

18 Terms and Definitions

18.1 Other Definitions

Certain chapters of this code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Section 18.4 and such other definitions, the other definitions shall prevail in the chapters where applicable.

18.2 Minnesota Definitions to Apply

Unless clearly in conflict with definitions or other provisions of this code, or otherwise clearly inapplicable, definitions established for the state of Minnesota by statutes or case law shall apply to this Town Code.

18.3 General Definitions

For purposes of this Chapter, certain words or phrases shall have their customary meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, "should" is advisory, and "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

18.4 Certain Terms Defined

ACCESSORY BUILDING. A detached single-story building greater than 120 square feet in size used, or intended to be used, for the storage of personal property, or for agricultural purposes.

ACCESSORY STRUCTURE OR USE. Any facility, structure, building, or use which is accessory or incidental to the principal use of a property, structure, or building.

ADMINISTRATOR. The Township Zoning Administrator.

AGRICULTURAL BUILDING. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee or sub-lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL BUSINESS, SEASONAL. A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public produce or any derivative thereof, grown or raised on the property.

AGRICULTURAL USE. Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income.

ALLEY. Any dedicated public right-of-way providing a secondary means of access to abutting property.

ANIMAL CONTROL OFFICER. The Town Board and/or any persons or agencies designated by the Town Board. The Animal Control Officer's primary function involves enforcement of the Ordinance and other laws dealing with dogs. The Animal Control Officer shall also be construed to include any licensed law enforcement officer and shall have the police powers necessary for enforcement of Section 17, including authority to issue citations for violations.

ANIMAL AT LARGE. An animal off the premises of the owner and not under the physical control (by leash or by voice) of the owner, a member of the owner's immediate family, or a person designated by the owner.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic, or non-domestic, such as bears, lions, wolves, ocelots, and similar animals shall not be considered domestic pets.

ANTENNA. That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communication Commission.

APPLICANT. The owner of the land proposed to be subdivided or his representative.

AREA, NET DEVELOPABLE. Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five (25%), unbuildable easements or rights-of-way, and required building setbacks.

ATTORNEY. The Township Attorney.

AUTHORIZED ENFORCEMENT AGENCY. Employees or designees of the Town Board of West Lakeland Township designated to enforce this ordinance.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in a Building Code.

BED AND BREAKFAST INN. An owner-occupied, private home where accommodations are offered for one or more nights to transients in exchange for payment; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

BEST MANAGEMENT PRACTICES (BMPS): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BLOCK. The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.

BOARD OF ADJUSTMENT. A judicial type body appointed by the Township Board consisting of five (5) members to hear appeals by any person aggrieved by any officer, department, or board of West Lakeland Township.

BOARD. The Town Board of the Town of West Lakeland.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUILDABLE LAND. Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200-foot structure setback is required, the buildable area calculation would be measured from a 150-foot setback rather than the required 200-foot setback; and above any floodway, drainageway, or drainage easement.

BUILDING CODE. The Minnesota State Building Code.

BUILDING HEIGHT. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building: The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

BUILDING SETBACK LINE. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line or a high water mark or line, behind which buildings or structures must be placed.

BUILDING SETBACK. The minimum horizontal distance between the building and the lot line.

BUILDING. Any structure having a roof supported by columns or walls used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery, or materials. When any portion thereof is completely separated from every part thereof by area separation, each portion of such building shall be deemed as a separate building. Except as the term relates to setback requirements, the term building shall not include a “lean to “.

BUSINESS. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered, for compensation.

CAR WASH. A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

CCl₄. Carbon Tetrachloride. The MDH health based drinking water criterion for CCl₄ is 1 microgram per liter (µg/L); however, for added protection, this Ordinance defines the action level for CCl₄ at 0.2 µg/L.

CEMETERY. Land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY. A certificate issued by the building official authorizing the use or occupancy of a building or structure.

CHARGED PIPELINE. Any Pipeline which is filled with Natural Gas.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CODE. The Town of West Lakeland Code.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

COMMISSION. The West Lakeland Township Planning Commission.

COMMON OPEN SPACE. Land held in common ownership used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes which is protected from future development.

COMPREHENSIVE DEVELOPMENT PLAN. A plan prepared by the township including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the township and includes any unit or part of such plan or parts thereof.

CONCEPT PLAN. A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the township and Washington County as to the form of the development and the objectives of these regulations. The sketch plan shall contain data in accordance with Section 12.6.1.1 of this Chapter.

