

**Cass County**

**Environmental Definitions**

**Ordinance #2007-04\*\***

EFFECTIVE DATE:

MAY 25, 2007

**\*\*--Incorporating Amendments made by:**

**Ordinance #2009-03**  
EFFECTIVE DATE: March 1, 2009

# **Cass County Environmental Definitions Ordinance**

## **1.1 Article 1 – General**

### **1.2 Short Title**

This Ordinance shall be known and may be cited as the *Cass County Environmental Definitions Ordinance*, except as referred to herein, where it shall be known as *this Ordinance*.

### **1.3 Purpose**

The purpose of this Ordinance is to establish a set of definitions applicable to the Land Use Ordinance, Adult Entertainment Ordinance, Feedlot Ordinance, ISTS Ordinance, Subdivision Ordinance, Wetland Ordinance and the Solid Waste Ordinance.

### **1.4 Meaning of Definitions**

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of the above mentioned ordinances in 1.3, have the meanings indicated. All words and phrases not defined in this Ordinance shall have their common meaning.

### **1.5 Tenses**

When used in this Ordinance, the present tense includes the future, the singular includes the plural and words of one gender include the other as may be applicable. The word *shall* is mandatory. The word *use* includes designed for use.

### **1.6 Illustrations**

Illustrations are provided for purposes of describing, clarifying, or providing examples of the definitions in the text and do not replace or limit the meaning of the text.

### **1.7 Repealor**

All definition in the current versions of the Cass County Land Use Ordinance, Adult Entertainment Ordinance, Feedlot Ordinance, ISTS Ordinance, Subdivision Ordinance, Wetland Ordinance and the Solid Waste Ordinance are hereby repealed.

## 1.8 Definitions

**Abandoned:** Any item which has ceased to be used for its designed and intended purpose. The following factors, among others, may be considered in determining whether or not an item has been abandoned:

1. Present operability and functional utility;
2. The date of last effective use;
3. The condition of disrepair or damage;
4. The last time an effort was made to repair or rehabilitate the item;
5. The status of registration or licensing of the item;
6. The age and degree of obsolescence;
7. The cost of rehabilitation or repair of the item versus its market value; and,
8. The nature of the area and location of the item.

**Abate:** To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Department shall determine is necessary in the interest of the general health, safety and welfare of the community.

**Access Lot:** A parcel of land intended or used to provide accesses to public waters for owners of riparian lots within a subdivision.

**Access Path.** An area within a shoreland alteration area designated to provide pedestrian ingress and egress to a lake or river.

**Accessory Structure:** A structure which is subordinate to and serving the principal structure, does not include living quarters, and customarily incidental to the land use district in which the structure is located.

**Accessory Use:** A land use which is subordinate to and serving the principal use and customarily incidental to the land use district in which the use is located.

**Addition:** Any construction which increases the size of a building such as a porch, basement, attached garage or carport, or a new room

**Administrator:** The Cass County Administrator acting as executive officer to the Cass County Board of Commissioners.

**Adult Body Painting Studio:** An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "Specified anatomical areas".

**Adult Book Store:** An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio tapes, video tapes, computer or video disks, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty ( 20) per cent of the useable floor area of the establishment, building, or business, or if at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas".

**Adult Cabaret:** An establishment, building or business that provides dancing or other live entertainment if such dancing or live entertainment is distinguished or characterized by an emphasis on the performance or presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

**Adult Car Wash:** A wash facility for any type of motor vehicle that allows employees, agent, independent contractors or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas".

**Adult Companionship Establishments:** An establishment of business, if such establishment excludes minors because of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

**Adult Entertainment:** Adult entertainment encompasses all adult uses and sexually oriented businesses, defined in Cass County's Ordinance for the Regulation of Adult Uses and Sexually Oriented Business.

**Adult Entertainment Facility:** A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentations of entertainment distinguished by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Establishment:** An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices, either:

1. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operator of such business; or
2. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas".

Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels and adult body painting studios.

**Adult Hotel or Motel:** A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Massage Parlor, Health/Sport Club:** A massage parlor or health/sport club that restricts minors because of age or law, which provides the services of massage if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

**Adult Mini-Motion Picture Theater:** A business, building or establishment in an enclosed building with a capacity for less than fifty (50) persons used for the presenting of visual media material if such business as a prevailing practice excludes minors by virtue of age, or law, or if said material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patron.

**Adult Modeling Studio:** An establishment or business whose major business is the provision to customers of figure models who are provided with the intent of providing sexual stimulation or sexual gratification to such customers who engage in "specified sexual activities" or "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

**Adult Motion Picture Arcade:** Any building or place to which the public is allowed or invited in which coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices that show images to give or fewer persons per machine at once, and characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

**Adult Motion Picture Theater:** A business premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said business as prevailing practice excludes minors by virtue of age, or if the material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

**Adult Novelty Business:** A business that has as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or which relate to "specified sexual activities" or "specified anatomical areas".

**Adult Sauna/Steam Room/Bathhouse:** A business that excludes minors because of age, or which provided a steam bath or heat bathing room used for bathing, pleasure, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

**Adult Uses:** Adult body painting studios, adult book stores, adult car wash, adult hotels or adult motels, adult motion pictures theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed or registered persons. Activities classified as obscene are defined by Minnesota Statutes Section 617.241 are not lawful and are not included in the definitions of adult uses.

**Adult Use-Accessory:** The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

**Adult Uses-Principal:** The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

**Agency:** The Minnesota Pollution Control Agency, its agent or representative

**Agent:** Any person or persons acting on behalf of a landowner in dealing with activities under the jurisdiction of this ordinance.

**Agricultural Easement:** A restrictive covenant placed on residential developments adjacent to agricultural land waiving all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent land

**Agricultural Structure:** Any structure existing or erected which is used principally for agricultural purposes.

**Agricultural Use:** Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

1. Chemical and fertilizer spraying
2. Farm machinery noise
3. Extended hours of operation
4. Storage and spreading of manure and biosolids under state permit
5. Open storage of machinery
- 6 Odors produced from normal farm activities
7. On farm marketing of farm products

**Air Contaminant:** The presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from

or exceeding in concentration the natural components of the atmosphere.

**Air Pollution:** The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with enjoyment of life or property.

**Airport, Private:** A privately-owned area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Alley:** Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

**Animal Boarding:** The caretaking for hire of domestic pets owned by persons other than the occupants of a subject property which does not constitute a public nuisance.

**Animal, Domestic:** Any animals commonly kept as household pets such as dog or cats.

**Animal, Farm:** Cattle, hogs, horses, sheep, goats, chickens and other animals commonly kept for food production or other purposes.

**Animal Unit:** A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

	Animal Unit (A.U.)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55#	0.4
1 sheep	0.1
1 swine under 55#	0.05
1 turkey	0.018
1 chicken	0.01

**Animal Waste:** Poultry, livestock, or other animal manure or a mixture of manure with feed, bedding, or other materials.

**Animal, Wild or Exotic:** Any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristics would constitute a dangerous threat to human life, property or domestic animals including but not limited to venomous reptiles; bird species illegal to own under federal or state law; and mammals including but not limited to lions, tigers, jaguars, leopards, cougars, and bears.

**Apartment:** A room or suite of rooms, including bath and kitchen facilities, in a multiple-family or commercial building, designed for occupancy by a single family.

**Applicant:** The owner of land proposed to be subdivided or his designated representative.

**As-Built, ISTS:** Drawings and documentation specifying the final in-place location, size and type of all ISTS components. These records identify the results of materials testing and describe conditions during construction. As-Built shall contain a certified statement.

**As Built, Development:** A graphic representation of the actual constructed dimensions, areas, property configurations, improvements, and features of a development.

**Attractive Nuisance:** Any condition, instrument or machine that is unsafe, unprotected and may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors.

**Auditor-Treasurer:** The County Auditor-Treasurer of Cass County, Minnesota or the authorized representative.

**Auto or Motor Vehicle Reduction Yard:** A lot or yard where one (1) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale as scrap, storage, or abandonment. (See also Salvage yard).

