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AIRPORT ZONING ORDINANCE  
MOORHEAD MUNICIPAL AIRPORT

JUNE \_\_\_\_\_, 1995

TRACT BY REQUEST:

The property affected by the proposed Airport Zoning Ordinance is within 10,000 feet of the airport site in Section 19 of Glyndon Township in Clay County. This effects property in Sect 11, 12, 13, 14, 15, 23, 24, 25, 26, 36 of Moorhead Township and Section 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 of Glyndon Township.

STATE OF MINNESOTA, }  
COUNTY OF CLAY } ss.

I hereby certify that the within instrument was filed in this office for record on the 12th day of August A.D. 19 96 at 2:10 o'clock P. M., and was duly recorded on Document # 494396

Bonnie Rehder  
County Recorder  
Karen V. Sauer  
Deputy.

34.50

Chg City Mhd Beth  
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## MOORHEAD MUNICIPAL AIRPORT

## ZONING ORDINANCE

CREATED BY THE

MOORHEAD MUNICIPAL AIRPORT JOINT POWERS BOARD

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

IT IS HEREBY ORDAINED BY THE JOINT POWERS BOARD ESTABLISHED BY THE JOINT POWERS AGREEMENT ENTERED INTO BETWEEN THE CITY OF MOORHEAD, CLAY COUNTY, THE TOWN OF MOORHEAD, AND THE TOWN OF GLYNDON PURSUANT TO SECTION 471.59 OF THE MINNESOTA STATUTES ANNOTATED, AND PURSUANT TO THE AUTHORITY CONFERRED UPON BY CHAPTER 360 OF THE MINNESOTA STATUTES ANNOTATED, AS FOLLOWS:

## SECTION I: PURPOSE AND AUTHORITY

The Joint Powers Board, created and established by the Joint Powers Agreement of the City Council of the City of Moorhead, the Board of County Commissioners of Clay County, the Board of Supervisors of the Town Board of Glyndon, and the Board of Supervisors of the Town Board of Moorhead, pursuant to Section 471.59 of the Minnesota Statutes Annotated and pursuant to Section 360.063 of the Minnesota Statutes Annotated, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Moorhead Municipal Airport and property or occupants of land in its vicinity, and also, if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Moorhead Municipal Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance to the region served by the Moorhead Municipal Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

- D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.

#### SECTION II: SHORT TITLE

This Ordinance shall be known as "Moorhead Municipal Airport Zoning Ordinance." Those sections of land affected by this Ordinance are indicated in Exhibit "A," which is attached to this Ordinance.

#### SECTION III: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

"AIRPORT" means the Moorhead Municipal Airport located in Section 19 of Glyndon Township, Clay County, Minnesota.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area, which elevation is established to be 917 feet above mean sea level.

"AIRPORT HAZARD" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

"DWELLING" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

"HEIGHT" for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"LANDING AREA" means the area of the airport used for the landing, taking off or taxiing of aircraft.

"LOW DENSITY RESIDENTIAL STRUCTURE" means a single-family or two-family home.

"MASTER PLAN" means the master plan adopted by the Moorhead City Council for the Moorhead Municipal Airport, as such plan may be amended from time to time.

"LOW DENSITY RESIDENTIAL LOT" means a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

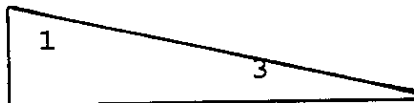
"NONCONFORMING USE" means any structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment hereto.

"NONPRECISION INSTRUMENT RUNWAY" means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or for which no precision approach facilities are planned or indicated on an approved planning document.

"PERSON" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"RUNWAY" means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

"SLOPE" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



slope = 3:1 = 3 ft. horizontal to 1 ft. vertical

"STRUCTURE" means an object constructed or installed by a person(s), including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

"TRAVERSE WAYS" for the purposes of determining height limits as set forth in this Ordinance shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned an amount equal to the height of the highest mobile object that would normally traverse it.

"TREE" means any object of natural growth.

"UTILITY RUNWAY" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

"WATER SURFACES" for the purpose of this Ordinance shall have the same meaning as land for the establishment of protected zones.

