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GARDNER TOWNSHIP

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ZONING ORDINANCES

GARDNER TOWNSHIP ZONING ORDINANCE

ARTICLE I. ZONING REGULATIONS

Section 1. Establishment of Districts

A. Districts and Uses Therein:

For the purpose of these regulations, The Township is hereby divided into Districts, with uses subject to the Limitations of this ordinance, as follows:

1. Public Districts—All areas within the township owned by a governmental body (state, county, township, or municipality). All uses authorized by law, including education, religious, cultural facilities, and parks, shall be allowed, except public nuisances and uses detrimental to public health, safety, morals, comfort, and general welfare.

2. Single-Family Dwelling Districts

a. Permitted Uses:

(1) Single-family dwellings, not including mobile housing units described in Article I, Section 1A4.

(2) Customary incidental home occupation which is carried on as an accessory use by one or more members of the family residing on the premises, and (a) which shall be carried on wholly within a completely enclosed building, and (b) in the activity, not more than one-half of the floor area of any one floor or basement shall be used, and (c) in the conduct of said activity not more than one (1) person outside the family shall be employed, and (d) such customary home occupation must be in keeping with the character of the neighborhood in which located and must not materially depreciate property values in the immediate area. Such use must also satisfy the regulations prescribed in Article 1, Section 4, with regard to off-street parking, height limitations, signs and fences.

(3) Swimming pool not operated for profit, meeting recognized construction and safety standards and all other requirements of this ordinance.

3. Two-Family and Multiple-Family Dwelling Districts

a. Permitted Uses:

(1) All uses allowed by right in single-family dwelling districts.

(2) Boarding house, providing that not more than four (4) such boarders shall be permitted without special exception by the Township Zoning Board.

(3) Private schools of general instruction and day nurseries.

(4) Two-family dwellings.

(5) Multiple-family dwellings.

4. Mobile Housing Residential Districts

a. Permitted Uses on private or single lots:

(1) All uses allowed by right in single-family dwelling districts, two-family dwelling districts, and multiple-family districts.

(2) Mobile housing units of prefabricated construction that satisfy a uniform mobile homes construction standard or code when same is created and duly adopted by this township. However, until such time as a uniform mobile homes construction code is adopted and approved, mobile housing must satisfy the following limitations:

(a) The floor area of each housing unit shall include at least 760 square feet.

- (b) The structure must have been manufactured by an established mobile housing manufacturer in or since the year 1966.
- (c) The structure must be moved into the township in accordance with the conditions of Article III of this ordinance.
- (d) The structure must be placed on a lot of not less than 30,000 square feet.
- (e) The structure must be placed on a permanent-type foundation according to the standards of Article VII of this zoning ordinance, with at least eighteen (18) inches of said foundation set or established above ground level.
- (f) No structure shall be placed without first establishing therefore a water supply and sewage system that conforms to the standards of Article VII of this ordinance or, in the alternative, connection may be made to an established city water and sewage system.

5. Commercial Districts

a. Permitted Uses:

- (1) Any local retail business or service establishment which supplies commodities or performs the following services primarily for residents of the surrounding neighborhood: grocery store, meat market, delicatessen, drug store, barber and beauty shops.
- (2) Business or professional office; medical or dental clinic; governmental offices.
- (3) Parking lot as a principal use.
- (4) Personal service shop or agency, such as tailor, dressmaking, and shoe repair shops.
- (5) Hotels, apartments second floor or above.
- (6) Eating and drinking establishments, except those offering in-car services.
- (7) Theaters, except those offering in-car services.
- (8) Public transportation passenger facilities.
- (9) Telephone exchanges.
- (10) Automobile sales.
- (11) Grocery supermarket.
- (12) Furniture sales.
- (13) Boat sales.
- (14) Camping trailer and mobile home sales.

6. Industrial Districts

a. Permitted Uses:

- (1) Any use permitted in commercial districts.
- (2) Wholesale business and related warehousing and storage and freight handling.
- (3) Service stations.
- (4) Automobile laundries.
- (5) Motels.

b. Prohibited Uses which may be allowed by the Township Zoning Board by a special use permit:

Assembling and packaging; freight handling; light manufacturing and related storage and warehousing; heavy manufacturing, fabricating and processing; gasoline, oil or alcohol storage; dairies; creameries; ice cream plants; ice and cold storage plants; junk yards; manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; any use which is objectionable by reason of emis-

sion of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health, or property to damage and hazard; boiler works; dog pounds; forge plants; burning of debris; land fill trash and garbage disposal; pumping or wholesale storage of petroleum; railroad yards; round houses; saw mills; planing mills; steam power plants of public utility nature; stone cutting and crushing; washing and grading of stone, gravel and sand; sugar refining; wool pulling or scouring; acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones, coal, tar, petroleum, refuse, grain or wood; explosives manufacture or storage; fat rendering, fertilizer manufacture; illuminating or heating gas manufacture; tannery; glue manufacture; stockyard or animal slaughterhouse; sewage lagoons; commercial feed lots; trailer courts, trailer houses or mobile housing on private lots; old folks' homes; hotels; resthomes; nursing homes; senior citizen housing; race tracks of any type; and any other industrial use or commercial use or residential use not specifically permitted.