**Backyard Compost Site:** A site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

**Basement:** The space, 4 feet or greater in height, below the first story of a structure.

**Bed and Breakfast:** An owner-occupied single family residential structure used in part as rental units for lodging and providing one or more meals as part of the rental fee.

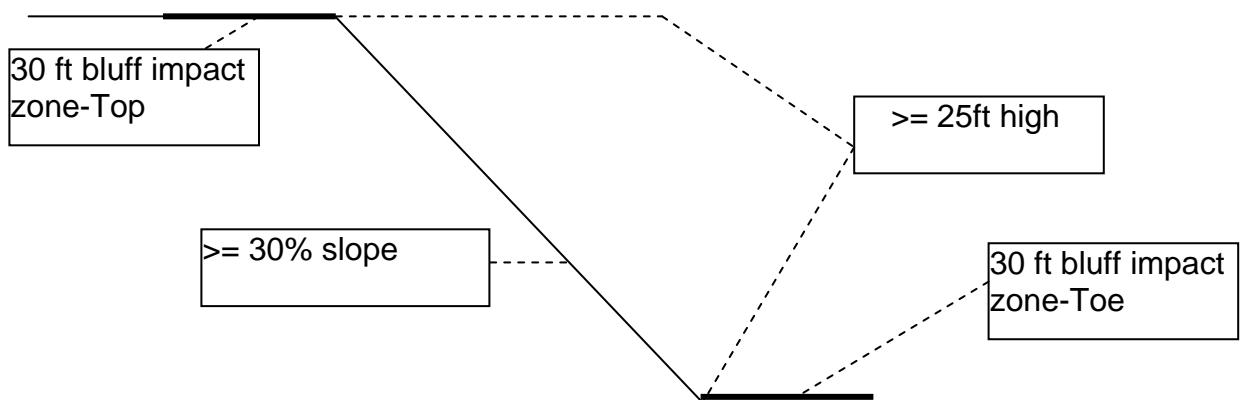
**Bedroom:** Any room or unfinished area within a residential structure dwelling that might reasonably be used as a sleeping room.

**Best Management Practices:** Erosion and sediment control and water quality management practices that are the most effective and practical means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices that are adopted by Cass County..

**Block:** A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of a subdivision.

**Bluff:** A topographic feature located either part or fully in the shoreland area and having the following characteristics

1. The slope shall rise at least 25 feet vertically above the toe of the bluff
2. The grade of the slope from the toe of the bluff to a point 25 feet or more above
3. the toe of the bluff averages 30 percent or greater, and;
4. The slope of the bluff must drain towards a public water
5. Part or all of the feature is located in a shoreland area



**Bluff, Toe:** For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 10 foot segment, measured on the ground, which has an average slope of 18 percent, or is the OHW,

whichever is higher.

**Bluff, Top:** For the purpose of measuring setbacks, the point at the upper end of a bluff that is the upper end of a 10 foot segment, measured on the ground, which has an average slope of 18 percent.

**Bluff Impact Zone:** A bluff as described above and land located within thirty (30) feet inland of the top and thirty (30) feet lakeward from the bottom of the bluff.

**Board:** The Board of Water and Soil Resources under Minnesota Statutes, section 103B.101.

**Board of Adjustment:** The Cass County Board of Adjustment as described in Minnesota Statutes, Section 394.27.

**Boardwalk:** A permanent elevated structure intended to provide pedestrian access to a lake or river where a wetland is present and no other access point is available.

**Boat Access:** A ramp, road, or other conveyance which allows the launching and removal of a boat with a vehicle and trailer.

**Boat House:** A structure designed and used solely for the storage of boats or boating equipment and located within the structure setback area from Public waters.

**Boulevard:** The portion of the street right-of-way between the curb line and the property line.

**Boundary Survey:** A survey made to establish or to re-establish a boundary line on the ground in order to obtain data which is represented in a Certificate of Survey

**Breezeway:** A roofed passage connecting two or more buildings.

**Brush Disposal Facility:** A site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.

**Buffer Strip:** Land area used to visibly separate one use from another or to screen or block structures, noise, and lights, etc.

**Buildable Area:** The minimum required area remaining on a newly created parcel of land or platted lot after all public road rights-of-way, road easements, setbacks, bluffs, and wetlands are subtracted.

**Buildable Lot:** A lot having sufficient size to meet the minimum square footage, buildable area, width standards, and setbacks in the Cass County Land Use Ordinance.

**Building:** Any structure used or intended for storage, shelter or occupancy.

**Building Line:** A line parallel to a lot line or the ordinary high water mark level at the required setback beyond which a structure may not extend.

**Building-Principal:** A building or structure in which is conducted the primary use of the lot on which said building or structure is situated.

**Business:** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

**Cabin, Camping:** Any commercial structure constructed, placed, or used as temporary shelter of visitors, tourists, campers, or campground users which is designed and used strictly for shelter, not including

pressurized water or bathroom facilities.

**Cabin, Resort:** Any commercial structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure which may include sleeping accommodations, kitchen facilities, pressurized water, and bathroom facilities.

**Camping Area, Recreational:** Any commercial area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents or recreational vehicles

**Canister System:** A facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler.

**Cemetery: Public:** and private cemeteries as defined in Minnesota Statutes, Chapter 306.

**Cemetery, Unplatted:** Any human remains or burials found outside of platted, recorded, or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.

**Certificate Of Compliance, ISTS:** A document from a licensed sewage treatment inspector fully licensed by the State of Minnesota or a qualified employee provided to the owner of property on which a residential structure is located which is required to have an ISTS and to Cass County, indicating that said ISTS is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.

**Certificate of Survey:** A graphic representation of any parcel, tract, or lot of real property whose primary purpose is to show the results of a boundary survey which is certified and signed by a licensed surveyor.

**Church:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**City:** A home rule charter or statutory city.

**Club or Fraternal Organization:** A non-profit organization catering exclusively to members and their guests.

**Clustering/Cluster Housing:** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

**Commercial Hauler:** Any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

**Commercial Recreation:** All uses such as bowling alleys, cart tracks, golf courses, pool halls, vehicle racing or amusements, dance halls, skating rinks, taverns, theaters, fire arm ranges, boat rentals, amusement rides, wildlife parks, and casinos that are privately owned and operated with the intention of earning a profit by providing recreation to the public.

**Commercial System:** An individual sewage treatment system designed to treat waste that is from anything other than a residential structure or their accessory structures.

**Commercial Use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**Commissioner:** The State Commissioner, Department of Natural Resources, State of Minnesota or the authorized representative.

**Common interest community:** Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

**Compliance Inspection:** Any evaluation, investigation, inspection, or other such process to make conclusions, recommendations, or statements regarding an individual sewage treatment system to reasonably assure an individual sewage treatment system is in compliance as specified under part this Ordinance. Compliance inspections must be conducted by a State-licensed Inspector with a D1 and/or inspector certification, independent of the owner and the installer.

**Composting:** The controlled microbial degradation of organic waste to yield a humus-like product.

**Compost Facility:** A site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product.

**Comprehensive Plan:** The plan for the orderly growth of Cass County as adopted and amended by the Planning Commission and the County Board. This includes the group of maps, charts and texts that make up the comprehensive long range plan of Cass County.

**Conditional Use:** A use that may be appropriate in a given zoning district but which requires special planning considerations in each instance and which will only be allowed in a specific location under conditions specified by the Cass County Land Use Ordinance and the Planning Commission

**Condominium:** A form of individual ownership with a multi-family building or development with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

**Conservation Development:** A method of subdivision characterized by common open space and compact residential structure unit lots that may or may not be clustered. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.

**Construction Activity.** Construction activity includes construction activity as defined in 40 C.F.R. part 122.26(b)(14) and small construction activity as defined in 40 C.F.R. part 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating.

**Controlled Access Lot::** Any lot which is designated by dedication, easement, or other recorded instrument for use by landowners within a plat as a means to gain access to public water.

**Conventional Development:** A method of subdivision characterized by limited open space and lots that are spread evenly throughout a parcel in a lot and block design. Conventional developments have a one primary residence per lot configuration.

**Conveyance:** The sale and every other method, direct or indirect, of disposing or parting with real property, or with an interest therein which requires the filing of a Certificate of Real Estate Value, or involves the establishment of an irrevocable trust.