"ZONE AREA 1" and "AIRPORT BOUNDARY" mean the following-described property:

Part of Section Nineteen (19), Township One Hundred Thirty-nine (139) North, Range Forty-seven (47) West, described as follows: Beginning at the Southeast corner of said Section; THENCE northerly along the East line of said Section at an assumed bearing of North 00 degrees 07 minutes 01 seconds East for a distance of 2,638.01 feet; THENCE westerly along the quarter line of said Section, North 89 degrees 58 minutes 05 seconds West for a distance of 2,991.89 feet; THENCE North 63 degrees 19 minutes 30 seconds West for a distance of 2,350.69 feet to a point on the West line of said Section; THENCE southerly along the West line of said Section, South 00 degrees 43 minutes 43 seconds West for a distance of 1,054.34 feet; THENCE easterly along the quarter line of said Section, South 89 degrees 58 minutes 05 seconds East for a distance of 334.05 feet; THENCE South 63 degrees 19 minutes 30 seconds East for a distance of 4,625.89 feet; THENCE South 89 degrees 55 minutes 46 seconds East for a distance of 11.29 feet; THENCE southerly South 00 degrees 07 minutes 01 seconds West for a distance of 561.00 feet to a point on the South line of said Section; THENCE easterly along the South line of said Section, South 89 degrees 55 minutes 46 seconds East for a distance of 622.00 feet to the point of beginning of the parcel described.

"ZONE AREA 2" means all of the property that is within the scope of the zoning regulations set forth herein but outside of Zone Area 1.

#### SECTION IV: AIRSPACE OBSTRUCTION ZONING

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

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of Runway 12/30.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for Runway 12/30.

2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,066 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

The radius of each arc is 6,000 feet for Runway 12/30.

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

4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 40:1 for Runway 12/30.

The approach surface expands uniformly to a width of 2,300 feet for Runway 12/30 at a distance of 6,000 feet, then continues at the same rate of divergence for an additional 4,000 feet to the periphery of the conical surface.

5. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 7 to 1 from the side of the primary surfaces and from the side of the approach surfaces until they



intersect the horizontal surface of the conical surface.

- B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace created in subsection IV(A) so as to project above any of the imaginary airspace surfaces described in said Subsection IV(A) hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
- C. BOUNDARY LIMITATIONS: The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed one and one-half miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

#### SECTION V: LAND USE SAFETY ZONING

- A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance as set forth above, and also in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Moorhead Municipal Airport, and furthermore to control population and building density in the runway approach areas thereby creating sufficient open space so

as to protect life and property, there are hereby created and established the following land use safety zones:

1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in Subsection IV(A) hereof, which extends outward from the end of primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:
  - a. 2,867 feet for runway 12.
  - b. 2,867 feet for runway 30.
2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in Subsection IV(A) hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:
  - a. 1,433 feet for runway 12.
  - b. 1,433 feet for runway 30.
3. SAFETY ZONE C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subsection IV(A) hereof, and which is not included in Safety Zone A or Safety Zone B.

B. USE RESTRICTIONS

1. GENERAL: Subject at all times to the height restrictions set forth in Subsection IV(B), no use shall be made of any land in any of the safety zones defined in Subsection V(A) which creates or

causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. SAFETY ZONE A: Subject at all times to the height restrictions set forth in Subsection IV(B) and to the general restrictions contained in Subsection V(B) (1), areas designated as Safety Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (nonspectator), cemetery, and auto parking.
3. SAFETY ZONE B: Subject at all times to the height restrictions set forth in Subsection IV(B), and to the general restrictions contained in

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Subsection V(B)(1), areas designated as Safety Zone B shall be restricted in use as follows:

- a. Each use shall be on a site whose area shall not be less than three acres.
- b. Each use shall not create, attract, or bring people together which would create a site population that would exceed 15 times that of the site acreage.
- c. Each site shall have no more than one building plot upon which any number of structures may be erected.
- d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at least (Acres)	But Less than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (Sq. Ft.)	Max. Site Population (15 persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,700	90
	10	8:1		
10		6:1	72,600	150
	20	6:1		
20	and up	4:1	218,000	300

- e. The following uses are specifically prohibited in Safety Zone B: Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other

places of frequent public or semi-public assembly.

4. SAFETY ZONE C: Safety Zone C is subject only to height restrictions set forth in Subsection IV(B) and to the general restrictions contained in Subsection V(B)(1).

