

97-1

AN ORDINANCE TO ESTABLISH A SPECIAL ZONING DISTRICT WITHIN FAYAL TOWNSHIP TO ALLOW RELIEF FROM THE PROVISIONS OF THE ZONING ORDINANCE IN ANTICIPATION OF THE INSTALLATION OF MUNICIPAL SEWER; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

The Town Board of Fayal Township does hereby ordain as follows:

Section 1. Background Information. In accordance with Article II, para 1.03, of the Zoning Ordinance, no land use permit can be issued in Fayal Township until verification has been received that the method of sewage disposal on the subject property is in compliance with all regulations of the Minnesota Department of Health and the St. Louis County Department of Health. There does exist within the Township a considerable number of individual systems that would not be able to meet this compliance requirement without extensive and costly modifications of these systems. Further, the Township is aggressively pursuing the installation of a municipal wastewater collection system in certain areas of the Town. Access to a future municipal system would abate the noncompliance issue and allow the issuance of land use permits without the financial burden of upgrading an on-site system.

Section 2. Special Zoning District Defined. The Township shall identify those parcels within the Town that can be reasonably expected to have access to a municipal sewer by 1 October 2001. These parcels shall be identified on a map, enclosed by a definitive boundary and shall be identified as a "Potential Sewer Access Zone" (PSAZ). The map shall be attached to and be a part of this ordinance. The boundary and access date may be modified by the Town Board from time to time as construction plans develop and funding issues are resolved. The provisions of this ordinance would apply only to those parcels included within this PSAZ.

Section 3. Sanitary Check-off Procedures. Applications for land use permits within the PSAZ would be routinely referred to the St. Louis County Health Department for review of existing or planned on-site sanitary systems. The County Health Department will then make one of the following determinations:

- a) Existing or proposed system is in full compliance.
- b) Existing system is in non-compliance but functional.
- c) System is Failing.

Section 4 Required actions of Applicants. Based on the determination from Section 3, land use applicants will take the following actions prior to the issuance of a land use permit.

- a) Certificate of Compliance - No further action is required and the permit application can proceed in accordance with the Zoning Ordinance.
- b) Non-Compliant but functional systems - The applicant will agree, by condition on the land use permit, that connection will be made to the future municipal system immediately upon availability. As financial assurance, the applicant will establish an escrow fund of not less than 80% of the estimated construction cost of a compliant on-site system. If municipal

service is not available by the date established under section 2 above, the applicant agrees to immediately apply those escrow funds to the construction of a compliant on-site system. If the municipal system is available by the date established under section 2, those escrow funds will be released to the applicant upon completion of hook-up to the municipal system. Upon execution of this agreement, and the establishment of the escrow fund, the permit application can proceed.

c) Failing systems - Immediate action will be required of the applicant to modify the subject system so that either provision 4(a) or 4(b) above can be applied.

Section 5 Lot Coverage. No land use permit shall be issued under these provisions for any activity that would result in lot coverage that would preclude the future installation of a compliant on-site treatment system in accordance with St. Louis County regulations.

Section 6 Enforcement Officer. The zoning officer of Fayal Township, or his designee or any other persons designated by the Town Board resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7 Enforcement and Penalties. Failure to Comply with the provisions of this ordinance will be grounds for the denial of any land use permit, or for the cancellation of any permit, conditioned by the stipulations of this ordinance, previously issued. Violations will be handled in accordance with the Zoning Ordinance.

Section 8 This ordinance shall be in effect from and after its passage and publication and concurrence by the appropriate Saint Louis County authority.

Supervisor Kniefel moved the adoption of this ordinance seconded by Supervisor Turner and it was approved on May 30 1997 by the following vote

Ayes: Kniefel, Turner, Tammaro, Ziegler, Ojanpa

Nays: 0

Absent: [Signature]
Chairman, Fayal Board of Supervisors

[Signature]
Clerk, Town of Fayal

92-1

Affidavit of Publication

STATE OF MINNESOTA)
)ss
COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Town of Fayal, Ordinance No. 97-1

which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Fri, the 23rd day of May, 19 97; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

BY: Eileen Rioux

**TOWN OF FAYAL
ORDINANCE NO. 97-1
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Victoria White

Subscribed and sworn to before me on his 23rd day of May, 19 97.

Notary Public



* ALPHABET SHOULD BE IN THE SAME SI

(1) Lowest classified rate paid by commercial users for comparable space

\$ 10.15/inch
(Line, word, or inch rate)

(2) Maximum rate allowed by law for the above matter

\$ 10.15/inch
(Line, word, or inch rate)

(3) Rate actually charged for the above matter

\$ 9.36/inch
(Line, word, or inch rate)