7. Agriculture Districts—These districts include all area within the township not included in the aforementioned districts, as shown on the Township Zoning Map. All uses generally associated and identified with farming property and purposes are allowed. No other uses are allowed unless authorized by a special use permit.

The boundaries of these districts are hereby established as described heretofore and as may hereafter be shown on maps dated from time to time as created by the Board of Township Supervisors and shall be entitled ZONING MAP FOR GARDNER TOWNSHIP, which said maps are hereby made a part of these regulations; said maps shall be on file in the office of the Gardner Township Clerk, Cass County, North Dakota, which maps, together with all explanatory material thereon, shall be deemed to accompany and are hereby made a part of these regulations.

C. Interpretation of District Boundaries:

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning maps, the following rules shall apply:

1. Where boundaries approximately follow streets, alleys or highways: Where district boundaries are indicated as approximately following the centerline or right-of-way line of highways, the centerline or street line of streets, or the centerline or alley line of alleys, such lines shall be construed to be such district boundaries.

2. Where boundaries parallel street lines, alley lines, or highway right-of-way lines: Where district boundaries are so indicated that they approximately parallel to the centerline or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

3. Where boundaries approximately follow lot lines: Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

4. Where the boundaries follow a railroad line: When a boundary of a district follows the railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

5. Where the boundaries follow a body of water: Where the boundary of a district follows a stream, lake or other

body of water, such line shall be stated and construed to be said boundary.

D. Non-Applicability to Farming or Agricultural Land:

Nothing contained in these regulations shall prevent the use of any land for farming or agricultural purposes, nor shall any construction or any other permit be required for any main or accessory building located on a farm and used for the usual farming purposes, except residences and accessory buildings to residences.

Section 2. Uses Permitted In or Excluded From District.

A. No building shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose other than for a use permitted herein in the district in which located, subject to other applicable regulations hereof, and only after the issuance of the necessary permits as provided in these regulations.

B. Each building hereafter erected shall be located in a lot, and in no case shall there be more than one main building on one lot except as may be otherwise provided herein.

C. Each building containing any dwelling units or guest rooms shall be erected on a lot at least one line of which abuts for not less than 25 feet along a public street as approved by the Zoning Administrator as adequate for the purpose.

D. No building or structure shall be used or occupied for housing within a property for which a special use permit has been issued and allowed as determined by the Township Board.

E. Construction of sewage lagoons or other types of open sewage disposal systems are prohibited in all districts.

F. No building permit shall be allowed for placing any structure in an area flooded by the floods of 1968, except upon a special exception permit granted only by the township zoning board setting out the conditions and limitations necessary to minimize flood damage.

Section 3. Non-Conforming Uses.

A. Lawful, non-conforming use of land or a building existing at the date of adoption of these regulations may continue, providing no structural alterations except those required by law are made therein and provided further that no such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of adoption of these regulations. If changed, the use shall conform to the provisions contained herein.

B. If any non-conforming use of land is discontinued for a period of 24 consecutive months or longer, it shall not be resumed and any future use of such land shall conform to the provisions contained herein.

C. A non-conforming structure destroyed or damaged to the extent where the cost of restoration would amount to less than 50 per cent of its full market value prior to such casualty, may be restored. Where a structure is destroyed or damaged to a greater extent or to such an extent that its demolition is required by existing laws or regulations, or is required to protect the public health or safety, or where restoration is not started within a period of one year, any restored or future structure or use shall conform to the provisions hereof.

D. The provisions of this section shall apply to any use that may become non-conforming due to a change in the classification of a district in which it is located, from the effective date of such change.

E. Any use which is permitted in a district only upon the issuance of a special use permit therefore shall, upon

its establishment, be considered a conforming use in that district, but subject to any conditions imposed by such special use permit.

F. Regardless of any other provisions of these regulations, any junk yard or auto wrecking business existing as a non-conforming use at the time of the adoption of these regulations shall, within one year after it has become a non-conforming use, be completely enclosed within a building or within a continuous opaque fence of sufficient height to prevent visibility. The plans for such a building or fence shall be approved by the Board of Township Supervisors of Stanley Township prior to erection or construction. All other applicable provisions of these regulations shall apply to any non-conforming junk yard or auto wrecking business.