C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section shall apply for a distance not to exceed one mile beyond the perimeter of the airport boundary, and in that portion of an airport hazard area under the approach zone for a distance not exceeding two miles from the airport boundary.

#### SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Moorhead Municipal Airport Zoning Map consisting of 3 sheets, prepared by SEH, Inc., and dated May 29, 1992, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

#### SECTION VII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any

nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

SECTION VIII: PERMITS

A. FUTURE USES: Except as specifically provided in paragraph 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a building permit or zoning approval therefor shall have been applied for and granted by the proper administrative authority as set out in Section XI. If such determination is in the affirmative, and if it meets other applicable zoning regulations, the permit shall be granted.

1. A permit for a tree or structure less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from such end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.

2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Ordinance as set forth in Section IV and the land use limitations set forth in Section V.
- B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a building permit or zoning approval must be secured from the proper administrative authority, as set out in Section XI, authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.
- C. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the proper administrative authority, as set out in Section XI, determines that a nonconforming structure or tree has been discontinued for twelve (12) months, or more than 50% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate

from the zoning regulations. Whether application is made for a permit under this paragraph or not, the proper administrative authority may order the owner of the discontinued or partially destroyed nonconforming structure, at his/her own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten (10) days after receipt of written notice of such order, the proper administrative authority may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight percent (8%) per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

#### SECTION IX: VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his/her property not in accordance with the regulations prescribed in this



Ordinance, may apply to the proper administrative authority, as provided in Section XI, for variance from such regulations. Notwithstanding the procedural requirements of the appropriate administrative authority, if a person submits an application for a variance by certified mail to the appropriate administrative body, and that body fails to grant or deny the variance within four (4) months after receipt of the application, the variance shall be deemed to be granted by the appropriate administrative body. When the variance is granted by reason of the failure of the appropriate administrative body to act on the variance, the person receiving the variance shall notify the appropriate administrative body and the Commissioner of Transportation by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective sixty (60) days after this notice is received by the Commissioner, subject to any action taken by the Commissioner pursuant to Section 360.063, Subdivision 6a. Such variances shall be allowed where it is duly found that a literal application for enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance, provided any variance so allowed may be subject to any reasonable conditions that the appropriate administrative body or Commissioner may deem necessary to effectuate the purposes of this Ordinance.

## SECTION X: HAZARD MARKING AND LIGHTING

- A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the proper administrative authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Moorhead Municipal Airport.
- B. PERMITS AND VARIANCES: Any permit or variance granted by the appropriate administrative authority, as the case may be, may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

## SECTION XI: AIRPORT ZONING ADMINISTRATION

## A. AREA 1:

1. The administration of the Zoning Regulations adopted by the Joint Powers Board within the area described as Area 1 will be by the City of Moorhead. The substantive zoning provisions will be in the Zoning Regulations adopted by the Joint Powers Board, but the procedural provisions of the

Moorhead zoning ordinance shall apply. All approvals, permits or other zoning matters, other than a zoning amendment, will be processed through the City of Moorhead Zoning Administrator, the Moorhead Planning Commission, the Moorhead Board of Adjustment, and the Moorhead City Council. All appeals shall also be handled in the same manner as if Area 1 were located within the city limits of the City of Moorhead.

2. For purposes of appealing approvals or denials of applications, permits, or other zoning matters in Area 1, the parties to this agreement shall be considered an interested party and shall have the right to appeal any such decision pursuant to the procedures set out by the Moorhead zoning ordinance.

B. AREA 2:

1. The administration of the Zoning Regulations in Area 2 shall be by the same political entity or entities that have general zoning jurisdiction over that property. The substantive zoning provisions will be in the zoning regulations adopted by the Joint Powers Board, as well as the substantive zoning provisions of the Township and County having jurisdiction. The procedural provisions of the applicable Township and/or County zoning provisions will apply. All approvals, permits or other zoning

matters, other than a zoning amendment to these regulations, will be processed through the normal administrative process of the applicable Township and/or County. All appeals shall also be handled through the normal procedures of the applicable political entity.

2. For purposes of the substantive Zoning Regulations adopted by the Joint Powers Board in Area 2, the City of Moorhead will be deemed an interested party and have the right to appeal a decision of the applicable political subdivision or subdivisions responsible for administration of the Zoning Regulations pursuant to the procedures set out in the zoning regulations of the applicable political subdivision.
3. All building permits issued in Area 2 must be reviewed by the County Planner, and the County Planner must, in writing, set forth that the building permit will not be in violation of the substantive provisions of the Zoning Regulations adopted by the Joint Powers Board.