CONDITIONAL USES. Certain uses, while generally not suitable in specific zoning districts, may be allowed under some certain circumstances if conditions are attached.

CONSERVATION USE. Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes, and their accessory uses, such as interpretive centers and management facilities.

CONTIGUOUS. Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for purposes of this Zoning Ordinance.

CONTOUR INTERVAL. The vertical height between contour lines.

CONTOUR MAP. A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

COPY. A print or reproduction.

COST OF RENOVATION, REPAIR, OR REPLACEMENT. The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

COUNTY BOARD. The Washington County Board of Commissioners.

COUNTY. Washington County, Minnesota

COVENANT, PROTECTIVE/RESTRICTIVE. Contracts, agreements, or declarations entered into between private parties which constitute a restriction on the use of private property within a subdivision.

CUL-DE-SAC. A street with only one outlet; a dead end street; measured from the point where there is no secondary access.

CULTURAL RESOURCE. The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of West Lakeland Township and its people.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

CUTOFF TYPE LUMINAIRE. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

CUTOFF. The point at which all light rays emitted by the lamp, light source, or luminaire are completely eliminated at a specific angle above the ground.

DAY CARE CENTER. An establishment providing care and supervision for four (4) or more persons under the age of 7, licensed by the State of Minnesota.

DANGEROUS DOG. Has the meaning ascribed to those terms by M.S. Â§347.50, and means any dog that has: without provocation, inflicted substantial bodily harm on a human being on public or private property; killed a domestic animal without provocation while off the owner's property; or, been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

DANGEROUS DOG, POTENTIALLY. Has the meaning ascribed to those terms by M.S. Â§347.50, and means any dog that: when unprovoked, inflicts bites on a human or domestic animal on public or private property; when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or, has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals. The terms "dangerous dog" and "potentially dangerous dog" shall also be construed to include similar classifications from other statutes or ordinances, which are substantially in conformity with Minnesota Statutes Â§347.50, whether or not the same words are used.

DECIBEL. The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."

DEFINITION. For the purposes of this ordinance, the terms defined herein shall have the meaning ascribed to them.

DENSITY. The number of dwelling units permitted per acre of land.

DEPTH OF LOT. The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

DEPTH OF REAR YARD. The horizontal distance between the rear building line and the rear lot line.

DEVELOPER. The owner of land proposed to be subdivided or his representative.

DEVELOPMENT AGREEMENT. A contract with the Township in which the owner or developer agrees to take certain specified actions in consideration of the township's granting preliminary and final plat approval.

DEVELOPMENT CODE. The official controls adopted by West Lakeland Township regulating the physical development of land in the unincorporated areas of the Township.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to, construction of or addition or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The act of subdividing land, building structures and installing site improvements.

DISTRIBUTION SYSTEM. All of the facilities, lines, pipes, equipment, and fixtures of a Utility which are designed for distribution of the Utility's services to more than one customer.

DISTRICT, OVERLAY. Overlay Districts provide for the possibility of superimposing certain additional requirements upon a basic Zoning District without disturbing the requirements of the basic District. In the instance of conflicting requirements, the more strict requirements shall apply.

DISTRICT, ZONE. A part or parts of the Township for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as Agricultural, Single Family Estate, or Highway Commercial classifications).

DRAINAGE COURSE. A water course or indenture for the drainage of surface water.

DRAINAGEWAY. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-THROUGH RESTAURANT. A freestanding establishment used for the sale, dispensing, or serving of food, refreshments, or beverages in or on disposable plates and cups, including those establishments where customers may serve themselves and may eat and drink on or off the premises. Contemporary drive-in or fast food restaurants often offer drive-through service. For the purpose of this Chapter, an eating establishment located in a shopping center with three (3) or more attached business/retail establishments, which does not provide drive-through service and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-through restaurant.

DRIVEWAY ACCESS PERMIT. A permit required from the responsible governmental agency which allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.

DWELLING. A building of one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, tents, cabins, or boarding houses.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding houses, or tourist homes.

DWELLING, DUPLEX OR TWO-FAMILY. A residential building containing two (2) complete dwelling units and designed for occupancy by not more than two (2) families.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family.

EASEMENT. A grant by an owner of land for a specific use by persons other than the owner.