**County:** Cass County, Minnesota

**County Attorney:** The County Attorney of Cass County or the authorized representative.

**County Board:** The Cass County Board of Commissioners

**County Surveyor:** The County Surveyor of Cass County, Minnesota, or the authorized representative.

**Cover:** Material that is periodically spread and compacted on the top and side slopes of compacted solid waste to control fire, Infiltration, and erosion.

**Crawl Space:** The space below the first story of a structure not more than 4 feet high and not intended for human habitation.

**Day:** Working days when used in a time period of 15 days or less and calendar days when used in a time period greater than 15 days. The day of the event shall not be used in counting any period of time.

**Deck:** A horizontal, unenclosed platform which may or may not be permitted to have attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground level.

**Demolition Debris:** Means solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos debris.

**Demolition Debris Landfill:** An area of land used for the disposal of demolition debris.

**Density, Licensed Resort:** The total structure footprint allowed on a licensed resort parcel.

**Density, Residential:** The number of dwelling units residing upon, or to be developed upon a parcel of land.

**Department:** The Cass County Environmental Services Department (ESD) or its designated agent.

**Design Standards:** The specifications applicable to land owners or subdividers for the preparation of sketch plans or plats, both preliminary and final, indicating among other things the optimum minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.

**Development Objectives:** The goals determined from time to time in plan or policy form as part of the County's Comprehensive Planning Program that indicates how the County wishes to develop itself in line with orderly and logical growth.

**Development Plan:** A plan showing the proposed use of property and indicating such things as location of existing and proposed buildings, sewage systems, utility and drainage easements, and bluffs.

**Director:** The Director of the Cass County Environmental Services Department.

**Dismantled:** That from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

**District:** Any section in Cass County for which the regulations governing the use of buildings and land or the height and area of buildings are uniform.

**Dock:** A platform extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

**Drainage Course:** A watercourse or indenture for the drainage of water, whether man-made or provided by nature.

**Driveway:** See Road, Driveway

**Duplex:** A structure on a single lot, having two dwelling units, respectively and being attached by common walls and having each dwelling unit equipped with separate sleeping, cooking, eating, living, and sanitary facilities.

**Dwelling:** See Residential Structure

**Dwelling Site:** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicles.

**Dwelling Unit:** Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including the following:

1. Single family Detached—A residential structure designed for or occupied exclusively by one family, not attached to another
2. Single Family Attached—A residential structure containing two or more separate dwelling units with a common wall, including:
  - a. Twin Home: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities
  - b. Townhouse: A one-family residential structure attached to two or more one-family residential structure by a common vertical wall
- 3 Multiple Family—a type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units, with housekeeping and cooking facilities for each.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, wetlands, ponding areas, storm sewer or storm drainageways and gas lines. An easement may also be granted for such uses as recreational trails, vehicular access, natural resource protection or management, limiting development, and similar uses.

**Employee:** A person working for hire other than the occupants of a residential structure.

**Energy Power System:** Any combination of energy producing system(s).

**Engineer:** The County Highway Engineer of Cass County, Minnesota, or the authorized representative.

**Environmental Services Department Advisory Committee:** A 5-member citizen committee appointed by the County Board to assist the Department with policy development and ordinance review.

**Environmental Services Department (ESD OR DEPARTMENT):** The Environmental Services Department of Cass County, Minnesota, or the authorized representative.

**Equipment, Electric Generation:** Devices which by themselves are incapable of supplying power in a useable format.

**Erosion Control:** Best management practices implemented to minimize the mobilization of sediment by runoff or in the air due to wind.

**Erosion Prevention.** Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

**ESD:** The Cass County Environmental Services Department

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal department or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings or transmission services) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare

**Existing Violation:** Any on-going or completed activity which is not permitted under any Cass County Ordinance or pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201 - 103F.221, Minnesota Rules, Parts 6120.2500 - 6120.3900, and Minnesota Statutes, Chapter 394.

**Extractive Use:** The use of land for surface or subsurface removal and sale or compensation of sand, gravel, quarried or loose rock, industrial minerals, other nonmetallic minerals, topsoil, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

**Facility, Electric Generation:** Any energy power system(s) that is/are connected to a public electrical system on a per connection basis.

**Failing System:** Any ISTS that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in part 7080.0060, subpart 3. In addition any system posing an imminent threat to public health or safety as defined in MN.RULES 7080.0020 Subp.19a shall be considered failing.

**Family:** One(1) or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three (3) persons not so related by maintaining a common household and using common cooking and kitchen facilities.

**Family Compound:** Two or more residential structures and associated accessory structures on the same lot used and managed jointly by members of a family.

**Farm:** A lot or lots which are principally used for agricultural use. Such farms may include residential structure and agricultural accessory buildings and structures necessary to the operation of the farm.

**Farmstead:** A development area designed and arranged to support farm activities. A variety of structures, storage area, and other facilities, including adjacent windbreaks and shelterbelts, typically comprise a farmstead. The area may contain one or more Farm Dwellings. A feedlot may be present within the defined area of a Farmstead, but for the purpose of this Ordinance, Feedlots shall not be considered to be part of a Farmstead. A Farmstead has boundaries which can be approximately defined and differentiated from surrounding fields and pastures, and the Department shall determine such boundaries as necessary.

**Feedlot:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these parts.

**Feedlot, Existing:** Any feedlot at the time of enactment of this ordinance.

**Feedlot, New:** A feedlot constructed and operated on a site where no feedlot existed previously, or where a pre-existing feedlot has been abandoned or unused for a period of five (5) years or more.

**Fence, Partition:** An artificially constructed barrier on or within 5 feet of a property boundary.

**Filling:** An act of depositing any earthen material.

**Filter strip:** The use of land topography and native vegetation to provide runoff, erosion, and sedimentation control.

**Final Plat:** A drawing or map of a subdivision showing the official plat to be filed in the office of the County Recorder according to Minnesota Statute, Chapter 505 and Amendments and the subdivision regulations of Cass County.

**Final Stabilization.** Completion of all soil disturbing activities at the site and a uniform perennial vegetative cover has been established.

**Flood:** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

**Flood Frequency:** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Floodplain:** The areas adjoining a watercourse or water basin which has been or hereafter may be covered by a regional flood.

**Flood-proofing:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**Floodway:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge

**Footprint:** The land surface area occupied by a structure.

**Forest Land Conversion:** The cutting of forested lands to prepare for a new land use other than re-establishment of subsequent forest stand.

**Forest Management:** The management of land for forest, woodland, or plantation uses for one or more of the following purposes:

- 1) to establish and maintain timber resources;
- 2) to harvest timber, including the selling of firewood;
- 3) to establish and maintain healthy and well-balanced forest;
- 4) to establish and maintain wildlife diversity and habitat for game and non-game species;
- 5) to provide outdoor recreation activities; and 6) to protect soil and water resources.

**Garage:** An accessory structure which is only intended and used for vehicles and storage, and not a residential structure as defined herein.

**Gazebo:** A free standing accessory structure with no kitchen, sleeping, sanitary facilities, or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.

**Government Subdivisions:** A full government subdivision or a government lot, or a simple fractional part--increments of one half or one quarter of a full government subdivision.  
A simple quantity part of a full government subdivision such as twenty acres, two hundred feet, ten chains, and similar quantities.

**Grading:** Changing the natural or existing topography of land.

**Ground Water:** The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

**Group Care Facility:** A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.

**Guest Quarters:** A structure used as a dwelling unit that may have one or more of the following: sleeping spaces, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**Harbor:** An inland or offshore area protected from waves which is intended for the mooring of watercraft.