#### SECTION XII: ADDITIONAL ZONING REGULATIONS IN AREA 1

##### A. PERMITTED USES IN AREA 1:

1. Agricultural, truck farming and other vegetable and plant crop cultivation.
2. Airports and related airport uses. Airports may include, but not be limited to, locations of

landing fields, aircraft hangers, repair facilities, administration buildings, passenger and freight terminals, control towers, navigation equipment, approach and clear zones, and other facilities essential to the operation of airports for private and public aircraft. Related airport uses include those necessary to provide services and convenience principally to persons using the airport, including aircraft, aircraft parts maintenance, air freight terminals, aviation and airline schools, aircraft repair shops, aerial survey offices, aircraft sales, equipment and parts storage, aviation research testing laboratories, crop spraying operations, and other businesses directly related to repair and service of aircraft.

- B. CONFORMITY WITH AIRPORT MASTER PLAN: In addition to compliance with the zoning regulations set out in this Ordinance, uses in Area 1 must be in conformance with the Master Plan for the airport as adopted by the City of Moorhead, as such plan may be amended from time to time.

SECTION XIII: ADOPTION, AMENDMENTS AND APPEALS OF ZONING REGULATIONS

- A. ADOPTION AND AMENDMENTS: The regulations and boundaries set forth in this Ordinance shall become effective after passage of this Ordinance by a vote of at least two-thirds of the members of the Joint Powers Board, after public notice and a hearing as required by

Section 360.065 of the Minnesota Statutes Annotated. The Ordinance may be amended, supplemented, changed or repealed; provided, however, no such action may be taken until after a public hearing in relation thereto, at which parties with interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least three (3) times during the period between fifteen (15) days and five (5) days before the hearing in the official newspaper of the City of Moorhead and in a second newspaper designated by the Authority which has a wide, general circulation in the area affected by the proposed regulations. The notice shall not be published in the legal notice section of a newspaper. Notice shall be given by mail at least fifteen (15) days before each hearing to the governing body of each political subdivision in which property affected by the regulations is located, to any persons that own land proposed to be included is Safety Zone A or Safety Zone B, and to persons or municipalities that have previously requested such notice from the Authority. A copy of the notice and a list of owners and addresses to which notice was sent shall be attested to by a responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not validate the proceedings provided a bona fide attempt to comply with these regulations has been

made. The notice shall generally describe the property affected by the proposed regulations and a summary of the restrictions to be imposed on the property by the regulations and shall state the place and time at which the proposed regulations are available for public inspection.

- B. APPROVAL BY COMMISSIONER OF TRANSPORTATION: Prior to adopting the zoning ordinance and zoning amendments, the regulations shall be submitted to the Commissioner of Transportation of the State of Minnesota pursuant to Section 360.065 of the Minnesota Statutes Annotated.
- C. SEPARATE APPROVAL OF POLITICAL ENTITIES: Neither the enactment of the zoning regulations nor any amendment to the zoning regulations shall be effective unless they are approved by a majority of the members of the City Council of the City of Moorhead, the Town Board of Moorhead, the Town Board of Glyndon, and the Board of County Commissioners of Clay County.
- D. APPEALS: Any person aggrieved, any taxpayer affected by any decision of the Joint Powers Board, the City of Moorhead, the County of Clay, the Town of Moorhead and the Town of Glyndon may appeal a decision of the Joint Powers Board relating to the enactment and amendment of the zoning regulations to the Clay County District Court. The appeal must be in the form of a verified petition filed with the Court within thirty (30) days of the decision of the Joint Powers Board.

## SECTION XIV: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. Enforcement of the regulations shall be by the political subdivision which has authority to administer the regulations as set forth in Section XI of this Ordinance. In addition to the criminal penalties set out above, this Ordinance may be enforced through such a proceeding for injunctive relief and other relief as may be proper under the laws of Minnesota Statute § 360.073 and other applicable law.

## SECTION XV: CONFLICTS

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



SECTION XVI: SEVERABILITY

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

B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVII: EFFECTIVE DATE

This Ordinance shall take effect on the 19th day of June, 1995. Copies thereof shall be filed with the Commissioner of Transportation, Office of Aeronautics, State of Minnesota, and the Register of Deeds, Clay County, Minnesota.

