

REDWOOD COUNTY ZONING ORDINANCE
SECTION 34
AIRPORT ZONING ORDINANCE

TABLE OF CONTENTS

		<u>PAGE</u>
SUBDIVISION 1.	PURPOSE AND AUTHORITY	2
SUBDIVISION 2.	SHORT TITLE	2
SUBDIVISION 3.	DEFINITIONS	2
SUBDIVISION 4.	AIRPORT OBSTRUCTION ZONING	4
SUBDIVISION 5.	LAND USE SAFETY ZONING	6
SUBDIVISION 6.	AIRPORT ZONING MAP	8
SUBDIVISION 7.	NONCONFORMING USES	9
SUBDIVISION 8.	PERMITS	9
SUBDIVISION 9.	VARIANCE	10
SUBDIVISION 10.	HAZARD MARKING AND LIGHTING	11
SUBDIVISION 11.	AIRPORT ZONING ADMINISTRATOR	12
SUBDIVISION 12.	BOARD OF ADJUSTMENT	12
SUBDIVISION 13.	APPEALS	13
SUBDIVISION 14.	JUDICIAL REVIEW	14
SUBDIVISION 15.	VIOLATIONS, PENALTIES, AND REMEDIES	14
SUBDIVISION 16.	CONFLICTS	14
SUBDIVISION 17.	SEVERABILITY	15
SUBDIVISION 18.	EFFECTIVE DATE	15

REDWOOD COUNTY AIRPORT ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE REDWOOD FALLS MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE REDWOOD FALLS MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE BY REFERENCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE REDWOOD COUNTY BOARD OF COMMISSIONERS PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES §360.061 THROUGH §360.074, AS FOLLOWS:

SUBDIVISION 1. PURPOSE AND AUTHORITY

1. An airport hazard endangers the lives and property of users of the Redwood Falls Municipal Airport and of occupants of land in its vicinity, and may reduce the size of the area available for the landing, taking-off, and maneuvering of aircraft, thereby impairing the utility of the Redwood Falls Municipal Airport and the public investment therein.
2. The social and financial costs of disrupting existing land uses around the Redwood Falls Municipal Airport in built up urban areas, particularly established residential neighborhoods, often outweigh the benefits of a reduction in airport hazards that might result from the elimination or removal of those uses.
3. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the Redwood Falls Municipal Airport. It is therefore necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented and that this should be accomplished to the extent legally possible, by exercise of the police power, without compensation. The elimination or removal of existing land uses, particularly in established residential neighborhoods in built up urban areas, or their designation as nonconforming uses is not in the public interest and should be avoided whenever possible consistent with reasonable standards of safety. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

SUBDIVISION 2. SHORT TITLE

1. This ordinance shall be known as the “Redwood County Airport Zoning Ordinance”. Those sections of land affected by this ordinance are indicated on the Redwood Falls Municipal Airport Zoning Map attached hereto and adopted as part of this ordinance. Redwood County reserves the right to, from time to time, amend the attached map to conform to new or amended state or federal regulations or other statutory or regulatory changes.

SUBDIVISION 3. DEFINITIONS

1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms and phrases stated below shall have the following meaning:
 - A. “Airport” means the Redwood Falls Municipal Airport located in a portion of Section Thirty-Two (32) Township One Hundred Thirteen (113), North of Range Thirty-Five (35), West of the Fifth (5th) Principal Meridian, Redwood County, Minnesota.

- B. “Airport Elevation” means the established elevation of the highest point on the usable landing area which elevation is established to be 1,023 feet above mean sea level.
- C. “Airport Hazard” means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.
- D. “Board of Adjustment” means the Redwood County Board of Adjustment.
- E. “Dwelling” means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.
- F. “Height” - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the attached zoning map the datum shall be mean sea level elevation unless otherwise specified.
- G. “Instrument Runway” means a runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
- H. “Land Area” means the area of the airport used for landing, taking off, or taxiing of aircraft.
- I. “Landing Strip” means any grass or turf covered area of the airport specifically designated and used for the landing and/or takeoff of aircraft. This term shall have the same meaning throughout this Ordinance as does the term “Runway”.
- J. “Nonconforming Use” means any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment hereto.
- K. “Non-Instrument Runway” means a runway other than an instrument runway.
- L. “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.
- M. “Runway” means any paved surface of the airport which is specifically designated and used for the landing and/or takeoff of aircraft.