Section 4. Automobile Parking: And Off-Street Loading Spaces Required:

Off-street parking and loading spaces shall be provided as follows for buildings hereafter erected, constructed or moved and for uses thereafter established, for such non-conforming uses as may be required to conform to the regulations hereof, and for extensions and enlargements of existing buildings and uses:

A. Parking spaces shall be provided at the ratio of one parking stall for:

1. Each individual dwelling unit in any building;
2. Each sleeping accommodation in any automobile court, motel, or tourist home;
3. Each three sleeping accommodations in any hotel, boarding home, fraternity or sorority house, or dormitory, in addition to the number of parking stalls required for its dining and entertainment uses;
4. Each four beds in any hospital;
5. Each five beds in any sanitarium, convalescent home or similar establishment;
6. Each four seats or similar accommodations in any restaurant, theater, auditorium, stadium, church, entertainment use, hall for meetings, dancing or social events, and other use where seats or similar accommodations are provided for gatherings of 12 or more persons;

7. Each 300 square feet of ground floor area in business or commercial use, each 600 square feet of basement floor area, and each 600 square feet of floor area above the first floor in such use, provided that for such establishments as drive-in markets and similar and other business catering to drive-in patronage, the required ratio shall be four parking stalls for each 200 square feet of total area in business or commercial use within buildings and outside.

8. Each three persons (including proprietors) of maximum employment in a single shift in any institutional, public, business or industrial use.

B. The following parking space requirements shall be met:

1. Each parking stall shall be not less than 200 square feet in area with additional area required for satisfactory movement in and out;
2. Access driveways to a single stall or parking lot shall be between 12 and 24 feet in width where crossing the front property line from a street or road, except that driveways serving parking spaces for residential uses shall be from 10 to 12 feet wide;
3. Required parking stalls for dwellings, motels, auto courts, and auto camps shall be located on the same premises as the use they serve. For other uses, they shall be located on the premises or within 300 feet distance, provided that stall required for employees may be located within 1,200 feet of the place of employment:

4. Parking stalls may be intended for several uses in the same vicinity, the number of stalls required being the total of the separate requirements. Upon showing in an application to the Board of Township Supervisors, however, that the parking demands of different uses in such joint arrangement occur at distinctly different times, the Board may approve and the Board of Township Supervisors may grant a reduction in the total number of stalls required.

5. Required parking spaces provided on a lot or in a building shall be kept available for parking during the times of parking demand and shall not be reduced in number, provided that upon application with a showing of reduction of parking demand, the Board of Township Supervisors may grant a reduction in the total number of stalls required.

6. Parking stalls, truck loading spaces, aisles, and storage driveways shall be graded and surfaced for adequate drainage.

C. Truck loading spaces and truck parking and storage spaces off-the-street shall be provided as needed in connection with all buildings and uses delivering and receiving goods, materials and supplies by trucks.

Section 5. Yards, Lot Sizes, Open Spaces.

Yards, lot sizes and open spaces shall be required as follows and in other Sections hereof for buildings hereafter erected. No lot shall be so reduced or diminished, and no structure shall be so enlarged or moved, as to reduce or diminish the yards, lot area or open space required herein in the district in which located. No yard or other open space required herein for any building shall be considered as providing a yard or open space for any other building, and no yard or open space on an adjoining lot or parcel of property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

A. Lot Areas Required:

1. When the lot is in a platted subdivision and connection will be made to a municipal sewer and water supply, the minimum lot size shall be 15,000 square feet for one-family dwellings; and 25,000 square feet for two-family dwellings; and 15,000 square feet, plus, 10,000 square feet for each dwelling unit over one in each structure.

2. When the lot is in a platted subdivision and a private sewer and water system will be used, the minimum lot size shall be 30,000 square feet for one-family dwellings; and 45,000 square feet for two-family dwellings; and 30,000 square feet plus 15,000 square feet for each dwelling unit over one in each structure.

3. When the lot as conveyed is described by metes and bounds, minimum lot size for one-family dwellings shall be two acres, plus two additional acres for each dwelling unit over one in each structure.

B. Lot Area Exceptions:

1. Lot areas required in individual cases may be increased by whatever additional areas shall be deemed to be required for sanitary water supply and sewage disposal.

2. Lot areas required in individual cases may be reduced by the Zoning Administrator when the lot is one on a sub-division plat of record, or approved by the Board of Township Supervisors.

3. Except as provided above, the lot area required for a one-family dwelling may be reduced to not less than one-third acre, including one-half the area adjoining streets for a lot on a plat approved by the Board of Township Supervisors prior to the effective date of these regulations.