ELECTRIC FACILITIES. Electric transmission and distribution towers, poles, lines, guys, anchors, ducts, fixtures, and necessary appurtenances owned or operated by an electric Utility for the purpose of providing electric energy for public use.

ENGINEER. The registered engineer employed by the township unless otherwise stated.

ENVIRONMENTAL IMPACT WORKSHEET OR STATEMENT. That document that may be required under Minnesota Statute Chapter 116C and D.

EPA. The United States Environmental Protection Agency

EQUESTRIAN USES. Those uses commonly associated with the raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES - GOVERNMENTAL USES, BUILDINGS, AND STORAGE. An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES - UTILITY SUBSTATION. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity of large size in a long distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

EXOTIC ANIMALS. Any animal, including mammals, reptiles, or birds other than commonly kept domestic pets and commonly kept farm animals; exotic animals shall mean all animals usually considered "wild" such as bear, cougar, snakes, alligators, and falcons.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY DAY CARE HOME. A dwelling licensed as a day care center by the State of Minnesota where care is provided for no more than eight (8) children.

FAMILY. An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.

FARM. Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

FARMSTEAD. A group of buildings and adjacent service areas which support the functions of a farm. Structures may include, but are not limited to, homes, barns, machinery sheds, granaries, pump houses, chicken coops, and garages.

FEEDLOT. A lot or building, or combination of lots and buildings, intended for the confined breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained, The enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

FENCE, OPEN. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 30% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

FENCE, ORNAMENTAL. A fence intended to decorate, accent or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line or frame a driveway, walkway or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

FENCE, SOLID. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 30% or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered, and chain link with screening inserts.

FENCE. Adequate fencing shall be determined by its use. See open, ornamental or solid fence.

FILL. Any act, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting there from.

FINAL PLAT. A drawing or map of an approved subdivision, meeting all requirements of Subdivision Regulations and in such form as required by the Township and County for purposes of recording.

FINISHED ROOM. A room created by covering the walls and ceiling with plaster, dry wall, paneling, or other similar building material, so as to block from view the structural members of the wall and ceiling; trimming the doors, windows, and built-in cabinets with molding; and preserving the walls and trim with paint, varnish, or other similar material.

FLASHING LIGHT. A light source which is not constant in intensity or color at all times while in use.

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by a regional flood.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

FLOOR AREA, GROSS. The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

FLOOR AREA. The gross area of the main floor of a residential building measured in square feet and not an attached garage, attic, breezeway, unenclosed porches, or similar attachment.

FLOOR PLAN, GENERAL. A graphic representation of the anticipated use of the floor area within a building or structure.

FOOT PRINT. The length and width of the building's foundation and the building's height.

FOOTCANDLE. A unit of illumination produced on surface, all points of which are one foot from a uniform point source of one candle.

FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

GAC FILTER SYSTEM. A granular activated carbon system suitable to recover trichloroethylene (TEC) and CCl₄ from well water sufficient to meet Minnesota Department of Health interim exposure limit or Minnesota Department of Health Health Based Value.

GARAGE SALE. See Rummage Sale.

GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

GARAGE, STORAGE. Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.

GOVERNING BODY. The West Lakeland Township Board.

GRADE. The slope of a road, street, or other public way specified in percentage (%) terms.

GROUP ASSEMBLY. A company of persons gathered together for any purpose for a period of two (2) or more hours.

HARDWARE STORES. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

HAZARDOUS BUILDINGS OR HAZARDOUS PROPERTY. “Hazardous Buildings or Hazardous Property” means any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

HAZARDOUS MATERIAL. Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which is either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HIGH POWER TRANSMISSION LINE. A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

HOME INDUSTRY. Any occupation for gain or support which may be of a more intense nature or exceeds the limitations as defined under Home Occupations in terms of storage of stock or inventory, use of equipment not customarily household in nature, display of product, etc. A Home Industry may include occupations or uses such as assembly, mass mailing, multi-tiered marketing, gunsmithing or licensed firearm sales, furniture and cabinetry woodworking, furniture upholstery and refinishing, route sales, schools or classes (not exceeding five students in one interval), studios, animal grooming (with no overnight boarding) and salons. Home industries are to be considered Conditional Uses.

HOME OCCUPATION. Use of a property zoned residential or agricultural for gainful employment which is: a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely

within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) created and operated by the occupant of the dwelling.

HOMEOWNERS ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

HOMESTEADED DWELLING. A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statute §273.124.