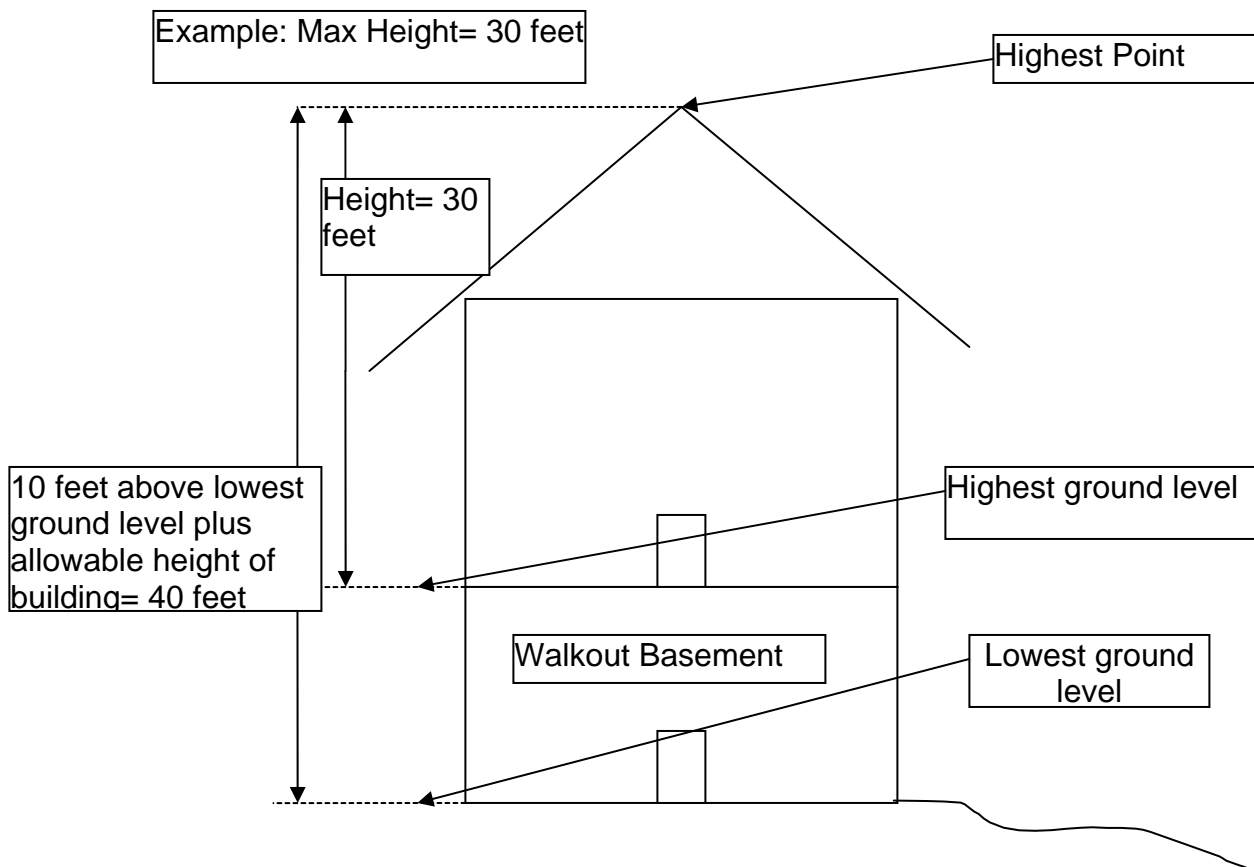
**Hardship:** As used in connection with the granting of a variance means the property in question cannot be put to reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

**Hazardous Waste:** Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

**Height of Structure:** The vertical distance between the mean natural grade at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest gable of a pitched or hipped roof.



**High Strength Waste:** Septic tank effluent that is higher than residential strength waste.

**Highway:** Any hard-surfaced thoroughfare or vehicular right-of-way with a federal, state, county, or township numerical route designation.

**Holding Tank:** A tank for storage of sewage until it can be transported to a point of approved treatment and disposal.

**Home Business:** A use of a residential property for a commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence.

**Home Occupation:** A use of a primary residence for a commercial use by the inhabitants thereof.

**Horticulture:** Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

**Hotel:** A building, structure, or enclosure, or any part thereof kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public for periods generally of one week or less.

**Household:** A single detached dwelling unit or a single unit of a multiple dwelling unit.

**Household Hazardous Waste:** Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

**Hydric Soils:** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**Hydrophytic Vegetation:** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**Impervious Surface.** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

**Incorporation:** The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

**Individual Sewage Treatment System (ISTS):** A sewage treatment system, or part thereof, serving a residential structure, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

**Industrial Waste:** Solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream.

**Infectious Waste:** Waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless materials have been rendered noninfectious by procedures approved by the Minnesota Commissioner of Health, infectious waste includes:

1. All wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease.
2. Bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact

with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as in infectious.

3. All infectious anatomical waste, including human and animal parts or tissues;

4. infectious sharps or needles;

5. laboratory and pathology waste of an infectious nature; or

6. any other waste, as defined by the Minnesota Commissioner of Health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items 1 to 5.

**Injected:** When manure is mechanically injected or tilled into the soil during the manure application.

**Inspector:** An individual qualified to review proposed site evaluations, designs and inspect ISTS. The individual shall meet the licensure and registration requirements of the Minnesota Pollution Control Agency.

**Intermediate Solid Waste Disposal Facility:** A facility for the preliminary disposal of solid waste including, but not limited to transfer stations, canister sites, incineration facilities, compost sites, recovery or recycling facilities, reduction facilities and shredding facilities.

**Junk:** Scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, nonferrous material, inoperable automobiles, farm and construction machinery and parts thereof.

**Junk Yard:** See Salvage Yard

**kennel:** Any structure or premises in which four (4) or more pets are kept for sale, breeding, profit or similar uses.

**Lake, General Development:** Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development.

**Lake, Natural Environment:** Generally small and often shallow lakes with limited capacities for assimilating the impacts of development and recreational use.

**Lake, Recreational Development:** Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them.

**Land Disposal Facility:** Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land in a safe and environmentally sound manner.

**Land Reclamation or Land Restoration:** The process of the re-establishment of acceptable topography, slopes, vegetative cover, soil stability and conditions appropriate to the subsequent reuse of the land.

**Land Spreading:** The placement of septage or human waste from septic or holding tanks on or into the soil surface.

**Land Use Amendment:** A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

**Land Use District:** An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

**Land Use Ordinance:** The guidelines established in the most recent version of the Land Use Ordinance for Cass County, Minnesota.

**Land Use Permit:** Any permit required by the County prior to beginning a particular business, endeavor, development, or any other activity regulated by the County through any ordinance.

**Leachate:** Liquid that has percolated through refuse and may have extracted, dissolved or suspended materials from it.

**Licensee:** A person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

**Licensed Family Day Care, Licensed Group Family Day Care, Licensed Child Care Center:** A facility holding a license from Cass County or Minnesota pursuant to Minnesota Statutes, chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

**Licensed Professional Land Surveyor:** Any person who practices land surveying and is licensed as a land surveyor by the State of Minnesota under Minnesota Statutes 326.

**Light manufacturing:** The use of land or buildings for the commercial production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

**Liquid Manure:** Manure which is four percent solids or less.

**Livestock Waste Lagoon:** A diked, water tight enclosure designed to contain livestock wastes. Livestock waste lagoons are considered accessory structures for the purpose of this ordinance.

**Lot:** A parcel of land designated by plat, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation that is recorded in the Office of the County Recorder.

**Lot Area:** Square footage or acreage included within the boundaries of a parcel or platted lot.

**Lot, Corner:** A lot situated on the intersection of two (2) thoroughfares

**Lot Coverage:** The part or percentage of impervious surface coverage.

**Lot Frontage:** A minimum dimension of a lot lying along and abutting a road, lake, river, or other physical feature as required by the Land Use Ordinance for Cass County, Minnesota.