- N. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.
- O. "Structure" means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.
- P. "Tree" means any object of natural growth.
- Q. "Water Surfaces" - For the purpose of this Ordinance shall have the same meaning as land for the establishment of protected zones.

SUBDIVISION 4. AIRPORT OBSTRUCTION ZONING

1. Airspace Zones

- A. In order to carry out the purposes of this Ordinance the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

(1.) Primary Zone

- (a.) All that land which lies directly under an imaginary primary surface longitudinally centered on both runways and extending two hundred (200) feet beyond the end of the primary runway (12/30). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet for the primary runway (12/30) and two hundred fifty (250) feet for the secondary runway (5/23).

(2.) Horizontal Zone

- (a.) All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,173 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 10,000 feet for all runways.

(3.) Conical Zone

- (a.) All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

(4.) Approach Zone

- (a.) All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface.

- (1.) The approach surface of the primary runway (12/30) inclines upward and outward at a slope of 40 to 1, expanding uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.

- (2.) The approach surface of the secondary runway (5/23) inclines upward and outward at a slope of 20 to 1, expanding uniformly to a width of 2,250 feet at a horizontal distance of 10,000 feet, and then continuing at the same rate of divergence to the periphery of the conical surface.

(1.) Transitional Zone

- (a.) All that land which lies directly under an imaginary transitional surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the side of the primary surfaces and from the sides of the primary surfaces until they intersect the horizontal surface or the conical surface.

2. Height Restrictions

- A. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any airspace zone created in Subdivision 4(A) of this Ordinance so as to project into any of the imaginary airspace surfaces described in said Subdivision 4(A) hereof.

Where an area is covered by more than one height limitation, the more restricted limitations shall prevail.

3. Boundary Limitations

- A. For the purpose of promoting health, safety, order, convenience, prosperity, general welfare and for conserving property values and encouraging the most appropriate use of land, the local unit of government may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area may regulate by land use zoning for a distance not to exceed one mile from the airport boundary, and by height-restriction zoning for a distance not to exceed 1-1/2 miles from the airport boundary.
- B. Notwithstanding Subdivision 4, Subpart 3(A), if any airspace zones extend beyond the specified distances from the airport boundary as stated in Subdivision 4 Subpart 3(A), the rules and regulations for those specific zones will be enforced as written in subdivision 4 and subdivision 5 of this Ordinance.

SUBDIVISION 5. LAND USE SAFETY ZONING

1. Safety Zone Boundaries

- A. In order to carry out the purpose of this Ordinance, there are hereby created and established the following safety zone boundaries:
 - (1.) Safety Zone A
 - (a.) All that land in the approach zones of a runway extending outward from the end of the primary surface a distance equal to two-thirds the runway length. Safety Zone A for the primary runway would extend outward 2,666.67 feet from the end of the primary surface of the runway. The Safety Zone A for the secondary runway would extend 1,467.33 feet from the end of the primary surface of the runway.
 - (2.) Safety Zone B
 - (a.) All that land in the approach zones of a runway extending outward from safety zone A, a distance equal to one-third the runway length. Safety Zone B for the primary runway would extend outward 1,333.33 feet from the end of Safety

Zone A for the primary runway. The Safety Zone B for the secondary runway would extend 733.67 feet from the end of the Safety Zone A for the secondary runway.

(3.) Safety Zone C

- (a.) All that land which is enclosed within the perimeter of the horizontal zone and which is not included in Zone A or Zone B.

2. Use Restrictions

A. General

- (1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein, no use shall be made of any land in any of the safety zones defined in subdivision 5(1) herein which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off or maneuvering of aircraft.

B. Zone A

- (1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein and to the general restrictions contained in subdivision 5(2)(A)(1) herein, areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to agriculture, light outdoor recreation (non-spectator), cemeteries and auto parking.

C. Zone B

- (1.) Subject at all times to the height restrictions set forth in subdivision 4(2) herein, and to the general restrictions contained in subdivision 5(2)(A)(1) herein, areas designated as Zone B shall be used for the following purposes only:
 - (a.) For agricultural and residential purposes, provided there

shall not be more than one single family dwelling per three (3) acre tract of land.