Passed and adopted after public hearing by the Moorhead Municipal Airport Joint Powers Board this 4th day of May, 1995.

*Karin K. Olson*  
Vice-Chair

*D. Hal Sillers*  
Chairperson D. Hal Sillers

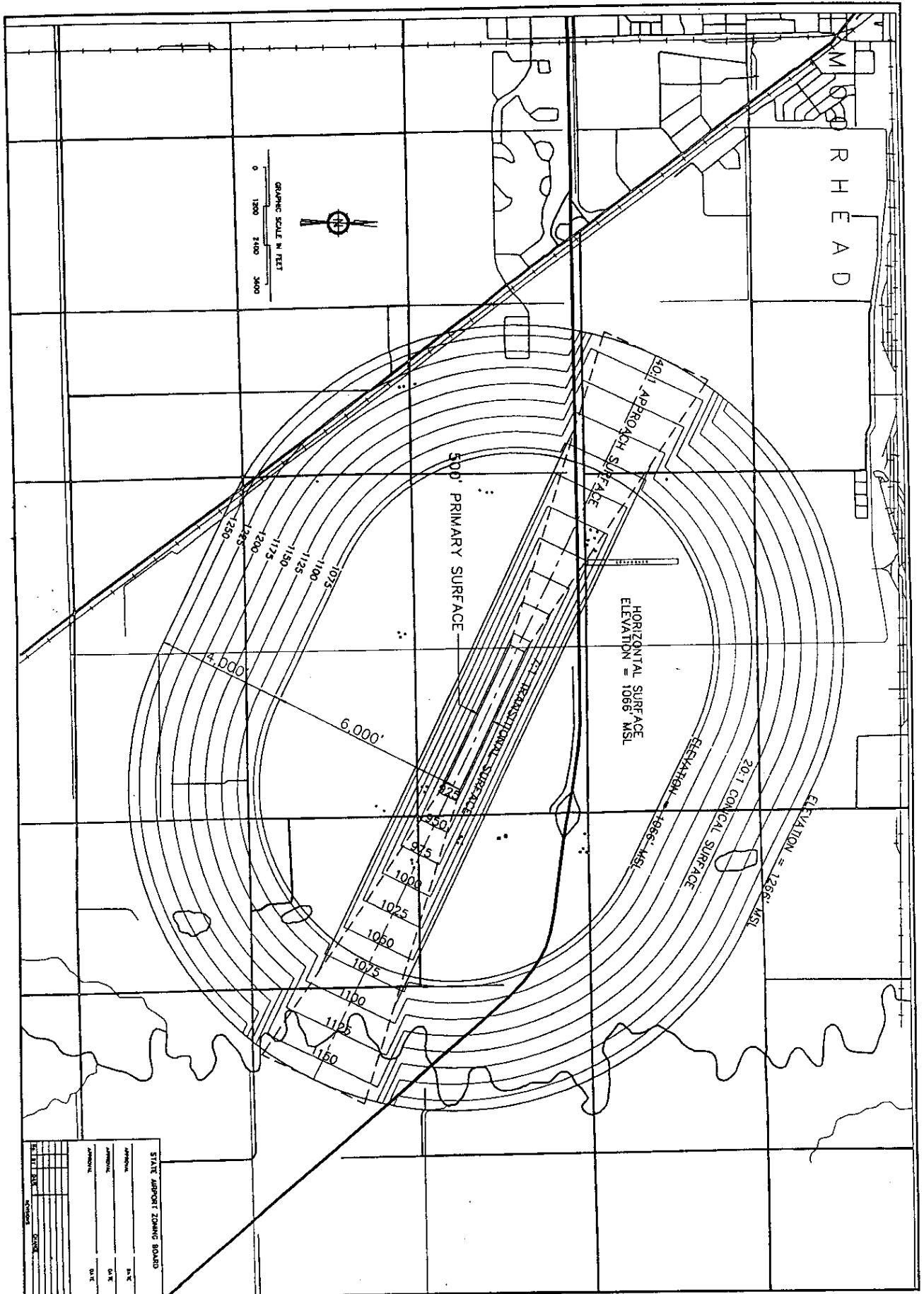
*Beth Grosen, Asst Econ Dev. Dir - City of Moorhead*  
Attest

