance is to provide that the shooting of firearms within the township limits will not constitute an unreasonable nuisance to persons in the township. This ordinance is designed to prevent nuisances caused by the noise created from the discharge of firearms, and to minimize the potential that projectiles discharged from firearms could injure individuals or property. The town board deems these regulations necessary to protect public and

private property and to promote health, safety, order, convenience, and the general welfare of persons within the township.

### **16.5.2 Definitions**

16.5.2.1 Carry: The handling or transportation of a firearm, controlled weapon, or dangerous weapon, concealed or otherwise, outside a person's domicile.

16.5.2.2 Cased Firearm: Any unloaded firearm or bow, placed in a case which is tied or otherwise secured in the manner provided, to prevent shooting it.

16.5.2.3 Controlled Weapon: Any gun or device from which a short or projectile is discharged by means of gas, or compressed air, or any other mechanical means capable of launching said projectile or arrow and includes but is not limited to, pellet and BB guns, archery bows, crossbows, wrist rockets, sling shots and paint ball guns.

16.5.2.4 Dangerous Weapons: Clubs, blackjacks, spring guns, brass or metal knuckles or any knife with a switchblade which opens automatically under spring pressure with a button or release mechanism or by any other mechanical contrivance, daggers, stilettos, or figures or discs with sharpened points or edges (commonly known as throwing stars).

16.5.2.5 Firearm: Any gun from which any projectile is discharged or propelled by means of an explosion, excluding devices used exclusively for the firing of stud cartridges, explosive rives, or similar industrial apparatus, instruments or equipment used by construction personnel, licensed physicians or veterinarians in the course or scope of their professions.

16.5.2.6 Landowner: Any person, group, firm or corporation owning, leasing, or legally controlling any lands within the territorial limits of the township.

16.5.2.7 Shooting: The firing or discharge of any firearm or controlled weapon.

16.5.2.8 Single Projectile: Any single projectile, whether contained in a metallic, paper, plastic or other cartridge including any method of loading a muzzleloader which results in a single projectile being discharged.

16.5.2.9 Suitable Backstop: Any natural or manmade barrier of sufficient mass, size or construction to wholly contain the projectile being discharged.

16.5.2.10 Written Permission: The following information must be included: The full name, address, date of birth, phone number, and signature of the person authorized to hunt or shoot on identified land; and the full name, address, phone number and signature of the landowner or lessee. Written permission must be dated and include the duration of the approval.

### **16.5.3 Permitted Use of Firearms**

16.5.3.1.3 The carrying of firearms in the township is regulated by Minnesota Statutes Chapter 624. The shooting of firearms and controlled weapons is permitted under the following circumstances so long as no innocent party is endangered, unless otherwise prohibited by state or federal law

16.5.3.1.1 By law enforcement officers in the line of duty or military personnel in the line of duty,

16.5.3.1.2 By any person to resist or prevent an offense which that person reasonably believes exposes himself or another to great bodily harm or death.

16.5.3.1.3 By a certified firearms safety training instructor while participating in a Department of Natural Resources approved firearms safety program.

16.5.3.1.4 By any person while participating in a Department of Natural Resources approved firearms safety program.

16.5.3.1.5. By any person for the destruction of diseased, injured, or dangerous birds, animals or reptiles by persons authorized to do so in writing by the Washington County Sheriff.

16.5.3.1.6. By any person on a rifle, trap, archery, or target range established in accordance with town's zoning ordinance or as part of a township sponsored activity.

16.5.3.1.7. By any person for target practice with a firearm provided that the projectiles are stopped by a suitable backstop and provided further that the shooting does not occur within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.5.3.1.8. By any person hunting with a firearm; provided that no shooting occurs within five hundred (500) feet of a public park or trail or within five hundred (500) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.5.3.1.9. By any person hunting with a bow and arrow provided that no shooting occurs within two hundred (200) feet of a public park or trail or within two hundred (200) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours.

16.5.3.1.10. By any person for target practice with a controlled weapon, provided that the projectiles are stopped by a suitable backstop. Notwithstanding the foregoing, no shooting for the purpose of target practice shall occur within one hundred (100) feet of a public park or trail or within one hundred (100) feet of a building, or a stockade or corral containing livestock, unless such building or livestock is owned by that person, or unless that person has the owner's written permission carried on his/her person. If permission is oral, the person must be able to provide immediately the name, address, and phone number of the owner or lessee from whom permission was obtained and if requested, must be able to produce written verification of that permission within seventy-two (72) hours. Target practice may also take place within the confines of a building if a suitable backstop is used.