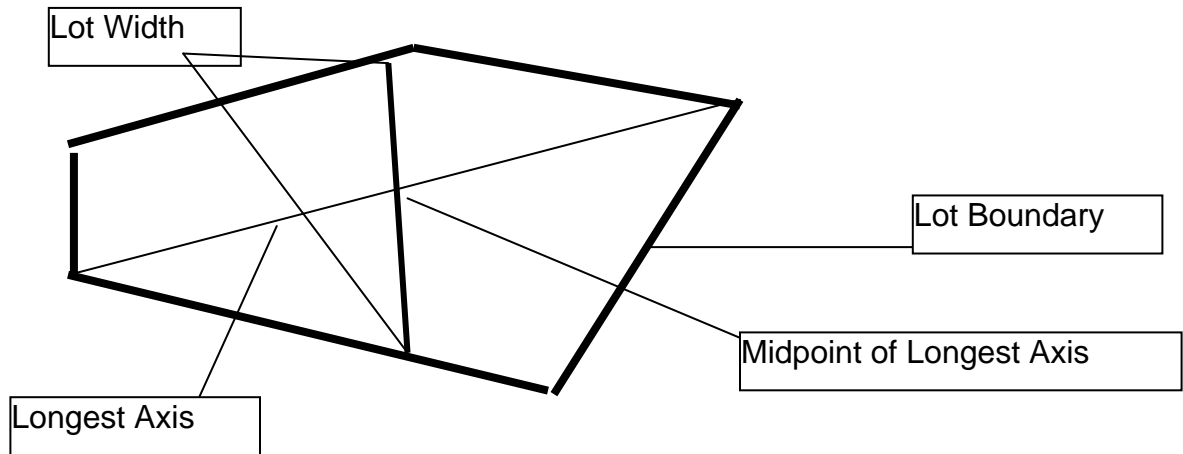
**Lot Improvement:** Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

**Lot Line:** The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the public right-of-way shall be the lot line for applying this ordinance.

**Lot, Nonconforming:** A lot or parcel of land for which a deed has been recorded in the office of the Cass County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.

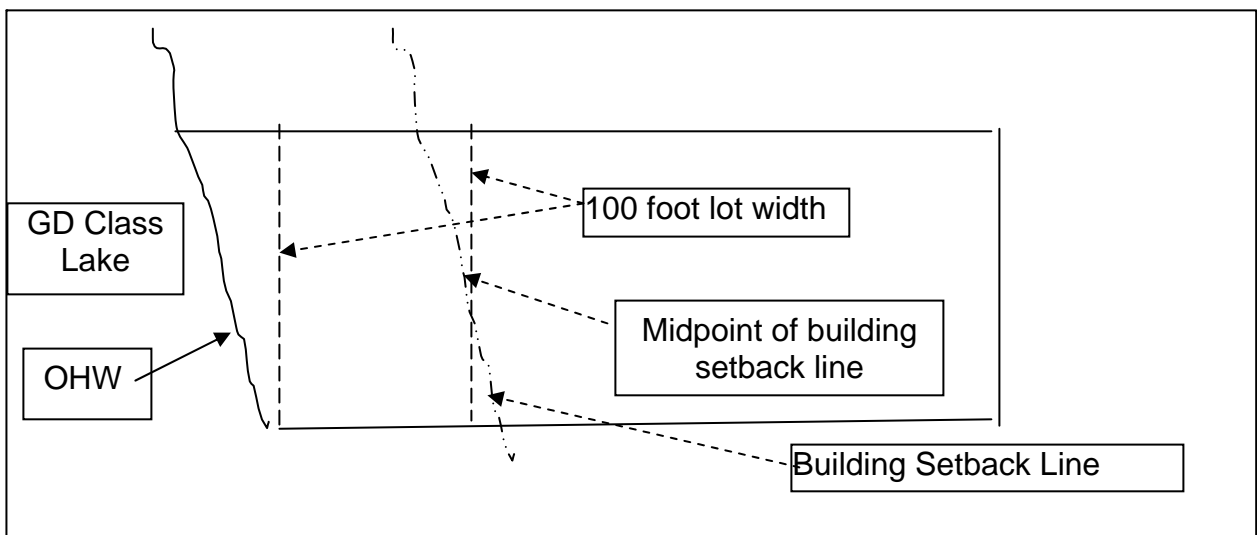
**Lot of Record:** A lot that has been recorded in the Office of the County Recorder.

**Lot Width, Non-Riparian:** The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot.



**Lot Width, Riparian:** The minimum distance between:

- 1) Side lot lines measured at the midpoint of the building setback line; and
- 2) The minimum distance between side lot lines at the ordinary high water level



**MPCA:** Minnesota Pollution Control Agency.

**Maintenance:** Normal upkeep of a structure to include the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain

**Manufactured Housing:** A structure transportable in one or more sections, which in the travel mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a residential structure dwelling with or without a permanent foundation.

**Manufactured Housing Park:** Any lot upon which two or more manufactured homes are located, either free of charge or for compensation and includes any building, structure, tent vehicle or enclosure used or intended for use as part of the equipment of the manufactured housing park.

**Manure storage structure:** Diked or excavated structure lined with a concrete or synthetic liner, or a concrete tank in which manure is stored.

**Marina:** Either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes, wherein commercial ancillary services common to marinas are provided.

**Metes and Bounds:** A description of a tract, lot, or parcel of land by course and distance, by reference to natural or artificial monuments, or any other method or means.

**Minor:** Any person under the age of eighteen (18) years.

**Mixed Municipal Solid Waste:** Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, used oil, white goods and other materials collected, processed, and disposed of as separate waste streams.

**Mobile Home:** (See Manufactured Housing).

**Model:** The Cass County Wetland Functional Assessment Model which will serve as the local wetland plan in accordance with Minn. Stat. § 103G.2243 and Minn. R. 8420.0650 and which is herein adopted by reference.

**Monitoring Point:** Any installation used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.

**Motel:** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor and which is designed, used or intended to be used primarily for the accommodation of transient guests.

**Motor Vehicle:** An automobile, truck, and any other vehicle propelled or driven otherwise than by muscular power, not including railways.

**Motor Vehicle Sales:** An area, enclosed or otherwise, for the purpose of displaying motor vehicles for sale, trade, or other transfer of ownership.

**Motor Vehicle Service Station:** A place for 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.

**Municipality:** A city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.

**National Pollutant Discharge Elimination System(NPDES).** The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402 and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342 and 1345.

**NRCS:** Natural Resources Conservation Service.

**Natural Drainageway:** All land surface areas which by nature of their contour or configuration, collect, store and channel surface or runoff water.

**Nonconformity:** Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not permitted to become established under the terms of the official controls as now written

**Non-compliant ISTS:** see failing system

**Non-Farm Dwelling:** Any dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

**Non-Public:** Those unincorporated areas of Cass County which are not under federal, state, county, or tribal ownership or management.

**Non-Riparian Lot:** A lot that does not abut public waters of the State of Minnesota.

**Non-Ruminant:** Monogastric animals, including swine, chickens, turkeys, and ducks that have a simple digestive tract that is unable to digest forages.

**Non-Shoreland Area:** Those unincorporated areas of Cass County which are not shoreland as defined herein.

**Notice Of Noncompliance:** A document written and signed by a State Licensed Inspector after a compliance inspection which gives notice that an individual sewage treatment system is not in compliance as specified under part Minnesota Rules, Chapter 7080.0060.

**Nudity:** The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the coverage male genitals in a discernibly turgid state.

**Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**Odor Management Plan:** Plan detailing any system or practice designed to reduce the migration of hydrogen sulfide and other gasses released by animal manure from a manure holding facility or manure application site.

**Offices, Business:** A building in which business of a non-retail and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses.

**Offices, Professional:** A building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists and psychologists offices; architectural, engineering, planning and legal offices; and similar uses.

**Official Map:** The map established by the County in accordance with the County Planning Act (MS 394.361).

**Official Monument:** A certified public land survey corner, or corner shown in a record plat that is based on certified public land survey corners.

**Off-Street Loading Space:** A space accessible from a street or alley for loading and unloading merchandise or materials. Such space shall be of a size as to accommodate one vehicle of the type typically used in that particular business.

**Open Burning:** Burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

**Open Dump:** A land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vermin, and scavengers.

**Open Sales Lot:** Any land used or occupied for the purpose of buying and selling any goods, materials, or

merchandise and for the storing of same under the open sky prior to the sale.

**Open Space, Common:** A portion of a development site that is permanently set aside to preserve unprotected elements of the natural landscape and to provide areas for public or private use. Common open space may be held in common ownership by all individual owners within a development or some other permanently established management entity, and is encumbered by a conservation easement that prohibits development and prescribes allowable uses.