HORSE TRAINING FACILITY, COMMERCIAL. An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

HORSE TRAINING FACILITY, PRIVATE. An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in 9.11.6.2 of this ordinance.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

IMPERVIOUS SURFACE. See Lot Coverage.

INDIVIDUAL PARCEL. A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Zoning Ordinance.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. See Chapter Eight of the Washington County Development Code.

KENNEL. Any establishment except a licensed veterinary clinic, where more than three dogs over the age of six months are kept for any purpose including pets, boarding, treatment, breeding, sales or sporting purposes.

KENNEL, BUSINESS. A place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

KENNEL, COMMERCIAL. A place where four or more dogs over the age of six months of age are kept and where the business of selling, breeding, or grooming dogs is conducted, and where the keeping of these dogs may be incidental to the occupancy of the premises and may be the primary source of income.

KENNEL PRIVATE. A place where four but not more than eight (8) dogs over the age of six months are kept and where the business of selling, breeding, grooming, or training dogs is conducted and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes, and is not the primary source of income.

LAND ALTERATION. The reclaiming of land by depositing or moving material so as to alter the grade or topography.

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.

LEAN-TO. A "lean to" shall mean any attachment to a building consisting of a roof and column support with two open sides where the square footage of the ground area covered by the roof is not more than 700 square feet. Any lean to must meet the setback requirements for a structure from streets and adjoining property lines. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

LIGHT FIXTURE, OUTDOOR. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.

LIGHT SOURCE. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

LIGHTING, OUTDOOR. Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

LIVESTOCK. Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.

LIVING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

LOADING AREA. A completely off street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT AREA, MINIMUM PER DWELLING UNIT. The minimum number of square feet or acres of lot area required per dwelling unit.

LOT AREA. The area of a horizontal plane within the lot lines.

LOT COVERAGE. That portion of a lot containing an artificial or natural surface through which water, air, or roots cannot penetrate. This definition includes, but is not limited to driveways, structures, patios, and decks.

LOT, DOUBLE FRONTAGE. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

LOT LINE, FRONT. That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

LOT LINE, REAR. That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT LINE. A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured at the setback line.

LOT, BUILDABLE. A lot which meets or exceeds all requirements of the West Lakeland Township Zoning Ordinance without the necessity of variances.

LOT, CORNER. A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five degrees (135°).

LOT, DEPTH. The mean horizontal distance between the front and rear lines of a lot.

LOT, INTERIOR. A lot other than a corner lot, including through lots.

LOT. An individual parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Auditor-Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

MAJOR HIGHWAY. Those highways and/or roadways which are classified as principal and minor arterials and collectors in West Lakeland Township: Interstate-94, Manning Avenue.

MDH. The Minnesota Department of Health.

METES AND BOUNDS: A property description in which successive sides are described by direction and distance as one would walk around the area being described.

MINIMUM DESIGN STANDARDS: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay or other deposits. For the purposes of this Zoning Ordinance mining shall not include excavation, removal, or storage of rock, sand, dirt, gravel, clay or other material for the following purposes: Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage; On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by West Lakeland Township, agriculture or conservation purposes, sod removal, or other public utilities; Landscaping purposes on a lot used or to be used as a building site; Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot

development, providing activities will be completed in one year; The removal of excess materials in accordance with approved plats or highway construction.

MINOR STRUCTURES. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls, and fences.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair, Major".

MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

MPCA. The Minnesota Pollution Control Agency.

MULTIPLE USE COMMERCIAL CENTER (MUCC). Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by the EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NATURAL DRAINAGEWAY. A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

NATURAL GAS. A product in gaseous form designed and used for the purpose of combustion in furnaces and appliances to supply energy for public or private consumption, and which is sold by Utility companies subject to the regulatory authority of the Minnesota Public Utilities Commission, including Natural Gas, manufactured gas, mixture of Natural Gas and manufactured gas or other forms of gas energy.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in proximity to one another.

NOISE, AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominant source.

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this Zoning Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Zoning Ordinance or amendments thereto.

NONCONFORMING USE. Any legal or lawful use of land, or any legal or lawful use of a structure existing on the effective date of this Zoning Ordinance, or any amendments thereto, which does not conform with the regulations for the District in which it is located after the effective date of this Zoning Ordinance or such amendment.

