



ORDINANCE NO. 118

126609

AN ORDINANCE ADOPTING A ZONING MAP AND REGULATING THE USE OF LAND AND THE HEIGHT OF STRUCTURES AND TREES WITHIN THE AIRPORT HAZARD AREA OF THE HALLOCK MUNICIPAL AIRPORT

OFFICE OF REGISTER OF DEEDS
KITTSON COUNTY, MINN.

I HEREBY certify that the within instrument was filed in this office for record on the 16 day of March, A. D. 19 73 at 3 O'clock P.M. and was duly recorded in Book 443 of Plat or Page 367 - 484

Walter Magnus
Registrar Deeds

Ret: BSTS

18.00

EXTRACT OF MINUTES OF MEETING OF THE
VILLAGE COUNCIL OF HALLOCK, MINNESOTA

HELD: March 5, 1973 at the Village Hall

Pursuant to due call and notice thereof, a Regular meeting of the Hallock Village Council, Hallock, Minnesota, was duly held at the Village Hall in said Village on the 5th day of March, 1973, at 7:30 o'clock p.m., for the purpose of adopting a zoning ordinance pursuant to Minnesota Statutes Annotated, Sections 360.061 through 360.074.

The following members were present: Lowell Anderson
Dr. J. E. Bouvette & Harold Kemp
and the following members were absent: H. C. Dipple & Leonard Evenson

WHEREAS, the Village Council of the Village of Hallock at the Regular meeting held on March 5, 1973, established by Resolution a zoning board for the Hallock Airport, and

WHEREAS, due notice of the establishment of said Board and the appointment of two members to said board was duly given to the County of Kittson, State of Minnesota, pursuant to Minnesota Statutes Annotated, Sections 360.061 through 360.074, and

WHEREAS, the County of Kittson, by Resolution has informed the Village that they do not wish to appoint any members to the Hallock Airport Zoning Board, and

WHEREAS, 60 days have elapsed and no action has been taken by the County Board, and

WHEREAS, the Hallock Village Council has duly considered Ordinance No. 118 and the Zoning Map attached thereto, and

WHEREAS, it appears that said Zoning Map and Ordinance complies with the provisions of Minnesota Statutes Annotated, Sections 360.061 through 360.074.

NOW, THEREFORE, after said Zoning Ordinance having been considered and discussed, Member Bouvette introduced the following Resolution and moved its adoption:

RESOLUTION ADOPTING ORDINANCE
NO. 118 FOR THE HALLOCK
VILLAGE AIRPORT

BE IT RESOLVED by the Village Council of the Village of Hallock, Minnesota, as follows: That the Zoning Ordinance No. 118, a copy of which is attached hereto and expressly made a part hereof, is hereby adopted pursuant to Minnesota Statutes Annotated, Sections 360.061 through 360.074 and that said Ordinance is hereby ordered to be published in the Kittson County Enterprise pursuant to Law and shall be effective upon its effective date of publication, and shall be filed with the Register of Deeds of Kittson County and with the Commissioner of Aeronautics of the State of Minnesota.

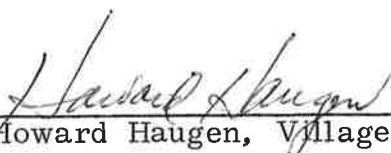
The motion for the adoption of the foregoing Resolution was duly seconded by member Kemp and upon a vote being taken thereon, the following voted in favor thereof; unanimous, and the following voted against the same: none.

Whereupon, said Resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
COUNTY OF KITTSON) ss.
VILLAGE OF HALLOCK)

I, the undersigned, being the duly qualified and acting Village Clerk of the Village of Hallock, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extracts of minutes with the original thereof on file in my office and that the same is a full, true and complete transcript of the minutes of a meeting of the Village Council duly called and held on the date therein indicated, insofar as the said minutes relate to the adoption of a Resolution pursuant to M.S.A., Sections 360.061 through 360.074.

WITNESS my hand and the seal this 5th day of
March , 1973.