16.5.3.1.11. By any person participating in a special hunting season, which season may not conflict with state law or regulations, established by the Town Board for the purpose of wildlife management. The season shall be established by the Town Board when, based on competent professional advice such as a conservation officer, a season is needed to reduce

an animal population. The Town Board may authorize the use of single projectiles as part of the special hunt regulations set forth in the resolution.

16.5.3.12. By any person slaughtering farm animals which they own or with the owner's permission.

#### 16.5.4. Prohibitions

16.5.4.1. The shooting of firearm or controlled weapon is prohibited

16.5.4.2. Unless otherwise permitted by State Statues

16.5.4.3. It is unlawful for any minor under the age of fourteen (14)

16.5.4.4. Any person aiding or knowingly permitting any such minor

16.5.4.5. It shall be unlawful for any person to be in possession of, carry or transport any firearm or other controlled weapon while under the influence of alcohol or a controlled substance.

#### **16.5.5. Dangerous Weapons**

No person shall keep, carry or have in his possession, concealed or otherwise, any dangerous weapon when on any public street or in any public place, or when they are trespassing upon the premises or property of another person, within the township. This does not apply to military or police personnel engaged in their duties, or those who hold permits to possess and carry on their person said weapon

**16.5.6. Penalty** Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

~~**16.5.1. Possession and Discharge of Firearms.** It shall be unlawful for any person to have in possession out of doors upon the land of another, any firearm, said firearm to include rifle, shotgun, pistol, or other device capable of propelling metal pellets by air, spring, CO 2 or other means, or to discharge.....~~  
~~**16.5.2. Discharge of firearms east of Highway 95.** No person shall discharge any firearm in any portion of the township lying east of state Highway 95.~~  
~~**16.5.3. Shooting of bow and arrow.** No person shall shoot with a bow and arrow within .....~~

Dan Kylo said that what we have added from County lessens restrictions but defines safety and modeled from City of Wyoming ordinance on firearms.

Scott McDonald said he will get back to us on firing range information and will change the wording of city to township.

#### **16.5.7 DEER MANAGEMENT**

At such times as the Town Board determines that there is an overpopulation of deer within the Town and in order to reduce damage from deer, reduce the occurrence of vehicle accidents involving deer and to limit the spread of disease spread by deer, the Town Board may from time to time, by permit, allow hunting of deer by bow and arrow within the Town not closer than ~~2~~100 feet to any residence unless given written permission to hunt closer than 100 feet by the resident. The permit shall authorize the holder to shoot a bow and arrow from an elevated position, within the area where such shooting is otherwise prohibited ~~by paragraph 16.5.3~~ by this section above, as allowed by bow hunting regulations of the State of Minnesota. The permit shall only be valid on land where the permit holder has the written permission of the owner to hunt deer with bow and arrow and shall only be issued where the applicant has training in

bow hunting safety and has demonstrated proficiency in shooting with bow and arrow. The permit may be issued to a group or organization whose members have training in bow hunting safety in which case all members of the group shall be deemed to hold the permit. Where a group permit is applied for a roster with the names and addresses of the group membership shall be filed with the Town Clerk at the time of application for the permit. The Town may impose a fee for issuance of the permit in an amount determined from time to time by action of the Town Board. The Town Board may attach such conditions to the permit as the Town Board deems necessary to provide for the safety of the residents and their property.

16.5.7.1 Nothing in this section shall be deemed to permit any hunting activity not otherwise allowed by the regulations of the Department of Natural Resources or any state or federal law.

**16.5.8 Prohibition of Deer Feeding.**

16.5.8.1 During the deer bow hunting season as determined annually by the Minnesota Department of Natural Resources, no person or entity may intentionally place or permit to be placed on the ground, or within six feet of the ground surface, any grain, fodder, salt licks or blocks, fruit vegetables, nuts, hay or other edible materials (including bird seed or bird food) which may reasonably be expected to result in deer feeding on the food substance, unless such food substance is screened or enclosed in a manner that prevents deer from feeding on the substance. Living trees, plants shrubs or other vegetation shall not be deemed to be prohibited by this ordinance.