494396

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**THIS INSTRUMENT WAS DRAFTED BY:**

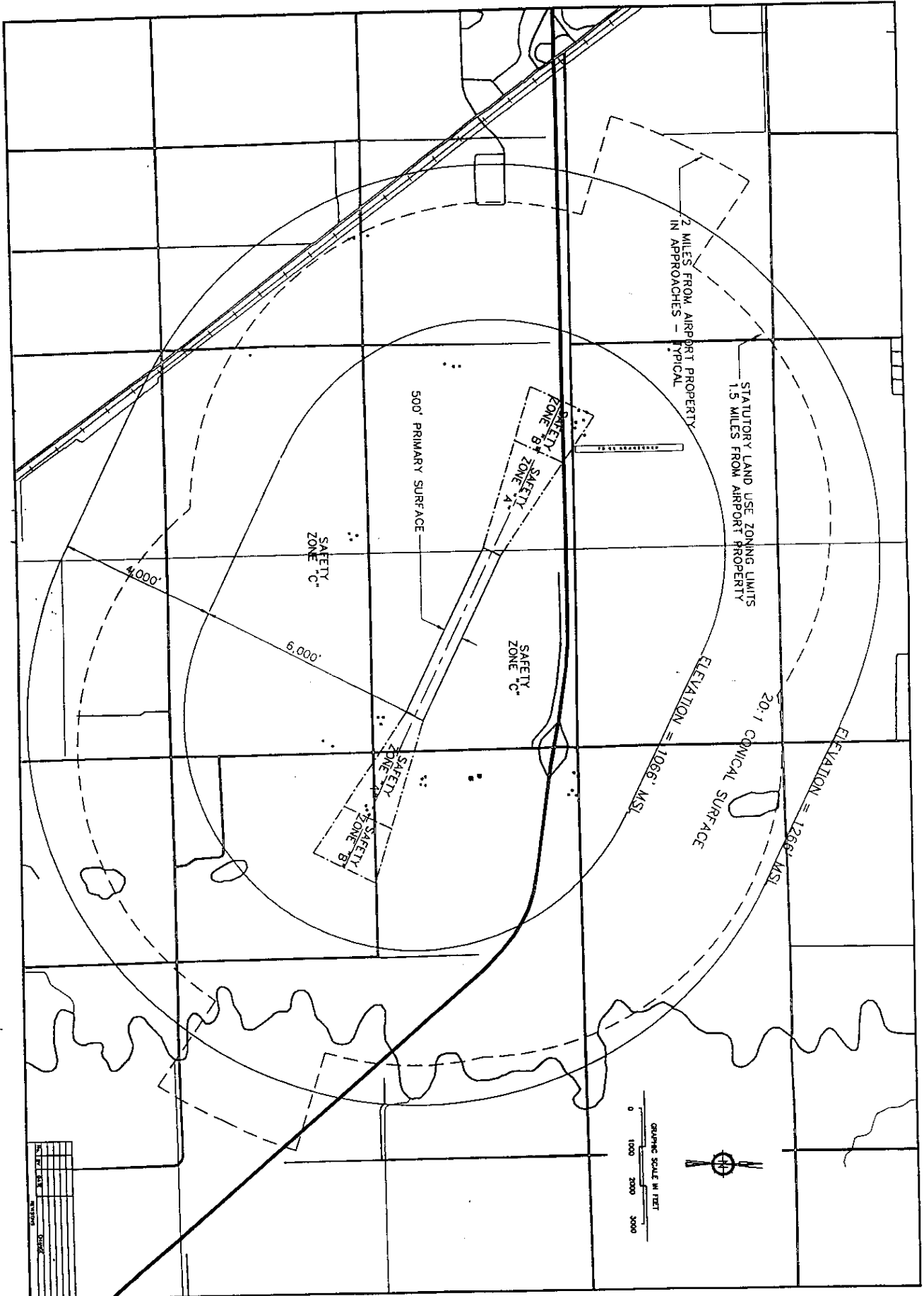
Brian D. Neugebauer  
OHNSTAD TWICHELL, P.C.  
901 - 13th Avenue East  
P.O. Box 458  
West Fargo, ND 58078-0458  
TEL (701) 282-3249  
FAX (701) 282-0825