**Open Space Recreational Uses:** Any recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

**Operations:** Any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.

**Operator:** The person responsible for the overall operation of a facility.

**Ordinary High Water Level (OHWL):** The boundary of Public waters and wetlands, and shall be an elevation established by Department of Natural Resources-Division of Waters benchmark for particular lakes, or, if no benchmark has been established, an elevation delineating the highest water level has been maintained for a sufficient period of time to leave evidence upon 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 flowages, the ordinary high water level is the operating elevation of the normal summer pool. In areas where the ordinary high water level is not evident, setbacks shall be measured from the streambanks of the following water bodies that have permanent flow or open water: the main river channel, adjoining side channels, backwaters, and sloughs. This includes the term ordinary high water mark (OHWM).

**Outdoor Entertainment:** The gathering or anticipated gathering of persons for an event which involves the charging of an admission fee including donations from spectators or participants.

**Outdoor Recreation Facilities:** Those facilities related to any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.

**Outdoor Storage:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Outlot:** That portion of a plat that is either:

1. A lot remnant or parcel of land left over in a plat that is intended as open space, park land, or other specified uses; or
2. Land held in common by an association or a group of lots governed by covenants for use by members of the subdivision; or
3. Land held in reserve for future development.

**Owner:** Any individual, firm, association, syndicate, partnership, public or private corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record or the person or persons who own a facility or part of a facility.

**Parcel:** (See Lot)

**Parking Space:** A suitably surfaced and permanently maintained area either within or outside of a building of sufficient size to place one standard automobile.

**Parks and Playgrounds:** Public or private land and open spaces dedicated or reserved for recreation

purposes.

**Pasture:** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding, temporary holding facilities, or watering devices.

**Patio:** An impervious surface adjoining a structure located at ground level.

**Pedestrian Way:** A public or private right-of-way or easement across or within a block to provide access for pedestrians.

**Percentage of grade:** The distance vertically in feet and tenths of foot divided by one hundred (100) feet of horizontal distance.

**Permanent Foundation:** The structural supports of a building that allow the building to be physically attached to the ground.

**Permittee:** Any owner or person who has been granted a permit.

**Permitted Use:** A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of that district.

**Person:** An individual, firm, partnership, association, corporation, company, including any trustee receiver, assignee or other similar representative thereof.

**Personnel:** All persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.

**Place of Worship:** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

**Planned Unit Development:** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide such areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full fee ownership, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, and conversions of structures and land uses to these uses. (This definition amended by the Land Use Ordinance for Cass County, Minnesota, Ordinance #2005-02, Effective Date: September 5, 2005)

**Planning Commission:** The Cass County Planning Commission as described in Minnesota Statutes, section 394.30.

**Plat:** The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates. This is the document on which the subdivider's plan or subdivision is presented to the Planning Commission for consideration according to the provisions of the Cass County Subdivision Ordinance.

**Platform:** A horizontal surface with no railings constructed of any material not adjoining a structure.

**Post Closure Care:** Actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by the closed facility.

**Preliminary Plat:** A tentative drawing or map of a proposed subdivision meeting the requirements herein

enumerated.

**Principal Use:** The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

**Privy:** An aboveground structure with an underground cavity which is used for the storage or treatment and disposal of toilet wastes, specifically excluding water for flushing or greywater. For the purposes of this ordinance, a privy shall be considered a standard system.

**Processing:** The treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, recycling, storage, separation, exchange, resource recovery, chemical, physical, chemical, or biological modifications.

Processing Facility is a building or enclosed space used for the collection and processing of solid waste and may be designated for recyclable materials only.

**Property Line:** The legal boundaries of a parcel of property, including easements

**Protected waters of the State or Protected Waters:** See Public Waters

**Protected Waters, Wetlands:** All types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

**Protective Covenants:** Restrictions contained in plats, deeds, or other documents on file in the Cass County Recorder's Office which deal with the manner in which land may be used.

**Pseudo-Ruminant:** Animals, including horses, rabbits, guinea pigs, and hamsters that have an enlarged cecum, which allows microbial digestion of forages.

**Public Hearing:** A public hearing is the forum at which all interested parties are heard for the record concerning a proposed action.

**Public Improvement:** Any drainage ditch, roadway, parkway, sidewalks, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility.

**Public Land:** Land owned or managed by a municipal, school district, county, state, federal, or other unit of government.

**Public Library:** Any library that provides free access to all residents of a city or county without discrimination and is organized under Minnesota Statutes, Chapter 134.

**Public Nuisance:** A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.

**Public Park:** A park, reservation, playground, beach, or recreation or community center in the County owned, leased, or used wholly or in part by a city, county, state, school district, or federal government for recreational purposes.

**Public Uses:** Uses owned or operated by any governmental unit.

**Public Waters:** Lakes, rivers, streams, and wetlands designated under Minnesota Statutes, section 103G.005, subdivision 15, any lakes or wetlands listed in the DNR Public waters Inventory, and any other lakes, rivers, streams, or wetlands

**Putrescible Material:** Solid waste which is capable of being rotten, or which may reach a foul state of decay

or decomposition.

**Reach:** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

**Recording:** Refers to a lot or tract of land recorded through a numbered document in the Cass County Recorder's Office.

**Recovered Materials:** Materials that have been separated from solid waste and that have been processed, modified, or converted to be a raw material.

**Recreational Camping Vehicle Park, Campground:** An area accessible by vehicle, containing four sites or more for camping, travel trailers, or recreational camping vehicles.

**Recreational Camping, Vehicle:** Any unit incorporated in, attached to or intended to be attached to a motorized vehicle which provides living or sleeping facilities. This includes, but is not limited to, travel trailers, campers, fifth wheel campers, over the pickup cab campers, pop up campers, fold out campers, pickup topper campers, camper cars, bus campers, mini-homes, motor homes and other similar units.

**Recreation, Commercial:** Includes all uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Field or Building means area of land, water or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of any assembly, including, but not limited to a golf course, baseball park, stadium, or gymnasium.

**Recreation, Private:** Includes outdoor recreational activities and related structures for the private use of the property owner and guests.

**Recreation, Public:** Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

**Recyclable Materials:** Materials that are separated from mixed municipal solid waste for the purpose of recycling. Refuse derived material or other material that is destroyed by incineration is not a recyclable material.

**Recycling Facility:** A site used to separate, process, modify, convert, or otherwise prepare solid waste so that component materials may be beneficially used as raw materials. Refuse means putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street sweepings, and market and industrial solidwastes and including municipal treatment wastes that do not contain free moisture.

**Registered Land Survey:** A survey meeting the requirements of the Cass County Subdivision Ordinance prepared by a licensed professional surveyor.

**Remodel:** See Maintenance

**Renewable Energy Systems:** Wind Energy Systems, Solar Energy Systems, Hydroelectric Energy Systems, Fuel Cell Energy Systems, Electric Vehicular Charging Station Systems and similar systems which do not rely on fossil fuels to create energy.

**Residential Lot:** Any lot intended for human occupancy.

**Residential Strength Waste:** Septic tank effluent which has a biochemical oxygen demand (BOD) of 220 mg/l

or less, total suspended solids (tss) of 65 mg/l or less, or a fats, oils, and grease (fog) combination of 30 mg/l or less.

**Residential Structure:** Any building, recreational vehicle, travel trailer, or place which may be used or intended to be used by human occupants as a residence.

**Responsible Party:** The owner, operator, or successor in interest of a solid waste facility.

**Resort:** A business including the following characteristics:

1. Catering primarily to those seeking recreation for periods of one day to one week or longer, and;
2. Having a current lodging license, manufactured home park license, or recreational camping area license from the Minnesota Department of Health.

And also including at least one of the following characteristics;

- a. Having for rent three or more resort cabins, rooms, buildings, structures, or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public on a daily, weekly, monthly, or seasonal basis,
- b. Having campsites, recreational camping vehicle sites, or manufactured housing sites that are available to the public on a daily, weekly, monthly, or seasonal basis. (This definition amended by the Land Use Ordinance for Cass County, Minnesota, Ordinance #2005-02, Effective Date: September 5, 2005)

**Retail, General Sales and Services:** Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public.

**Right-of-way:** An area of land that is surveyed and recorded for the provision of access.

**Riparian Lot:** A lot that abuts a public or protected water of the State of Minnesota.

**River Segment, Forested:** River segments that are located in forested, sparsely to moderately populated areas. Predominant land uses include multiple use forestry, some recreation facilities, seasonal residential, and, within commuting distance of major towns, some year-around residential.