**16.5.8.2 Exceptions.** Prohibitions of deer feeding ~~Section 16.5.1~~ shall not apply to the following: Veterinarians, animal control officers or government game officials who, in the course of their duties have deer in their custody or under their management and persons authorized by the Town of West Lakeland to implement the deer management program approved by the Town board, if any.

**16.5.9 Discharge of Firearms East of TH 95** No person shall discharge any firearm in any portion of the township lying east of TH95.

\* \* \* \* \*

*The remainder of the meeting was Supervisor Ebner comparing the Township Ordinance with County Code and making the necessary changes.*

2.6.2.3 Notice shall also be mailed to each of the owners of all property located within one quarter mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners. 1,000 ft.

4.1 ...**Zoning Regulations:** For the purpose of this zoning ordinance, the regulations contained in this chapter shall become effective from and after **(new publication date)**, after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said

Judgment.

### 5.3 Lot Requirements

#### 5.3.1

SFE	160 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear	50 <del>35</del> feet

5.3.2 The following lot requirements must be met in the "C" Conservancy District.

Minimum Lot Size	20 Acres
Minimum Frontage on All Public Roads	300 feet
Maximum Lot Coverage	25%
Minimum Building Setbacks	
Front	50 feet
Side	25 feet
Rear	50 <del>35</del> feet
Maximum Building Height	35 feet

8.4.3 Method of Measuring Light Intensity: The lighting intensity produced by a light source shall be measured after dark with the light meter held horizontally 6' above ground with the meter or probe facing the light source unobstructed at ground level. ~~at ground level.~~ A reading shall be taken.....

8.4.5.5 Location: The light source of an outdoor light fixture shall be setback a minimum of 10; from a street right of way and 5 feet from an interior side or rear lot line.

8.6.2.4 Off Street Parking...under Funeral Homes ..Eight spaces for each one thousand square feet of gross floor area. ~~Open sales lots shall provide two(2) spaces for each five thousand square feet of lot area, but not less than three spaces.~~

#### 8.10.15.2 Access Spacing Guidelines

No Direct Access(Non-continuous Residential Streets) No direct access

No Direct Access(Non-continuous Residential Streets) e 1/8Mile with No Median Opening

Commercial Driveway or Non-continuous, Commercial Streets (2) e1/8Mile –

Non-Continuous Residential Streets (2) 1/8cMilee 1/8 Mile

Continuous Local Streets and Collector Streets (2) e 1.8 Mile 1/8e Mile

8.13.1**Required Permits:** Accessory apartments are allowed in the “A-1” Agricultural District.....and “SFE Family Estate” with a certificate of compliance.

8.14.6.2**Other Requirements:** In the event of revocation of a permit, the tower and all accessory structure must be removed and the site restored to its original condition with 120 days. In the event that structure is not removed and the site restored, the Township retains the authority to complete failure to do so will result in the township’s completing the removal and site restoration and the township’s cost shall be assessed against the property and collected as a real estate tax.

8.14.9.1

Add: On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel may be leased provided all standards contained in the town code can be met.

8.14.9.4

Add: facilities by integrating them with existing buildings and among other existing uses ..or to require a tower to be of a stealth type design. Existing on-site vegetation shall be preserved to the maximum extent practicable. Stealth type design may be required when the township find that such a design would increase compatibility and protect the scenic value of a particular area.

Add: 8.14.9.15 Township shall be notified in writing of any change in ownership of a wireless communication facility. Any such notice shall be delivered with 60 days of the event. All conditions imposed as part of the original permit approval shall not be affected by a change in ownership.

8.14.10.1

\* (taken from County Code 1.1.1.1) A report from a qualified and Licensed Professional Engineer which: describes the tower height and design including a cross section and elevation; certifies the tower’s compliance with structural and electrical standards; describes tower’s capacity, including....is required by the FCC or FAA; certifies that the applicant will.....a scenic road and any boundary of a state or county park. The name, address, and telephone number of the owner of owners of the nearest tower or towers shall be submitted along with written documentation showing the applicant has contacted these other tower owners to determine if the new antennas proposed can be added to the existing tower or towers in the area.

Chairman Kylo moved to reconvene this meeting to Tuesday, May 17, 2011 at 7:00 p.m. at the Oakland Jr. High in Room 102B.

Respectfully submitted,

*Susan Agrimson*

Susan Agrimson, Town Clerk