NONRESIDENTIAL SUBDIVISION. A subdivision whose intended use is other than residential, such as commercial or industrial.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

NOXIOUS MATTER. Material which is capable of causing injury, or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the physical or mental health of human beings.

OFFICE. Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps and have been adopted by West Lakeland Township.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space. See Chapter Two, Part 3, Section 4 of the Washington County Development Code.

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN STORAGE. Storage of any material outside a building.

ORDINARY HIGH WATER LEVEL: The boundary of public waters and wetlands; an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established high water level by the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.

OUTLOT. A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.

OVERLAY DISTRICT. A Zoning District shown as an overlay on the zoning map.

OWNER. Includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

PEDDLER. Any person or organization that goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, merchandise or services, and offering or exposing the same for sale, or making unsolicited sales and deliveries to purchasers.

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract, to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards, as adopted by the governing body, and on file in the office of the Zoning Administrator.

PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or time, it shall include the partners or members of any partnership or corporation, and, as to corporation, the officers, agents, or members thereof who are responsible for the violation.

PLANNING COMMISSION. The West Lakeland Township Planning Commission.

PLANT NURSERY. A building or premises used primarily for the growing, wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

PLAT, PRELIMINARY. The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission or Local Township for approval.

PLATTED LAND. Lands with legal descriptions described as lot, block, and plat name.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

POUNDKEEPER, DESIGNATED ANIMAL CONTROL OFFICER. The Town Board shall appoint such person, persons or firm as the Town Board deems appropriate and advisable as Poundkeeper/Designated Animal Control Officer for the Township. This person, persons, or firm shall be compensated in such a way as the Town Board may deem reasonable.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PRINCIPAL STRUCTURE OR USE. One which determines the predominant use as contrasted to accessory use or structure.

PROPERTY. Tangible or intangible, real, personal or mixed property.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties, which constitutes a restriction of the use of a particular parcel of property.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school Districts.

PUBLIC RECREATION FACILITY. An outdoor recreation facility owned and operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.

PUBLIC WAY. All roads, street, alleys, public right-of-ways, Utility easements and public grounds of the Town to which it has the right to grant the use to a Utility.

REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot.

REFUSE. Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on the average frequency in the magnitude of a 100 year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.

RESERVE STRIP. A narrow strip of land placed between lot lines and streets to control access.

RESOURCE INVENTORY. A survey of the land’s features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

RESTAURANT. A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.

RESTRAINT. A dog or other livestock is under “restraint” within the meaning of this ordinance if it is controlled by a leash or by a competent person and immediately obedient to that person’s command or confined within a vehicle being driven or parked on the streets or within the property limits of its owner. A dog or other livestock is not under restraint if it is on private property other than the property of the dog’s owner without permission of the property owner.

RETAIL BUSINESS. Stores and shops selling personal services or goods over a counter.

RIGHT OF WAY. The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROAD, APPROVED PRIVATE. A private road which has been approved by resolution of the Township Board of Supervisors. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.

ROAD, DEAD END. A road or a portion of a street with only one (1) vehicular traffic outlet.

ROAD, PUBLIC. A road owned and maintained by a government jurisdiction.

ROADSIDE SALES STAND. A structure used only for the display and sale of products on a seasonal basis with no space for customers within the structure.

ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel, see also Street definitions.

RUMMAGE SALE. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as “garage sales”. Flea markets are not rummage sales.

SCREENING. Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year. Screening shall be solid six (6) feet or more in height.

SECURITY LIGHTING. Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

SELF-SERVICE STORAGE. A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.

SEPTIC PERMIT. A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

SHIELDING. A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

SIDEWALK. That portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

SIGN AREA. The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

SIGN, ADVERTISING. A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

SIGN, BUSINESS. A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

SIGN, DEVELOPMENT IDENTIFICATION. A sign that identifies the name of a residential, commercial, or industrial development at a street entrance to the development.

SIGN, FLASHING. An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.

SIGN, IDENTIFICATION. A sign which identifies the inhabitant of the dwelling.

SIGN, MOTION. A sign that has revolving parts or signs which produce moving effects through the use of illumination.

SIGN, NAMEPLATE. A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to said building or site.

SIGN, PEDESTAL. A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

SIGN, REAL ESTATE. A sign offering property (land and/or buildings) for sale, lease, or rent.

SIGN, ROOF. A sign erected upon or above a roof or parapet of a structure.

SIGN, SHOPPING CENTER OR INDUSTRIAL PARK. A business sign designating a group of shops or offices.