4. With a community water supply system or a sanitary sewer system, or both, as recommended in each instance

by the North Dakota Department of Health, subject to the approval of plans for such systems by such Department of Health as adequate for the purpose, lot areas required may be reduced to one-half acre for dwelling of one to four families in size, with 5,000 square feet additional for each dwelling unit over four.

5. Unless served by such an approved sewer system, each two guest rooms or sleeping rooms in any auto court, hotel, motel, tourist home or similar accommodation shall be considered as one dwelling unit in determining the lot area requirement.

C. Lot Widths Required:

A lot with at least the following width in each designated district is required:

1. 100 feet for a farm or non-farm dwelling;

2. No requirement for buildings containing no dwelling units or guest rooms.

D. Lot Width Exception:

Lot width may be less than that required when the lot is one on a plat approved by the Board of Township Supervisors prior to the effective date of these regulations.

E. Areas and Widths of Existing Lots:

On existing lots of record where the owner owns no adjoining property, a one-family dwelling may be erected in any district when the lot area or lot width or both are less than required in the district in which located, except where greater area or width would be required for a sanitary sewage disposal and water supply.

F. Yard, Lot Area Measurement for Future Street Line:

Front yards shall measure not less than 70 feet in unplatted areas, and 30 feet in platted areas.

On a lot adjoining a future street right-of-way and shown on the zoning map, measurements for determining required lot area and required depth or width of an adjoining yard shall be made from such future street right-of-way instead of from the existing right-of-way line.

G. Yards, Courts, and Lot Coverage:

1. For dwelling groups, the side of a building shall not be closer to the side of any other buildings (arranged "side-by-side") than six feet, the rear of a building shall not be closer to the front or side of any other building ("rear-to-front" or "rear-to-side," respectively) or the side of a building shall not be closer to the front of any other building ("side-to-front") than twenty feet; provided that the distance required herein between any two buildings shall be increased by two feet for each story that the building exceeds one story in height.

2. For dwelling groups rearing upon a side lot line or side line of a parcel of land the minimum distance between any such dwelling and such side line shall be fifteen feet, and such distance shall be increased by five feet for each story that the highest building rearing upon such side line exceeds two stories in height.

4. For dwelling groups, the yard at the rear of the lot shall have a depth not less than the rear yard required for the district, provided that such yard depth need not exceed ten feet when no dwelling of such rears upon such yard.

H. Structures in Yards and Courts:

Every part of a required yard or court shall be open and unobstructed by any building or structure, from its lowest point upward, except as follows:

1. Accessory buildings are permitted in a rear yard but in no other yard, and such buildings shall be not more than fifteen feet in height, except that any containing a dwelling unit for servants' quarters or for private

guests may have a height not exceeding twenty-five feet. No dwelling unit for any other purpose is permitted in a rear yard. An accessory building not more than fifteen feet in height and of masonry construction with no door or window opening on the side next to the side line of the lot may extend to such side line, otherwise it shall be not closer than three feet to such side line. Accessory buildings shall, in the aggregate, occupy not more than thirty-five percent of the required rear yard area.

2. Sills, belt courses, cornices, buttresses, and eaves may project not more than three feet over or into any rear yard area.

3. Walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally or for gardening or for private recreation purposes and structures of essential service, all accessory to and customarily incidental to the principal use, are permitted in yards and courts, provided that a side yard strip one and one-half feet in width adjoining the side line of the lot shall be unobstructed by any structure or feature, except a fence, that is higher than two feet above the ground level. No fence or closely grown hedge shall be more than six feet in height in any rear yard, or more than six feet in height in any side yard or front yard, provided further that no such fence or hedge in any yard of a corner lot within twenty feet of the corner of such lot that is at the street intersection shall be higher than three feet above the level of the curb directly opposite.

4. Uncovered porches, and steps to building entrances may extend not more than ten feet into any required front yard or rear yard and not more than three feet into any required side yard or court.

5. Openwork fire balconies and fire escapes may extend not more than two feet into a required yard or court.

I. Minimum Spaces and Facilities for Commercial Development:

For permitted buildings and uses in Commercial Development, the following minimum spaces and facilities around them are required for the purpose of avoiding traffic and congestion, traffic hazard and other dangers, and of protecting and conserving the residential character of any adjoining neighborhood and that of future neighborhoods:

1. Permitted buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks, and planting spaces, shall be not closer to any street line than 60 feet, or to any alley line than 30 feet, or to the boundary of any other district than 40 feet. Any future street line indicated on the zoning map or otherwise established shall be construed to be the street line for this purpose.

2. Off-Street automobile parking and loading spaces around buildings shall be separated from the edge of the roadway in any street by a strip containing a walk and a berm not less than 6 feet in width. Driveways across such strip shall be 100 feet or more away from the nearest street intersections, except at a "T" intersection, where one may be located opposite the end of an intercepted street.