Howard Haugen, Village Clerk

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ORDINANCE NO. 118

AN ORDINANCE ADOPTING A ZONING MAP AND
REGULATING THE USE OF LAND AND THE
HEIGHT OF STRUCTURES AND TREES WITHIN
THE AIRPORT HAZARD AREA OF THE HALLOCK
MUNICIPAL AIRPORT

THE VILLAGE COUNCIL OF THE VILLAGE OF HALLOCK, PURSUANT
TO THE PROVISIONS OF MINNESOTA STATUTES 360.063, ORDAINS:

Section 1. AUTHORITY. The Village Council of Hallock,
Minnesota, finds that it is necessary, in order to promote public health,
safety and general welfare and to protect the lives and property of the
users of the Hallock Municipal Airport and of the owners and occupants of
land in its vicinity to adopt the following Airport Zoning Ordinance as
authorized by Laws of Minnesota 1953, Sections 360.061 through 360.074
inclusive.

Section 2. TITLE. This Ordinance shall be known and may be
cited as Hallock Village Airport Zoning Ordinance.

Section 3. DEFINITIONS. As used in this Ordinance and the
accompanying map, unless the context otherwise requires, the following
terms shall have the following meaning:

A. "Airport" means the Hallock Municipal Airport located in
the Kittson County, Minnesota.

B. "Airport Hazard" means any structure, tree or use of
land which obstructs the air space required for, or is otherwise hazardous
to, the flight of aircraft in landing or taking off at the airport.

C. "Non-conforming Use" means any structure, tree or use of
land which does not conform to the regulations described in this Ordinance
as of its effective date.

D. "Person" means any individual, firm, partnership, corpora-
tion, company, association, joint stock association, or body politic; and

1 includes any trustee, receiver, assignee, or other similar representative
2 thereof.

3 E. "Structure" means any object constructed or installed by
4 man, including but not limited to, buildings, towers, somkestacks, and
5 overhead transmission lines.

6 F. "Tree" means any object of natural growth.

7 G. "Airport Zoning Map" means the Airport Zoning Map
8 consisting of two sheets dated March 5, 1973, together with
9 such amendments thereto as may from time to time be made.
10

11 H. "Airport Approach Zones" comprises all lands under the
12 approach surfaces defined in Section 4 hereof.

13 I. "Airport Transition Zones:" comprises all lands under the
14 transitional surfaces as defined in Section 4 hereof.
15

16 J. "Airport Turning Zones" comprises all lands under the
17 horizontal and conical surfaces as defined in Section 4 hereof.

18 K. "Airport Elevation" means the highest point established
19 on the usable airport landing area which elevation is established to be
20 818.0 feet above sea level. (M.S.L. 1929 Adjustment).
21

22 Section 4. AIRPORT REFERENCE SURFACES, DEFINITION
23 AND DESCRIPTION. In order to carry out the purposes of this Ordinance
24 the following imaginary airport reference surfaces are hereby established:
25 Primary Surface, Approach Surfaces, Horizontal Surface, Transitional
26 Surfaces and Conical Surfaces and are defined as follows:

27 A. "Primary Surface" A surface longitudinally centered on a
28 runway and extending 200 feet beyond each end of the runways. The ele-
29 vation of any point on the primary surface is the same as the elevation of
30 the nearest point on the runway centerline. The width of the primary surface
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1 is 500 feet for all runways.

2 B. "Approach Surface" The approach surface is longitudinally
3 centered on the extended runway centerline and extends outward and upward
4 from each end of the primary surface. This surface is applied to each end
5 of the runway and its dimensions are measured horizontally.
6

7 The inner edges of all approach surfaces are the same width
8 as the primary surface and extend uniformly to a width of 2,500 feet at
9 a distance of 10,000 feet and continues at the same rate of divergence
10 to the perimeter of the conical surface at a slope of 40 to 1.

11 C. "Horizontal Surface" The horizontal surface is a horizon-
12 tal plane 100 feet above the established airport elevation, the perimeter
13 of which is constructed by swinging arcs of 6,000 foot radii from the cen-
14 ter of each end of the primary surface of each runway and connecting
15 the adjacent arcs by lines tangent to those areas.
16

17 D. "Conical Surface" The conical surface extends upward and
18 outward from the periphery of the horizontal surface at a slope of 20 to
19 1 for a horizontal distance of 4,000 feet.