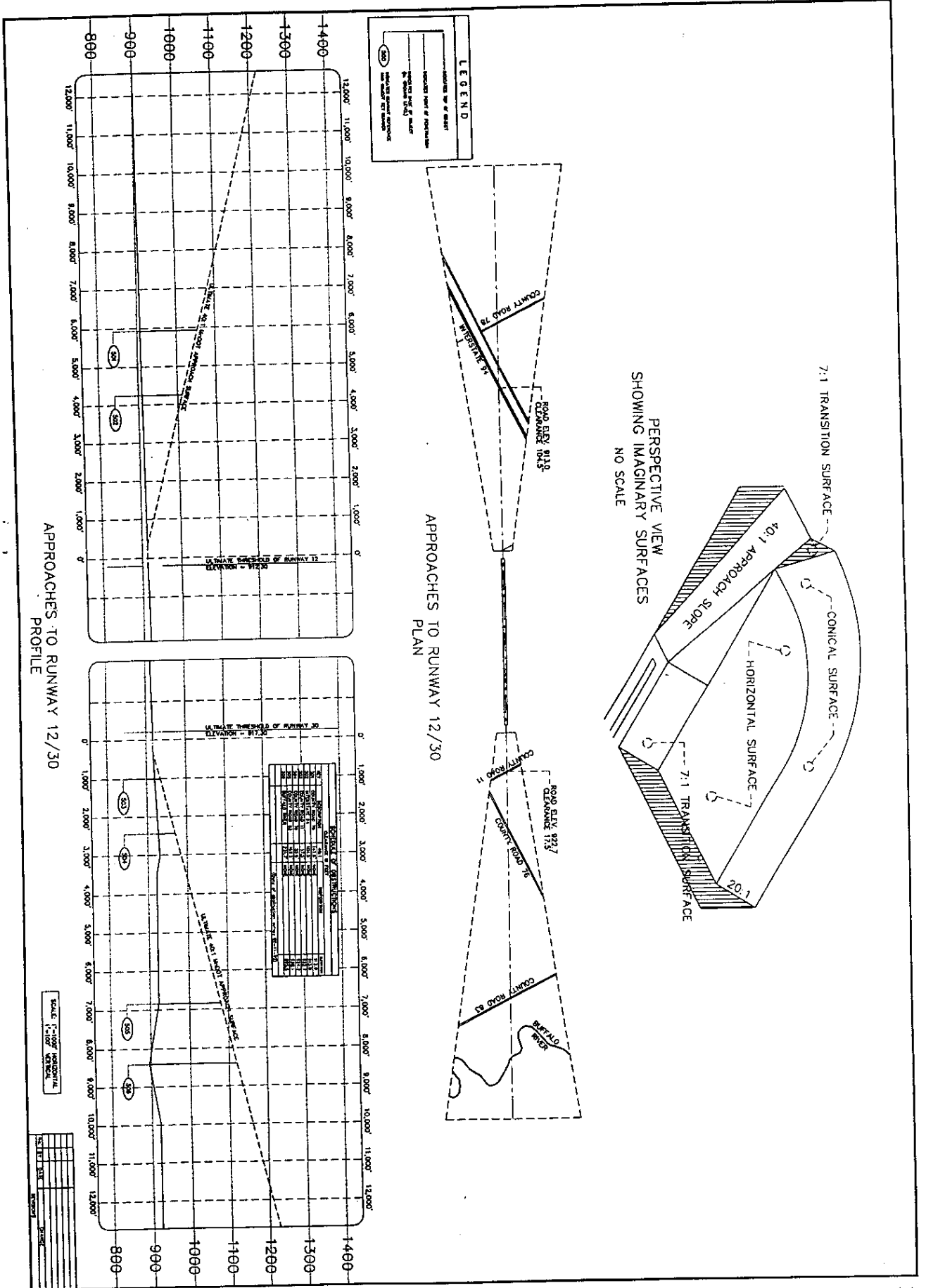
DATE	
BY	
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APPROVED	
STATE AIRPORT ZONING BOARD	