3. The off-street parking area shall be four times or more than the aggregate floor area and all other area planned for ultimate business purposes in each commercial or business district, and such area requirements shall not include driveways, truck loading spaces, promenades, planting spaces, and other open spaces.

4. All planting strips shall be planted and maintained. For vision clearance for traffic, the height of planting with-

in 50 feet of any driveway shall be not more than 24 inches above the elevation of the top of curb alongside it. Elsewhere it is the intent to produce tree and shrub growth of good height and density as early as possible for a screen of such planting between the development within such district and residential districts around it.

J. Notwithstanding any other limits herein, no trees or shrubs shall be planted within 60 feet of township, county and state road right-of-ways.

ARTICLE II. TRAILER COURT REGULATIONS

Section 1. Definition.

Trailer Court: Any park, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches or mobile homes or mobile housing on either a temporary or permanent basis, and upon which any trailer coach or coaches or mobile homes or mobile housing are parked, and shall include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the facilities. Trailer court or trailer park shall not include sales lots for automobiles or trailer housing on which unoccupied trailer coaches or mobile housing are parked for purposes of inspection and sale. A trailer court is distinguished from a mobile housing residential district in that a trailer court will be owned and operated as a separate entity to supply service and location for more than one trailer coach or mobile home and be subject to these trailer court regulations; whereas, a mobile housing residential district is an area where individual lots or parcels may be separately owned, and trailer coaches or mobile housing, as specified in Article I, Section 1A4, may be placed and serviced upon said lot or parcel by the owner thereof, according to Article I, Section 1A4, of this ordinance.

Section 2. Guest Register Required.

Every person operating a trailer park within the township shall provide and keep thereat a suitable guest register for the registration of all persons provided with accommodations thereat; and every such person shall be registered therein. Upon arrival of every such person, the operator of such park shall require him to enter in such register, or enter for him therein, in separate columns provided in any such register, the name and address of such person and every other person, if any, with him as a member of his party; and the make of any motor vehicle and trailer coach, and the registration number and other identifying letters or characters appearing on the official number plate including the name of the state issuing such official plate for any motor vehicle or trailer coach. Such registration shall be kept in an accurate and orderly manner and retained for one year and shall always be kept accessible for inspection by township authorities. Every person, upon arriving at such trailer coach park and applying for accommodations therein, shall furnish to the operator or other attendant in charge of such park the registration information necessary to complete his registration in accordance with the requirements of this section and shall not be provided with accommodations unless and until such information shall be furnished.

Section 3. Fire Extinguisher Required.

Each trailer coach in a licensed trailer coach park shall be equipped with a fire marshal-approved-type extinguisher in usable condition. The occupant of a trailer coach shall be responsible for providing such extinguisher for the trailer coach which he occupies.

Section 4. Construction of Annexes.

No enclosed room, wing, annex, entrance, porch or

other similar structure shall be constructed, erected or attached to any trailer coach in any trailer coach park in the township without first obtaining written authorization therefor from the Zoning Administrator. Awnings or shades of cloth, canvas or other similar fabric, which are readily collapsible and removable in case of windstorms, fire, floor or other emergency may be used without a permit.

Section 5. Construction of Foundations, etc.

No foundation, wall, embankment or other structure shall be constructed, erected, or attached under, around, or near any trailer coach in any trailer park in this township without first obtaining written authorization therefor from the Zoning Administrator. This section shall not be deemed to prohibit the use of skirtings around the wheels and running gear of such trailer coach if such skirting is readily removable and will not tend to obstruct the movement or removal of such trailer coach in case of emergency.

Section 6. Minimum Ground Areas and Playgrounds.

A. A minimum of 3,200 square feet of ground area shall be provided and assigned for the exclusive use of the occupants of each individual trailer coach, said land area to be known as a trailer coach site.

B. Automobile off-street parking space shall be provided for on each trailer court site.

C. A minimum of 200 square feet of ground area per trailer coach site shall be provided and designated as a general playgrounds area for children residing in the trailer court.

D. A general playground area shall be located and be of satisfactory proportion so as to be useable for play purposes and to be conveniently and safely accessible for children from any point within the trailer court.

E. A continuous land buffer zone with a minimum width of 20 feet shall be provided to extend completely around all trailer courts.

F. Trees or shrubbery capable of growing to a sufficient height to provide screening shall be planted within a period of six months after a trailer court begins operations.

G. All streets or roadways located within a trailer court shall be surfaced and periodically treated by the owner so as to prevent excessive dust and dirt from automobile traffic.

H. Sufficient playground equipment shall be provided and installed in the general playground area at the expense of the owner to satisfactorily accommodate the recreational needs of children living within a trailer court.

ARTICLE III. REGULATIONS PERTAINING TO MOVING STRUCTURES

Section 1. Definitions.