- (b.) Any commercial or industrial use which meets the following minimum standards:
 - (1.) Each single commercial or industrial use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage;
 - (2.) Each single commercial or industrial site shall be of a size not less than three acres;
 - (3.) Each single commercial or industrial site shall contain no dwellings and shall contain no more than one building per three acre tract of land; and
 - (4.) The maximum ground area to be covered by a single commercial or industrial building shall not exceed the following minimum ratios with respect to the building site area:

At Least (Acres)	But Less Than (Acres)	Ratio of Site Area to 1 st Floor Bldg. Area	1 st Floor Building Area (sq. foot)	Max. Site Population (15 Persons/A)
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	And up	4:1	218,000	300

The following are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly.

D. Zone C

- (1.) Zone C is subject only to the height restrictions set forth in subdivision 4(2) herein, and to the general restrictions contained in subdivision 5(2)(A)(1) herein.

SUBDIVISION 6. AIRPORT ZONING MAP

- 1. Several zones and airport boundaries herein established are shown on the Redwood Falls Municipal Airport Zoning Map, prepared by The HNTB

Companies, attached hereto and made part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SUBDIVISION 7. NONCONFORMING USES

1. The regulations contained in this Ordinance are not retroactive from the date of enactment of this Ordinance. The regulations prescribed by this Ordinance shall not be construed as to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any land or structure, the use or construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

SUBDIVISION 8. PERMITS

1. Future Uses
 - A. Except as specifically provided in subdivision 8(A)(1) herein, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning administrator, hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - (1.) However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the prospective zone. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Ordinance as set forth in subdivision 4(B) and the Land Use Restrictions set forth in subdivision 5, or to permit the construction of any structure without first obtaining all permits required under the Redwood County Zoning Ordinance.

2. Existing Uses
 - A. Before any existing nonconforming tree or structure may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any zone established herein, a permit must be secured from the zoning administrator provided for herein. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when on the effective date of this Ordinance or any applicable amendment thereto or than it is when the application for a permit is made.
3. Nonconforming Uses Abandoned or Destroyed
 - A. Whenever the zoning administrator provided for herein determines that a nonconforming use or nonconforming structure or tree has been abandoned or more than fifty (50) percent torn down, deteriorated or decayed (1) no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations provided for herein and (2) whether application is made for a permit under this section or not, the zoning administrator may by appropriate action compel the owner of the nonconforming structure or tree, at the owner's expense, to lower, remove, reconstruct, or equip the object as may be necessary to conform to the provisions of this Ordinance. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order for ten business days after receipt of written notice of the order, the zoning administrator may proceed to have the object lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object of the land where it is or was located. Unless such assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of the object or land, the sum will bear interest at the rate of eight percent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SUBDIVISION 9. VARIANCE

1. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use the person's property in violation of this Ordinance may apply to the board of adjustment, hereinafter provided for, for a variance from the zoning regulations in question. Applications for a variance shall be made to board of adjustment through the office of the zoning administrator.
2. Applications for variances shall be allowed where it is duly found that a literal application or enforcement of this Ordinance would result in practical difficulty or

unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance. In addition any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this Ordinance.

3. On receiving notice that an airport zoning variance has been granted by reason of the failure of a board of adjustment to act on the variance as provided in Section 360.067, Subdivision 2, the commissioner shall review the application and may amend or rescind the variance on finding that this action is required to protect the public safety. No action of the commissioner pursuant to this subdivision shall be effective unless the commissioner notifies the applicant of that action within sixty (60) days after receiving notice that the variance was granted. Any action taken by the commissioner pursuant to this subdivision shall be subject to review by the courts as provided in section 360.072.

SUBDIVISION 10. HAZARD MARKING AND LIGHTING

1. Nonconforming Uses
 - A. The owner of any nonconforming structure or tree which existed prior to the effective date of this Ordinance is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the zoning administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards if such hazard marking and lighting is advisable to effectuate the purposes of this Ordinance and is reasonable in the circumstances. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner (i.e. the City of Redwood Falls), unless otherwise provided by law.
2. Permits and Variances
 - A. In granting any permit or variance under this Ordinance, the zoning administrator or board of adjustment may, if it deems such action advisable to effectuate the purposes of this Ordinance, and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the City of Redwood Falls, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SUBDIVISION 11. AIRPORT ZONING ADMINISTRATOR

1. It shall be the duty of the Redwood County Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Redwood County Zoning Administrator upon a form furnished by the zoning administrator or his/her designee. Permit applications shall be promptly considered and granted or denied by the zoning administrator or his/her designee. Variance applications shall be forthwith transmitted by the Redwood County Zoning Administrator for action by the board of adjustment hereinafter provided for.