SIGN, WALL. A sign attached to or erected against the wall of a structure with the exposed face of the sign parallel to the plane of said wall.

SIGN. A display, illustration, structure, or device which directs attention to an object, product, place, activity, person, institution, organization, or business.

SILVACULTURE. The practice of controlling the establishment, growth, composition health and quality of forests to meet diverse needs and values.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

SOLICITOR. Any person or organization who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares, merchandise or services, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery.

SPILLAGE. Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

STATE. The State of Minnesota.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER DRAINAGE SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER POLLUTION PREVENTION PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

STREET PAVEMENT. The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH. The width of the right-of-way measured at right angles to the centerline of the street. The shortest distance between the lines delineating the roadway, including shoulders or parking lanes of a street. On urban designed streets it is face to face of curbs.

STREET, COLLECTOR. A road intended to move traffic from local roads to secondary roads and/or a road designated as a collector by the Minnesota Department of Transportation, the Metropolitan Council functional classification map, or the Washington County Comprehensive Plan. A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

STREET, INTERMEDIATE, OR MINOR ARTERIAL. A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

STREET, LOCAL. A street intended to serve primarily as an access to abutting properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

STREET, PRIVATE. A street serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.

STREET, RURAL DESIGN. A street without curb and gutter having either paved or gravel shoulders.

STREET, SERVICE OR FRONTAGE ROAD. A minor street parallel to and adjacent to high volume arterial streets and highways which provides access to abutting properties and protection of through traffic.

STREET, URBAN DESIGN. A street that incorporates either concrete or bituminous curb and gutter.

STREET. Any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include "sidewalks". A public right-of-way which affords a primary means of access to abutting property or that portion of a highway improved, designed or ordinarily used for vehicular travel.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE, NONCONFORMING. Any structure lawfully or legally existing on the effective date of this Zoning Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the District in which it is located after the effective date of this Zoning Ordinance or amendments thereto.

STRUCTURE. Any erection or construction, such as buildings, pre-fabricated or pre-built buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

SUBDIVIDER. The owner, agent, or person having control of land with the intended purpose of creating a subdivision.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.

SUBDIVISION, MINOR. Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan or Zoning Ordinance.

SUBDIVISION. The process of dividing land into two (2) or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

SWBCA. Special Well and Boring Construction Area, an area within the Town defined by boundaries established by the Minnesota Department of Health (MDH) and as changed, modified or expanded from time to time by MDH, delineating the area where special well and boring construction, repair and sealing requirements are in effect to minimize or eliminate the public's exposure to contaminants present in groundwater aquifers.

SWIMMING POOL, PUBLIC. Any swimming pool other than a private swimming pool.

SWIMMING POOL, PRIVATE. A residential or private swimming pool is any pool which is used, or intended to be used, as a swimming pool in connection with a single family residence, and which is available only to the family of the householder and private guests.

TCE. Trichloroethene. The MDH health based drinking water criterion for TCE is 0.4 µg/L; however, for added protection, this Ordinance defines the action level for TCE at 0.1 µg/L.

TRANSIENT MERCHANT. Any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares, merchandise or services within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle or trailer.

UTILITY PIPELINE. Any pipeline, aboveground or underground, which has been installed by any party for the purpose of transmitting Natural Gas, including mains and lines connecting mains to individual buildings.

UTILITY SERVICE AREA. That portion of the Town where gas Utility receives a conditional Service Area license to install and operate a Distribution System.

UTILITY SERVICE CONNECTION/SERVICE LINE. The connection and line from a Utility's Distribution System to a Single Customer's dwelling or building.

VEHICLE, RECREATION. Any vehicle or structure designed and used for temporary, seasonal, human living quarters which meets all of the following qualifications: a) is not used as the permanent residence of the owner or occupant; b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

VEHICLE, ALL TERRAIN. A self-propelled vehicle, other than a licensed motor vehicle, normally used for recreational purposes. An all-terrain vehicle (ATV) also known as a quad, quad bike, three wheeler, or four wheeler is a vehicle that travels on low pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.

VOC. Volatile Organic Compounds, a substance that contains carbon and that evaporates or becomes a vapor or "off-gasses" at room temperature, including but not limited to Benzene, Methylene Chloride, Hexane, Toluene, Trichloroethane, Styrene, Heptane, and Perchloroethylene.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.