For the purpose of these regulations, certain terms and words are hereby defined and shall have the following meanings:

Township - The Township of Gardner, Cass County, North Dakota.

Building Inspector - The official appointed and so designated by the Board of Township Supervisors of Gardner Township to enforce these regulations in the township. Said official shall be known also as the Zoning Administrator.

Section 2. Permit Required.

No building or structure shall be moved into Gardner Township from any place outside the township or wholly within the township from one lot or parcel to another,

or from the township to a point outside of the township without first making application to the Zoning Administrator and securing a permit therefor as hereinafter provided. A permit fee shall accompany each application for a moving permit.

Section 3. Buildings Exempted.

All structures ordinarily allowed by the State Motor Vehicle regulations as vehicles.

Section 4. Code Compliance Required.

Whether or not a permit is required, no building or structure shall be moved to a location within the township unless it will conform to the building, plumbing, heating, electrical and other construction regulations of the township relating to new structures. If construction, alteration, or repair work on such building or structure will be necessary to make it conform to such regulations, permits for such work shall be obtained before such building or structure is moved into the township, which shall make provision for the doing of such work within 90 days after such building or structure is so located.

No such building or structure shall be moved to a location within the township unless it will conform to the zoning regulations of Gardner Township and will be a building or structure of the same general character and appearance as other buildings or structures in the vicinity. If the Zoning Administrator shall be in doubt as to whether such building or structure will sufficiently conform to the character of the neighborhood into which it is proposed to be moved, he may refer the matter to the Board of Township Supervisors of Gardner Township for determination, or, in the event that the Zoning Administrator refuses or neglects to issue a moving permit, the applicant has the right to petition the Board of Township Supervisors of Gardner Township for a hearing. The Township Supervisors may hold a public hearing or said question and shall determine whether or not such building or structure will be permitted at the proposed location.

Section 5. Contents of Application.

Upon making an application required by these regulations, the applicant shall furnish the Zoning Administrator with such information as he may require relative to the size, location, method of construction and type of building or structure, the equipment proposed to be used in the moving, the length of time that such building or structure will be on the township roads, the days and hours when such moving is to be made, the financial responsibility of the applicant and the insurance protection carried by the applicant. The applicant shall give access to said building or structure to the Zoning Administrator for the purposes of inspection and shall permit the Zoning Administrator to inspect the equipment to be used in such moving. No such application for a moving permit shall be granted by the Zoning Administrator unless such building or structure can be moved with reasonable safety to persons or property within the township. The Zoning Administrator may impose such conditions as are necessary to assure compliance with the regulations of the township and to assure the public safety from injury to persons or property within the township.

Section 6. Special Conditions of Permit.

If any conditions are imposed upon the proposed moving operation, said permit shall not be granted until the applicant shall have agreed to and assented to such conditions in writing.

Section 7. Cash Deposit Required.

Before any permit is issued, the applicant shall make

a cash deposit of \$100.00 with the Zoning Administrator to reimburse the township for any expense incurred in connection with said moving and to guarantee that all road damages are repaired and that all rubbish and materials will be removed from premises from which the building or structure has been moved, and that all wells and excavations be filled and leveled to existing grade and left in a safe and sanitary condition. If such conditions with respect to such premises are not met, the Zoning Administrator shall proceed to do the necessary work and charge the cost thereof against the cash deposit. After all work under said permit is completed and after deducting any expenses incurred by the township, any monies remaining in the cash deposit shall be returned to the person making such deposit. If said deposit is inadequate, the applicant shall, by reason of such application and permit, be obligated to pay any such additional expense within 30 days after the completion of said work.

Section 8. Preparation Required Prior to Moving.

Before moving any house, or structure, the owner of the premises from which it is moved shall plug the sewer line with a concrete stopper, shut off the water, and pay for all sewer and water service previously provided. The electric, telephone and gas service which might be connected to or with the house or structure shall be removed by the service company.

Section 9. Displacement of Wires.

In every case in which a moving operation shall require the displacement of any overhead wires, it shall be performed by the person, firm or corporation owning, operating and controlling such wires. Prior to the issuance of a permit for moving operations which will entail the moving of overhead wires, the applicant shall furnish the Zoning Administrator with satisfactory proof that the displacement of such wires will be made by the person, firm or corporation owning, operating and controlling such wires, on the dates and at the times designated for the passage of such house or structure.

Section 10. Emergency Orders.

At any time during such moving operation, the Zoning Administrator may issue any further order, whether of an emergency nature or otherwise, as may be necessary to compel compliance with these regulations, the terms of the application and permit, or to insure the public safety.

Section 11. Revocation of Permit.