**River Segment, Remote:** River segments that are primarily located in roadless, forested, sparsely populated areas. Common land uses include multiple-use forestry, some recreational facilities, and occasional seasonal or year-around residential.

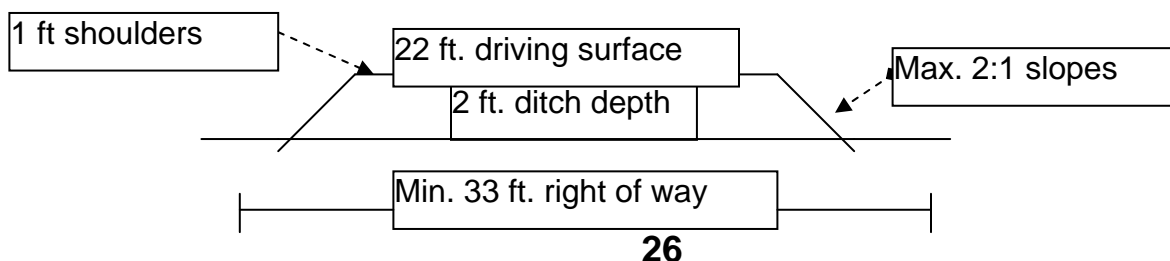
**River Segment, Transition:** River segments that are generally located in the middle reaches of river systems. Common land uses include forests with riparian development strips and mixtures of cultivated, pasture, and forested beyond.

**River Segment, Tributary:** River segments mapped in the DNR Public waters Inventory that were not assigned one of the other river segment classifications.

**Road:** A vehicular access

**Road, Backage:** A road not adjacent to a high speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.

**Road, Cartway:** A road providing access to no more than 9 lots.



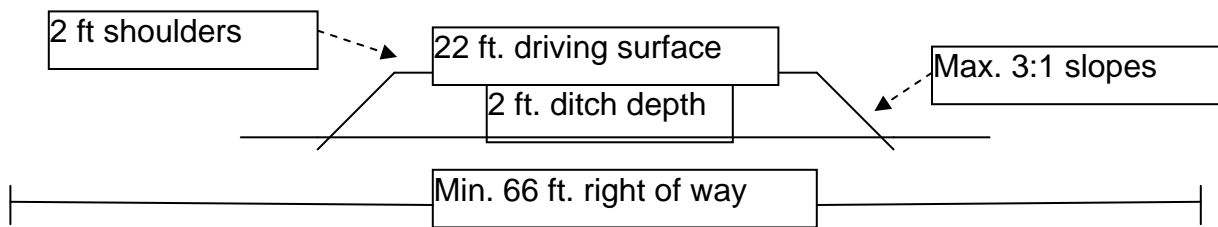
**Road, Cul-de-sac:** A local street open at one end only with a special turning area at the closed end

**Road, Driveway:** Private road serving no more than two residential lots.

**Road, Frontage:** A road adjacent to a higher speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.

**Road, Half:** The dedication of one half of a required right-of-way width of a local road, granted by exception, whose remaining half will be subsequently added and improved when other adjacent or additional properties are developed in order to safely support added traffic.

**Road, Local:** Road providing access to more than nine (9) lots.



**Road-Private:** Any vehicular way which is not an existing federal, state, county, or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

**Road, Public:** Any vehicular way which is an existing federal, state, county, or township roadway; or is shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law as dedicated to public use; or is dedicated for public use.

**Road Right-of-way Width:** The shortest distance between lines delineating the sidelines of the linear portions of rights-of-way.

**Rule(s):** The most current version of the Minnesota Pollution Control Agency (MPCA) Feedlot Rules pursuant to Minnesota Rules, Chapter 7020, or MPCA ISTS Rules pursuant to Minnesota Rules, Chapter 7080 or Wetland Conservation Act pursuant to Minnesota Rules, Chapter 8420.

**Ruminant:** Polygastric animals, including cattle, sheep, and goats that have a rumen, which allows microbial digestion of forages.

**Sale or Transfer:** See Conveyance.

**Salvage yard:** A place maintained for keeping, storing or piling, whether temporarily, irregularly, or continually, buying or selling at retail or wholesale any old, used or second hand material of any kind including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk.

**Sanitary Facilities:** Toilet, bathroom, shower, and floor drains.

**Sanitary Landfill:** A land disposal site employing any engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste into the smallest particle volume, and applying cover material at the end of each operating day, or

at intervals as may be required by the agency.

**Saturated Soil:** The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

**Scavenging:** All unauthorized removal of waste materials from a solid waste disposal facility or container.

**Scenic Easement:** A strip of land dedicated by easement or covenant on a deed to remain in a natural and protected state.

**School:** A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or any vocational-technical college, shall not be deemed a school for purposes of this Ordinance.

**Screening:** Fencing, an earthen berm, or vegetative growth that visually separates one object from another.

**Sediment Control:** Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams and temporary or permanent sedimentation basins.

**Selective Cutting:** The removal of single scattered trees.

**Self-Generated Solid Waste:** The solid waste produced by any person or firm or corporation owning or operating a residence, business, industry or commercial establishment which generates solid waste by its operations.

**Seller:** Any person, group, partnership, trust, trustor, corporation, or other entity who initiates the conveyance of ownership of or interest in real property.

**Semi-public Use:** The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora and/or fauna in need of special protection.

**Septage:** Solids and liquids removed during periodic maintenance of an ISTS, solids and liquids which are removed from toilet waste treatment devices or a holding tank.

**Setback:** The minimum horizontal distance between a structure, ISTS, feedlot, manure storage structure or other facility and road, highway, property line or a natural feature such as an OHW, bluff or wetland.

**Sewage:** Any water-carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, any residential structure or any other structure. Domestic waste includes liquid waste produced by toilets, bathing; laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

**Sewage Sludge:** As defined in Minnesota Statutes, section 115A.03, subdivision 29, means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

**Sewage Treatment System:** See Individual Sewage Treatment System.

**Sexually Oriented Business:** An adult body painting studios, adult book stores, adult car wash, adult hotels or adult motels, adult motion pictures theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed or registered persons. Activities classified as obscene AS defined by Minnesota Statutes Section 617.241 are not lawful and are not included in the definitions of adult uses.

**Shore Impact Zone-1:** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

**Shore Impact Zone-2:** Land located between shore impact zone-1 and the structure setback.

**Shoreland:** Land located within the following distances from Public waters: 1,320 feet from the ordinary high water level of a lake, river, pond or flowage, the Mississippi River corridor as designated in the Mississippi Headwaters Management Plan, and the landward extent of a floodplain designated by ordinance on a river or stream whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Shoreland Alteration Area:** A designated portion of a riparian lot within which limited earth moving and vegetative alteration may be permitted for recreational and/or lake or river access purposes.

**Shrub:** A woody plant less than 6 inches in diameter as measured at a point 2 feet from the ground.

**Sign:** A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

**Sign area:** The length of a sign face multiplied by its width, exclusive of structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

**Sign, Commercial:** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, intended to bring attention to the location, products, or services of an individual, business or institution, and whose intended message is commercial in nature.

**Sign Face:** The area of a sign on which copy or illustrations is placed.

**Sign Height:** The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

**Sign, Off-premise (Billboard):** A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

**Significant Cultural or Historic Site:** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the

Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Sketch Plan:** A preliminary site concept plan prepared for the administrative review, suggesting land use, property configurations and proposed improvements.

**Slope:** The degree of deviation of a surface from the horizontal usually expressed in percent or degrees

**Solid Waste:** Garbage, refuse, demolition debris, sludge from a water treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form resulting from industrial, commercial, mining, agricultural operations and community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids, or dissolved materials in irrigation return flows or other common pollutants in water resources, such as silt. It does not include dissolved or suspended solids in industrial wastewater effluents or which are point sources subject to permits under Section 402 of the United States Pollution Control Act, as amended. It also does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

**Solid Waste Collection:** The gathering of solid waste from public or private places.

**Solid Waste Facility:** All real or personal property which is or may be needed for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

**Solid Waste Management:** Activities which provide for or control the collection, transportation, processing, and disposal of solid waste.

