

OTTER TAIL COUNTY SET BACK ORDINANCE

The County Board of Otter Tail County ordains:

I. **General Provisions.**

A. **Title.** This Ordinance shall be known as the Otter Tail County Setback Ordinance.

B. **Purpose.** This ordinance is enacted for the following purposes:

1. To promote and protect the health, safety, and general welfare of persons using and enjoying the roads throughout the County.
2. To preserve and enhance the quality of county highways.
3. To regulate and ensure orderly use and development of county highways.

C. **Authorization.** This Ordinance is enacted pursuant to Minnesota Statutes, Chapter 163, 375 and 394.

D. **Jurisdiction.** This Ordinance shall apply to all areas of Otter Tail County outside the limits of incorporated municipalities.

II. **Definitions.** For the purpose of this Ordinance, certain items and words are defined as follows:

Individual Sewage Treatment System. An individual sewage treatment system shall have the same definition as contained in Minnesota Rules 7080.0020.

Shoreland Management Area. Any land within 1,000 feet of a classified lake or 300 feet of a classified river.

Structure. Structure means anything constructed or erected with a fixed location on or under the ground.

III. **Setbacks.**

A. No structure, dwelling or building shall be erected, placed or moved to within 40 feet of the right-of-way line of any existing county road except in a shoreland management area.

B. No structure, dwelling or building shall be erected, placed or moved within 20 feet of the right-of-way of any existing public road within a shoreland management area.

C. No individual sewage treatment system shall be constructed within ten feet of the right-of-way line of any existing county highway or public road within a shoreland management area.

D. Sign Exemptions:

1. Signs of less than 64 square feet, and not more than eight feet in height or width may be placed outside the road right-of-way, but within the setback requirements in paragraphs A and B.

2. Regulatory and information signs placed by the road authority are exempt from the provisions of this Ordinance.

IV. Violations.

A. Violations of this Ordinance shall be punishable as a misdemeanor.

B. In the event of a violation or a threatened violation of this Ordinance, in addition to any penalties imposed under Section A above, the County Board, or any member thereof, or any taxpayer or resident of this County may institute appropriate action or proceedings to enjoin, prevent, restrain, correct or abate such violation or any threatened violation.

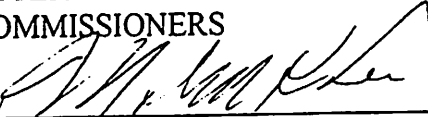
V. **Right to Access.** All employees of the Otter Tail County Land and Resource Management Office, Highway Department, members of the County Board of Commissioners, Planning Commission and Board of Adjustment, in the performance of their duties, shall have free access to all lands within 40 feet of the right-of-way of any existing county road.

VI. **Effective Date.** This Ordinance shall become effective on January 1, 2004.

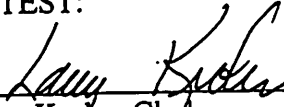
Dated: August 12, 2003

OTTER TAIL COUNTY BOARD OF
COMMISSIONERS

By


Malcolm Lee, Chairman

ATTEST:


Larry Krohn, Clerk