Refusal by the permit holder or any person acting on his behalf to comply with the terms or provisions of these regulations or to adopt any safety or precautionary device or method imposed upon such moving operation shall be a violation of these regulations and shall be cause for immediate revocation of the permit.

Section 12. Safety Measures.

Any flares, street barriers, parking signs or similar safety devices required by law or required pursuant to the terms of these regulations shall be provided by the permit holder at his own expense.

ARTICLE IV. PLATTING REGULATIONS

When platting of land is proposed by a property owner or his agents, the proposed plat shall be submitted to the Board of Township Supervisors for approval. The Board shall consider whether the subdivision of land by the proposed plat is in conformity with the zoning plan of the area, whether the land is suitable for the purpose intended, and whether adjoining developments previously in existence will be protected and not unreasonably in-

jured, and whether the development provides for orderly growth and development of the township. When a platting regulations ordinance is developed and created and established by the township Board of Supervisors, it shall supercede this Article IV.

ARTICLE V. CHARACTER OF THE DEVELOPMENT

The Board of Township Supervisors shall confer with the subdivider regarding the type and character of the development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of sub-standard buildings, control the type of structures, or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and adjoining property. Deed restrictions or covenants may be included to provide for the creation of property owner's association or a board of trustees for the proper protection and maintenance of the development in the future, provided, however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation.

Deed restrictions or covenants may also be required to establish in each subdivision as the need shall appear:

- a. Set-backs from lot lines
- b. Drainage and grade elevations
- c. Foundation grade levels
- d. Sewer and septic tank requirements.

In all cases sewer and septic tank installations must be in compliance with county and state public health regulations.

ARTICLE VI. EXISTENT UTILITIES

Wherever the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, or other physical facilities necessary to or desirable for the public welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by any public agency, provision shall be made by trust agreement, a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

ARTICLE VII. STANDARDS

Section 1. Building Standards.

All structures or buildings shall conform to the requirements of the Uniform Building Code and amendments thereto used by the City of Fargo.

Section 2. Water Supply.

All individual water supply systems shall conform to the requirements set forth in the North Dakota State Plumbing Code.

Section 3. Electrical Standards.

All structures or buildings shall have electrical installations which conform with the requirements of the National Electrical Code.

Section 4. Sewage Disposal Systems.

Any sewage disposal system not connected with a municipal sewage disposal system must be approved individually and separately by the Township Zoning Board.

ARTICLE VIII. ADMINISTRATION

Section 1. Township Zoning Board.

The administration and functioning of the Township Zoning Ordinance shall be the charge and responsibility of the Township Zoning Board. Said board shall be composed of three members, as follows: three members appointed by the Township Board of Supervisors. The term of office of Township Zoning Board members shall be three years or until their successors are duly appointed and qualified. Vacancies occurring shall be filled by the respective appointing authorities at the time such a vacancy does occur. The first Zoning Board appointed shall meet within thirty days after the establishing of this ordinance, organize, elect a chairman, a secretary and such other officers as may be appropriate. Thereafter, the Zoning Board shall establish regular meetings and procedures and shall call such special meetings as to their work and problems seem necessary. At the first meeting after the first of February of each year, the Township Zoning Board shall reorganize.

Section 2. Zoning Administrator.

The Zoning Administrator shall be the executing and administrating officer of the Township Zoning Board. He shall be appointed by the Zoning Board to serve at its pleasure and may be selected from the membership of the Board, although selection is not limited thereto.

Section 3. Authority of Township Zoning Board and Zoning Administrator.

A. The Township Zoning Board and Zoning Administrator shall have the right to enter any building, structure, land, place or premise at a time agreeable to the owner for the purpose of inspecting and examining the same.

B. Uses prohibited by these regulations, as well as reasonable variances and adjustments, may be permitted by issuance by the Township Zoning Board of a special use permit with appropriate limitations and conditions. No special use permit shall be issued until a public hearing on an application therefor has been held. Fifteen days notice of such hearing shall be given by publication in the official newspaper of Cass County, North Dakota. Action by the Township Zoning Board upon an application for a special use permit shall be taken within fourteen days of receipt of same by the clerk of the Township Board or any of the members of the Township Zoning Board.

C. Permits showing authorization and conformity with these regulations and ordinance shall be issued in suitable form under the authority of the Zoning Board.

Section 4. Fees.

- A. Fees for construction, reconstruction, or alteration shall be as follows:
 - a. All single family dwellings \$36.00.
 - b. Detached garages, barns and all other non-commercial buildings—\$10.00 plus \$1.00/thousand over \$10,000 in estimated costs.
 - c. Commercial or special use buildings—\$25.00 plus \$1.00 per thousand over \$10,000 of estimated cost.
 - d. Zoning administration reserves the right to determine acceptable estimated cost based upon current average building costs.
 - e. Non-compliance with permit regulations may cause additional charge of at least \$10.00 or more, as determined by the Board, to compensate the Zoning Administrator for his time.