**Solid Waste Management Plan:** The Solid Waste Management Plan for Cass County Minnesota.

**Solid Waste Storage:** The holding of solid waste near the point of generation.

**Solid Waste Transportation:** The conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

**Source Separated Materials:** Materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing processes.

**Special Protection Area:** An instance in which a proposed wetland impact is not allowed due to the existence, in the proposed project area or in an adjacent area, of cultural resources, special habitats, or rare and endangered species.

**Specified Anatomical Areas:** Anatomical areas consist of:

1. Less than completely and opaquely covering human genitals, pubic region or pubic hair, buttock, anus, or female breast or breast below a point immediately above the top of the areola or any combination of the foregoing; and
2. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually oriented acts or conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
2. Human genitals in the state of sexual stimulation, arousal, or tumescence; or
3. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or

masturbation; or

4. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or
5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. Any combination of the above.

**Stairways, Lifts and Landings:** Any structure providing access up and down a slope. Lift means a mechanical conveyance for access up and down a slope.

**Standard System:** An individual sewage treatment system that is designed in accordance with the minimum standards required in this ordinance and is not commercial, does not have high strength waste, and typically includes a tank and drainfield, but may also include privies or holding tanks.

**State:** The State of Minnesota.

**Steep Slope:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports unless, appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

**Storage Building:** A one or two story accessory structure intended only for use as storage, and not a residential structure as defined herein.

**Storm Water:** As defined in Minn. R. 7077.0105, subp. 41(b), including precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

**Stormwater, Erosion and Sedimentation Plan (SESP).** Plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over four (4) feet above the average established grade.

**Structure:** Anything constructed, placed or erected by humans, including but not limited to homes, garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, deck, fences, and fish houses.

**Structure Setback:** The horizontal distance between a structure and some other natural feature, structure, or boundary including but not limited to a lake, river, easement, road right-of-way, well, individual sewage treatment system, or property line.

**Subdivider:** Any individual, firm, association, syndicate, co-partners, corporations, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

**Subdivision:** Land that is divided for the purpose of sale, rent or lease, including planned unit developments, regulated by the Cass County Subdivision Ordinance.

**Suitable Area:** The areas remaining on a parcel of land after all wetlands, bluffs, road rights-of-way, road and utility easements, or land below the ordinary high water level of public waters are subtracted.

**System, Electric Generation:** Any combination of equipment connected together for the purpose of electric generation.

**Technical Evaluation Panel:** A panel of wetland delineators representing Cass County ESD, Cass SWCD, the Board of Water and Soil Resources, and other resource professionals which makes technical recommendations to the Department in relation to the provisions of the Cass County Wetland Ordinance.

**Temporary Erosion Protection:** Methods employed to prevent erosion during construction. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

**Tier:** The tract of land located by lines approximately parallel to a line that identifies the ordinary high water level, proceeding landward.

**Tire:** A pneumatic tire or solid tire for vehicles.

**Tire Collector:** A person who owns or operates a site used for storage, collection, or deposit of waste tires.

**Tire Dump:** An establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storage, keeping, or depositing of waste tires.

**Tire Processing:** Producing or manufacturing usable materials', including fuel, from waste tires including necessary incidental temporary storage activity.

**Thoroughfare:** A stretch of road or water, or a pathway between two places.

**Toilet Waste Treatment Devices:** Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.

**Top of Bank:** For the purposes of determining setbacks, the point at the edge of a river where hydric (wetland) soils end and non-hydric (upland) soils begin.

**Total Project Area:** For the purposes of a planned unit development or plat, the total area encompassed within the boundaries of a parcel.

**Tower, Free Standing:** A tower designed to be self supporting without guy wires.

**Tower, Guyed Lattice:** A tower designed with multiple metal columns braced together and supported by guy wires.

**Tower, Guyed Non-Lattice:** A tower designed of a singular tubular metal column and supported by guy wires.

**Tower, Telecommunication:** Structures erected and intended to support antennas for the transmission of wireless communications.

**Townhouse:** Developments typically consisting of multiple dwellings with common walls and ownership of common areas of a subdivision and fall under the platting portion of this subdivision ordinance.

**Tract:** See Lot

**Transfer Station:** A facility in which solid waste from collection vehicles or individuals is concentrated for subsequent transport. A transfer facility may be fixed or mobile.

**Travel Trailer or Camper:** See Recreational Vehicle

**Tree:** A woody plant 6 inches or more in diameter as measured a point 2 feet from the ground.

**Use:** The purpose or activity, for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

**Use, Agricultural:** That use of land for the production of food or fiber, their storage on the farm, and/or the raising thereon of animals.

**Useable Floor Space:** All horizontal floor areas within a residential structure above which there are 4 or more feet vertical clearance.

**Variance:** Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

**Vegetation:** The sum total of trees and shrubs in an area.

**Vegetative Buffer:** A strip of well-rooted, natural vegetation at least ten (10) feet wide, consisting of a mixture of grasses, shrubs and trees

**Waiver:** The intentional or voluntary written relinquishment of a landowner's right under this ordinance.

**Walkway:** A linear area designed and used for pedestrian access which may be used in a natural state or be covered with an artificial surface.

**Waste Tire:** A tire that is no longer suitable for its intended purpose because of wear, damage, or defect.

**Waste Tire Collection Site:** A licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

**Waste Tire Processing Facility:** A licensed waste facility used for the shredding, slicing, producing or manufacturing of usable materials from waste tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.

**Waste Utilization Plan:** A plan developed in accordance with the standards and specifications of the Natural Resources Conservation Service which designates specific land areas for the spreading of animal waste and the rates at which that animal waste can be applied on an annual basis.

**Water-Oriented Accessory Structure:** A small, building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks and platforms.

**Water-Oriented Commercial Use:** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

**Water Pollution:** The discharge of any pollutant or contaminant into any waters of Minnesota so as to create a nuisance or render such water unclean, toxic, or impure so as to be injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or the man-made or man induced alteration of the chemical, physical, biological or radiological integrity of the waters of Minnesota.

**Water Table:** The surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

**Waters of the State (as defined in Minn. Stat. § 115.01, subd. 22):** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation system, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. Constructed wetlands designed for wastewater treatment are not waters of the state.

**Waterway:** A natural or constructed channel that is shaped or graded and is established in sustainable vegetation for the stable conveyance of run-off.

**Wellhead protection area:** The surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.

**Wetland(s):** Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have the following three attributes:

1. have a predominance of hydric soils;
2. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. under normal circumstances supports a prevalence of such hydrophytic vegetation.

**Wetland Conservation Act Rules:** The rules adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act, Minn. R. ch. 8420 (1995), as amended by 20 Minn. Reg. 2629 (June 10, 1996), and by any subsequent amendments.

**Wetland Delineation:** The representation of a decision regarding whether or not an area is a wetland after field investigation, including identification of wetland type and size, and outlining the boundaries of the wetland on aerial photography, digital imagery, other graphic representation of the area, or on the land.

**White Good:** An abandoned, discarded, or inoperable refrigerator, freezer, washer, dryer, dishwasher, water heater, trash compactor, air conditioner, oven, range, stove, microwave oven, dehumidifier, residential furnace, or related household appliance.

**Wildlife Pond:** A pond excavated for the sole purpose of providing improved habitat and/or a water source for waterfowl and upland game species.

**Wrecked:** That which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

**Wrecking Yard:** See Salvage Yard

**Yard Waste:** Garden waste, leaves, lawn cuttings, weeds, and prunings generated at residential and commercial properties.

**Zoning Ordinance:** See Land Use Ordinance

**1.9 Adoption**

**BE IT ORDAINED THAT:**

**ORDINANCE #2007-04 IS HEREBY ADOPTED BY THE CASS COUNTY BOARD OF COMMISSIONERS ON THIS**

\_\_\_\_\_ Day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
**Chairman, Cass County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**County Administrator**

**EFFECTIVE DATE: May 25<sup>th</sup>, 2007**