

ORDINANCE NO. 8

See Ordinance 20 adopted Dec.11, 1978 and amended 11/9/81, 4/12/82, 2/22/83, 9/10/85, 6/11/90

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION IN THE TOWN OF EUREKA.

The Town Board of the Town of Eureka does hereby ordain:

Section 1 - BUILDING PERMITS.

- 1.1 For the purpose of regulating the location, size, and height of buildings on lots and the density of population in the Town of Eureka, and to provide separate districts for the purpose of carrying out the aforesaid regulations, no person or persons, firm, or corporation shall erect, convert, alter, wreck, move and/or extend the outside dimensions of any building or buildings or any part thereof, temporarily or permanently, upon any land in the Town of Eureka, without first securing a building permit thereof, except that no permit shall be necessary for the construction, reconstruction or alteration of a building not used for commercial or industrial purposes, where the cost of such work does not exceed five-hundred (\$500.00) dollars.

- 1.2 Applications for building permits shall be made in writing to the Town Clerk on blank forms to be furnished by the Town Board, in triplicate. Each application for a permit to erect, convert, alter, wreck, move or extend the outside dimensions of any building, or buildings, or any part thereof, shall be accompanied by:
 - A. A plan drawn to scale showing the size of the structure, new or to be remodeled, type of construction, and the estimated cost thereof.

 - B. Three copies of a Certificate of Survey of said lot or tract of land, made by a registered land surveyor and certified thereto. Said survey shall state thereon the legal description of the land on which the structure is to be or is now located, and show lot lines and the size of the lot; the location and size of the structure which is to be erected or remodeled; the location of road or street, including its width on which the structure does now or is to front; and show the location and size of the well, drainage and sewer systems. If requested, complete and detailed plans showing floor plans (all floors, including basement), and front, rear and side elevation, drawn to scale, together with plans showing location of the well, drainage and sewer- systems and where possible approved by the Health Department of the State of Minnesota, shall be furnished.

1.3 No application for a permit shall be considered, and no permit shall be granted for the erection of any new structure and/or remodeling of existing structure where the lot or tract of land on which said structure is to be erected or is now located, does not abut. on a public road or street which has been approved by the Town Board.

1.4 The fees for building permits shall be as follows:

- A. For the construction, erection or enlargement of a steel building without partitions or interior supports, a minimum fee of \$10.00. In addition to the minimum of \$10.00, there shall be an additional fee of \$1.00 per 100 square feet, or major fraction thereof, for all area in excess of 1,000 square feet.
- B. For the construction, erection, conversion, alteration, or enlargement of any other type of building, including all buildings intended for residential use, a minimum fee of \$50.00. In addition, there shall be an additional fee of \$5.00 per \$1,000.00 of valuation or major fraction thereof, of the estimated cost in excess of \$5,000.00.
- C. For the construction of an airplane landing strip, the sum of \$50.00.
- D. Where the estimated cost of said proposed construction, erection, conversion, alteration, or enlargement is in excess of \$75,000.00, and in the judgment of the Town Board it should be desirable or necessary to employ the professional services of a registered engineer, architect, or other qualified personnel to examine said plans as to compliance with such building codes as are applicable to the structure under consideration then, in the event the total amount of the fees required shall be increased by the amount necessary to pay for such professional services.
- E. All permits issued shall be for duration of one year and shall expire on its first anniversary, but may be renewed at the discretion of the Town Board upon application for such renewal and payment of fees in the amount of 50% of the original fee.
- F. The issuance of a building permit shall in no way abrogate, restrict or limit the power of the Town Board to regulate the use of the property for which the building permit is issued by appropriate future zoning or regulation.
- G. All required building permits shall be taken out by the permittee or authorized agent before any part of said construction shall have been commenced. In the event construction shall have been commenced before said permit has been issued, the fees shall be doubled.
- H. All other buildings not listed in the preceding classification shall pay a minimum of \$10.00 for the first \$10,000 of valuation and \$1.00 per \$1,000.00 of valuation above \$10,000.00.

(Added to article- Amended July 29, 1970)

Section 2 — BUILDING REGULATIONS

- 2.1 All houses and other buildings shall be upon a level of one foot, or more above the street centerline elevation. The street centerline elevation shall be taken at the highest point on the street centerline, which is opposite the property upon which said house and other buildings are to be constructed.
- 2.2 ~~No dwelling shall be constructed upon a lot or tract of land less than 20,000 square feet in area. The front lot line shall have not less than 100 feet frontage, except in the case of curvilinear platting wherein the frontage may be not be less than 80 feet, and further providing that the lot area contains no less than 20,000 square feet. Lot sizes referred to herein a exclusive of road and boulevard.~~ No dwelling shall be constructed on a lot of less than one acre in area with a frontage of at least 150 ft.