SUBDIVISION 12. BOARD OF ADJUSTMENT

1. Establishment
 - A. The board of adjustment shall be the existing Redwood County Board of Adjustment.
2. Powers
 - A. The board of adjustment shall have and exercise the following powers:
 - (1.) To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance;
 - (2.) To hear and decide any special exceptions to the terms of this Ordinance upon which the board of adjustment may be required to pass under this Ordinance; and
 - (3.) To hear and decide specific variances.
 - (4.) To impose conditions in granting a request for a variance.
3. Procedures
 - A. The board of adjustment shall adopt rules for its governance and procedure in accordance with the provisions of this Ordinance. Meetings of the board of adjustment shall be held at the call of the Zoning Administrator or chair of the board of adjustment. The chair of the board of adjustment, or if absent, the acting chair, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately

be filed in the office of the Zoning Administrator and shall be a public record. For purposes of this section, “immediately” shall mean as soon as possible, but no later than fifteen (15) business days following the hearing.

- B. The board of adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it or in granting or denying a variance request which comes before it under the provisions of this Ordinance.
- C. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.
- D. All rules and procedures of the board of adjustment, unless otherwise stated herein, shall be consistent with Section 26 of the Redwood County Zoning Ordinance.

SUBDIVISION 13. APPEALS

1. Any person aggrieved, or taxpayer affected, by any decision of the zoning administrator made in the zoning administrator’s administration of this Ordinance may appeal to the board of adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the zoning administrator is an improper application of this Ordinance as it concerns such governing body or board.
2. All appeals hereunder must be taken within thirty days of the decision of the zoning administrator by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the zoning administrator’s opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed except by order of the board of adjustment after public hearing on notice to the zoning administrator and on due cause shown.
4. The board of adjustment shall hear the appeal within sixty days after the notice of appeal was filed. The board of adjustment shall give public notice and due notice

to the parties in interest, and shall render a decision on the appeal within thirty days of the hearing on the appeal. Any party may appear in person, by agent or by attorney at the hearing.

5. The board of adjustment may, in conformity with the provisions of this Ordinance and Minnesota law reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the zoning administrator.

SUBDIVISION 14. JUDICIAL REVIEW

1. Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a municipality or county, or any joint airport zoning board, which believes that a decision of a board of adjustment is illegal may appeal in accordance with Minn.Stat.Ch. 14 as amended.

SUBDIVISION 15. VIOLATIONS, PENALTIES, AND REMEDIES

1. Every person who shall construct, establish, substantially change, or substantially alter or repair any structure, use or existing structure or use, or permit the growth of any tree, without having complied with the provisions of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure, or permit the growth of any tree, except as permitted by such permit or variance, or who shall violate this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000, imprisonment for ninety (90) days, or both. Each day a violation continues to exist shall constitute a separate offense. In addition, the County may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this Ordinance or of any order or ruling made in connection with the administration or enforcement of this Ordinance, and the court shall adjudge to the plaintiff any such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Ordinance and of the regulations adopted and orders and rulings made pursuant thereto.

SUBDIVISION 16. CONFLICTS

1. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulations shall govern and prevail.

SUBDIVISION 17. SEVERABILITY

1. In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court of competent jurisdiction to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel, as to constitute a taking or deprivation of that property in violation of the Constitution of the State of Minnesota or the Constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

SUBDIVISION 18. EFFECTIVE DATE

This Ordinance or a summary of the Ordinance shall be published on February 7, 2005, in the Redwood Gazette, an official newspaper in Redwood Falls, Minnesota, and shall take effect at 12:00 A.M. on the 1st day of March, 2005. Any amendments or changes to this Ordinance shall only be effective when the requirements set forth by statute have been met. Unless otherwise specified, any such change or amendment shall be effective the day immediately following its approval by the Redwood County Board of Commissioners. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota, and the Register of Deeds in Redwood County and Renville County, Minnesota.

John Schueller, Chairperson, Redwood
County Board of Commissioners

Larry L. Bunting, Redwood County
Auditor-Treasurer