Other Fees

Moving permit	10.00
Special Use Permit	25.00

The fee on filing of proposed plats shall be as follows:

Number of Lots	Fee
1-25	\$25.00
26-50	40.00
51-75	55.00
76-100	70.00
Over 100	70.00, plus \$0.30 per lot over 100

B. No permits as required by these regulations shall be issued until the fee or fees prescribed herein shall be paid, unless the Township Zoning Board has otherwise provided by resolution for a particular case.

C. Permit fees collected shall be used to defray any costs of the administration of these regulations and shall be placed in the custody of the township treasurer.

Section 5. Finances.

The Township Zoning Board shall prepare yearly a budget of anticipated costs and revenues and necessary appropriations from township funds. Said budget shall be submitted by February 15th of each year to the Board of Township Supervisors to be considered and approved and adjusted at the annual township meeting in March. The Township Zoning Board may expend the moneys authorized within the limits of said budget and revenues through appropriate resolution forwarded to the township clerk.

Section 6. Appeals.

Any person aggrieved by the provisions of any resolutions adopted hereunder, or by any order or determinations made by the Township Zoning Board, may within sixty days after the taking effect of such resolution, order or determination, petition for a hearing to the Board of Township Supervisors, which Board shall act as a Board of Appeals. Such petition shall be in writing, and shall specify in detail the grounds for the appeal.

Appeals shall be filed with the township clerk. The Board of Township Supervisors shall fix a date for a hearing, not less than ten or more than forty days after the appeal has been filed. Notice in writing of such hearing shall be given to petitioner at least five days prior thereto by the township clerk.

Within fifteen days after a hearing, the Board of Township Supervisors shall take formal action thereon, and shall mail by registered mail a copy of its order to the petitioner.

The Board of Township Supervisors may adjust the application or enforcement of any provision of a resolution hereunder in any specific case where literal enforcement would result in great practical difficulties, unnecessary hardships, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof.

Section 7. Violation of Regulations.

If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or if any building, structure, or land is used in violation of these regulations, the Board of Township Supervisors of Stanley Township may cause an appropriate action to be instituted:

- A. To prevent such erection, construction, reconstruction, alteration, repair, conversion or maintenance;
- B. To restrain, correct or abate such violations;
- C. To prevent the occupancy of the building, structure, or land; or
- D. To prevent any illegal acts, conduct, business, or use in or about such premises.

Section 8. Variances.

Variances from zoning requirements based upon special problems of the owners shall be considered by the Township Zoning Board. Reasonable variances which do not in effect constitute a rezoning of the property may be allowed by resolution directing a variance permit to be issued by the Zoning Administrator.

ARTICLE IX. NEW UTILITIES, ELECTRIC POWER LINES, ELECTRIC TRANSMISSION LINES, NATURAL GAS PIPE LINES, PETROLEUM PRODUCTS PIPE LINES, TELEPHONE LINES

Section 1.

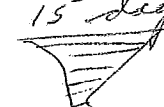
No new utilities, electric power lines, electric transmission lines, natural gas pipe lines, petroleum products pipe lines, or telephone lines shall be constructed, created, or established, and used without first submitting right-of-way plans, locations, sizes, and specifications of all proposed structures, poles, lines, and installations to the Township Board and securing a permit therefore signed by the chairman of the Township Board and verified by the clerk.

Section 2.

The Township Board shall consider the submissions provided for herein and, before authorizing the issuance of a permit, shall determine that the proposed utilities or lines do not interfere (a) with the orderly development of approaches to adjoining municipalities; (b) with the reasonable established future plans of adjoining municipalities; as well as (c) with the orderly development and safety of the township. If any modifications of said submissions appear necessary, such modifications shall be noted as a limitation on the permit and must be complied with, subject to the enforcing powers of the Township Zoning Ordinance.

Section 3.

The Township Board may, to promote the safety and the general welfare and to secure the orderly development of the township and of approaches to municipalities, create a separate plan of development for new utilities, electric power lines, electric transmission lines, natural gas pipe lines, petroleum products pipe lines, and telephone lines in conjunction with adjoining municipalities and with corporations and cooperatives authorized to function and do business relative to utilities, electric power lines, electric transmission lines, natural gas pipe lines, petroleum products pipe lines and telephone lines within the township. Such plan shall be established by creating a map showing the plan, and making the plan a part of this Zoning Ordinance through the usual procedure of amending ordinances.

upon industrial
~~at~~ ~~concrete~~
~~and~~ 15' deep

Pass resolution put on books
set date of hearing

1300 232-3007 -16- Public
Res 235-0073

VI