Contiguous lots shall have an area of 2 ½ acres in area with a frontage of 250 feet where central water and sewer are not provided.(Amendment July 29, 1970)

- 2.3 No permits shall be issued by the Town Board for basement homes. No mobile home or trailer shall be granted a permit as residence within the Township.
- 2.4 ~~All one-story dwellings shall have a minimum floor area of 800 sq.ft.~~
All one-story dwellings shall have a minimum floor area of 960 sq. ft. and a valuation of \$15,000.00.(Amended May 10, 1972)
- 2.5 All buildings constructed hereafter shall meet the requirements of buildings, plumbing, sanitation, well, electrical and heating codes in effect on the date of permit.
- 2.6 ~~No dwelling or other building shall be built nearer than 50 feet to the front property line or lines, and shall not be built nearer to the side property lines than 30 feet.~~
No dwelling or other building shall be built nearer than 100 feet of the center right- of -way, and not less than 10 feet from the property lines.(Amended July 29, 1970)

- 2.7 No trees, shrubs or hedges shall be planted closer than 20 feet back from street or road right-of-way.
- 2.8 When an application for a commercial or industrial building permit is received by the Town Clerk, said application is to be referred to the Town Board, which shall set a date for public hearing. Notice of such hearing shall be posted and published in accordance with statutes controlling Town meetings; in addition, applicants shall be required to mail a copy of the notice of hearing at least five (5) days in advance of the hearing date to all adjacent property owners and/or occupants, and proof of such mailing shall be made by affidavit. All costs of publication, posting, mailing and the hearing, or hearings, shall be paid by the applicant.
- 2.9 Multiple dwelling shall have a minimum of 600 feet square of living space for each dwelling unit, and shall 'be considered commercial and necessitate hearings as provided in Section 2, Subdivision 28 hereof.

Section 3 - VARIANCE OR SPECIAL USE

- 3.1 The Town Board shall have the power to make adjustments in and exceptions to any of the provisions of this Ordinance to the extent of the following, and no further:
- A. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.
 - B. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the preparation of this Ordinance.
 - C. To permit public utility, public service uses, or public buildings to be located in any district where found to be necessary for the public health, safety, convenience or welfare.
- 3.2 The Town Board shall not grant any application under this section and the Town Board shall not grant any application for a hearing, unless they shall find from evidence submitted by the applicant, the following facts;
- A. That there are special circumstances or conditions affecting the land, building or use referred to in the application.

- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.
- C. That the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

3.3 Before making its decision upon any application for such an adjustment or exceptions, the Town Board shall hold a public hearing thereon, and shall by resolution either grant or deny such application, and it may attach to the grant or the application such conditions and guarantees as it deems necessary to carry out the purposes of this Ordinance. All applications and hearings hereunder shall be made and held in accordance with Section 2, Sub-Section 2.8 hereof. All such applications shall clearly set forth the specific exceptions and/or variances requested and the reasons therefore.

Section 4 - PENALTIES

4.1 Any person, or persons, firm or corporation violating the provisions of this Ordinance by neglecting or refusing to secure a permit, or who proceeds upon the refusal of a permit by the Town Board, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed \$100.00 or by imprisonment for not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

Section 5 - VALIDITY

5.1 Every provision of this Ordinance shall be severable from every other part or provision thereof, and if one provision is held invalid by the Court such invalidity shall not affect any other part or provision thereof.

Section 6 - EFFECTIVE DATE

6.1 This Ordinance shall take effect and force from and after its passage and publication.

Passed by the Town Board of Eureka Township, Minnesota, this 30th day of August, 1966.

BOARD OF SUPERVISORS
TOWN BOARD OF THE TOWN OF EUREKA
W. H. CURRY
MARTIN MOHN
NOEL T. HOLT

ATTEST:

S.O. STEEN
Town Clerk

AMMENDMENT

See Ordinance 20 adopted Dec. 11, 1978 and amended 11/9/81, 4/12/82, 2/22/83, 9/10/85, 6/11/90

Strike Out: Item 2.4. All one-story dwellings shall have a minimum floor area of 800 sq. ft.

Substitute: All one-story dwellings shall have a minimum floor area of 960 sq. ft. and a valuation of \$15,000.00.

Passed by the Town Board of Eureka this 10th day of May, 1972, and shall be in effect and force from the date of publication.

MARTIN MOHN
ALBERT J WACHTER
W.H. CURRY

ATTEST: Hilman Leine, Clerk.

AMENDMENT

See Ordinance 20 adopted Dec. 11, 1978 and amended 11/9/81, 4/12/82, 2/22/83, 9/10/85, 6/11/90

Strike Out: “excepting agricultural buildings other than residence”. All buildings will require a building permit to erect.

Add to Article 1.4

H. All other buildings not listed in the preceding classification shall pay a minimum fee of \$10.00 for the first \$10,000.00 of valuation and \$1.00 per \$1,000.00 of valuation above \$10,000.00.

Strike Out: Section 2, Article 2.2

Substitute: No dwelling shall be constructed on a lot of less than one acre in area with a frontage of at least 150 feet.

Contiguous lots shall have an area of 2 1/2 acres in area with a frontage of 250 feet where central water and sewer are not provided.

Strike Out Article 2.6

Substitute: No dwelling or other building shall be built nearer than 100 feet of the center right-of-way, and not less than 10 feet from the side property lines.

These changes shall take effect and force from the date of publication.

Passed by the Town Board of Eureka this 29th day of July, 1970.

ALBERT WACHTER, Chairman
Board of Supervisors
WILLIAM.H. CURRY
MARTIN MOEN,
Town Board of Eureka

ATTEST; HILMAN O. LEINE, Clerk