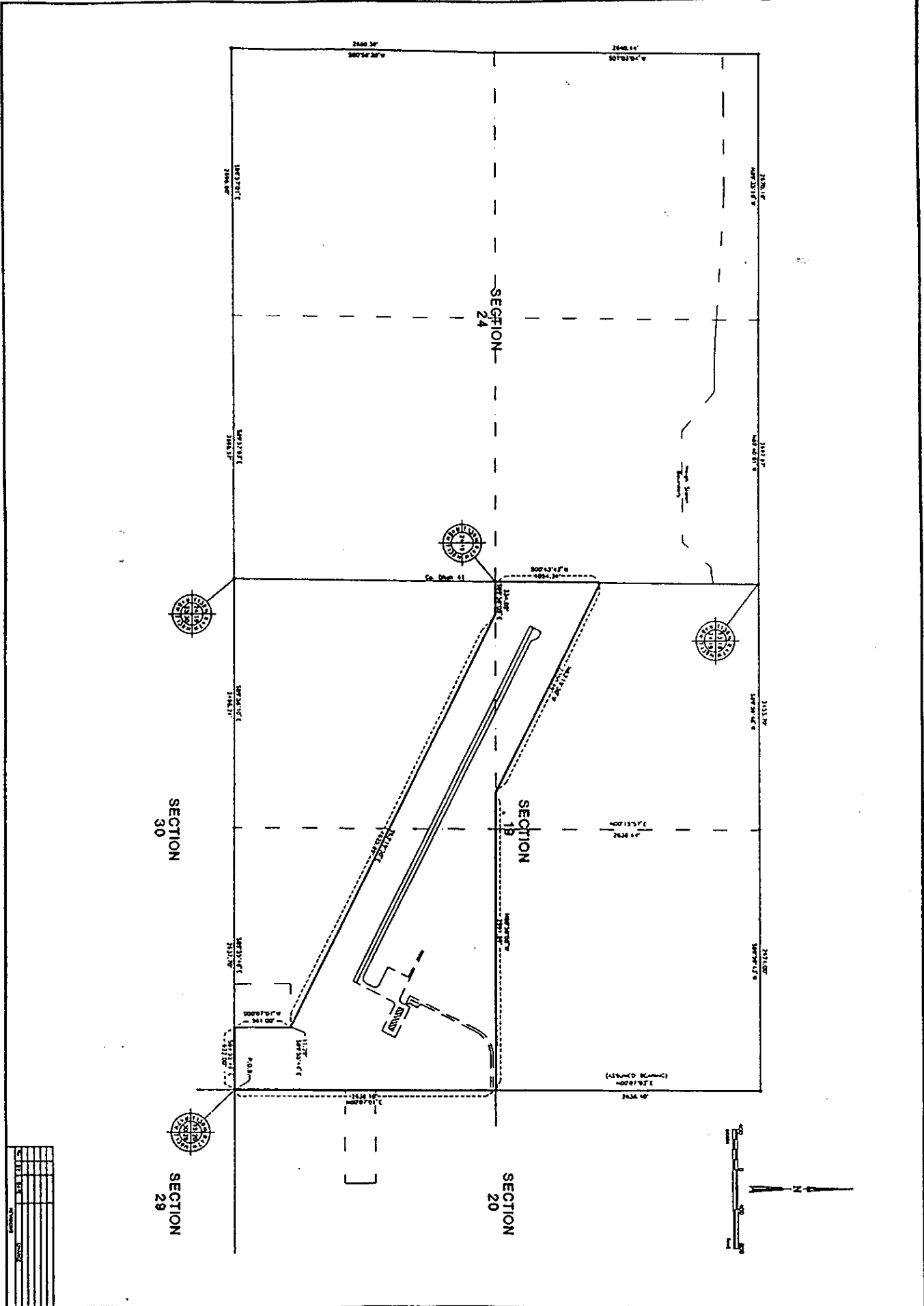
AIRPORT AIRSPACE ZONING PLAN  
 MOORHEAD MUNICIPAL AIRPORT - MOORHEAD, MINNESOTA



AIRPORT LAND USE ZONING PLAN  
 MOORHEAD MUNICIPAL AIRPORT - MOORHEAD, MINNESOTA



APPROACH AND CLEARZONE PLAN AND PROFILE  
MOORHEAD MUNICIPAL AIRPORT - MOORHEAD, MINNESOTA



CITY OF MOORHEAD ZONING BOUNDARY  
 MOORHEAD MUNICIPAL AIRPORT - MOORHEAD, MINNESOTA