20 E. "Transitional Surface" Transitional surface is a surface
21 extending outward and upward at right angles to the runway centerline
22 extended at a slope of 7 to 1 from the sides of the primary surface and
23 from the sides of the approach surfaces until they intersect the horizontal
24 surface or conical surface.
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26 Section 5. ZONES AND AIRPORT ZONING MAP. In order
27 to carry out the purposes of this Ordinance, the following zones are
28 established:
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30 A. "Zone A" All that land in the approach areas of the
31 runway which is located within a horizontal distance of 6,000 feet from
32 each end of each primary surface, being part of the following described
real estate property:

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Part of Sections Thirty-six (36), Section Twenty-five (25), Section Twenty-six (26), Section Twenty-four (24), Section Twenty-three (23), Section Twenty-two (22), Section Fourteen (14), and Section Thirteen (13), all in Township One Hundred Sixty-one (161) North, Range Forty-nine (49) West, excluding therefrom that portion of said described property which lies within the established Village Municipal boundary limits of the Village of Hallock as constituted on the date of this Ordinance.

D. "Airport Zoning Map" The several zones above established are shown on the airport zoning map attached hereto and made a part hereof, which map, together with all notations, references, elevations, data, zone boundaries, and other information thereof, shall be and the same hereby is adopted as part of this Ordinance.

Section 6. HEIGHT LIMITATIONS. Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure shall be constructed, altered or maintained so as to project above any of the airport reference surfaces described in Section 4.

Section 7. LAND USE RESTRICTIONS.
A. "In General" Subject at all times to the height restrictions set forth in Section 6, no use shall be made of any land in any of the zones defined in Section 5, which creates or causes interference with the operations of radio or electronics facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport 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.

B. "Zone A." Subject at all times to the height restrictions set forth in Section 6, and to the general restrictions contained in subsection

1 Section Eighteen (18), Section Nineteen (19),
2 and Section Thirty (30), all in Township One
3 Hundred Sixty-one (161) North, Range Forty-
4 eight (48) West;

4 Section Twenty-five (25), Section Twenty-six
5 (26), Section Twenty-three (23), Section Four-
6 teen (14), Section Thirteen (13), all in Town-
7 ship One Hundred Sixty-one (161) North, Range
8 Forty-nine (49) West, excluding therefrom that
9 portion of said described property which lies
10 within the established Village Municipal boundary
11 limits of the Village of Hallock as constituted on
12 the date of this Ordinance.

9 B. "Zone B" All that land in the approach areas of the
10 runway which is located within a horizontal distance of 10,000 feet from
11 each end of each primary surface and which is not included in Zone A.
12

13 Said property being described as part of the following real estate property:

14 Part of Section Eighteen (18), Section Seventeen
15 (17), Section Nineteen (19), Section Thirty (30),
16 Section Thirty-one (31), Section Thirty-two (32),
17 All in Township One Hundred Sixty-one (161) North,
18 Range Forty-eight (48) West, and

18 Part of Section Thirteen (13), Section Twenty-six
19 (26), Section Twenty-seven (27), Section Twenty-three
20 (23), Section Fourteen (14), Section Fifteen (15),
21 Section Ten (10), Section Eleven (11), all in Town-
22 ship One Hundred Sixty-one (161) North, Range
23 Forty-nine (49) West, excluding therefrom that
24 portion of said described property which lies within
25 the established Village Municipal boundary limits
26 of the Village of Hallock as constituted on the
27 date of this Ordinance.

24 C. "Zone C" consists of all that land which is within a
25 6,000 foot radius from the center of each end of the primary surface
26 of each runway and connecting the adjacent arcs by lines tangent to those
27 areas and which is not included in Zone A or Zone B. Said property be-
28 ing described as part of the following real estate property:

29 Section Eighteen (18), Section Nineteen (19), Section
30 Twenty (20), Section Twenty-nine (29), Section Thirty
31 (30), Section Thirty-one (31), all in Township One
32 Hundred Sixty-one (161) North, Range Forty-eight
(48) West; and

1 7. A., land included in Zone A. shall be used for the following purposes
2 only:

3 (1) For agricultural purposes except that dwellings are
4 prohibited;

5 (2) Any commercial or industrial use which meets the
6 following minimum standards;

7 (a) Each single commercial or industrial site shall
8 contain no dwellings;

9 (b) The use shall not permit, require, cause or
10 attract an assembly or concentration, public or private,
11 at any one time, regardless of duration, of more than
12 fifty (50) persons in any commercial building or of more
13 than ten (10) persons in any one acre of such site.
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15 The following uses are specifically prohibited in Zone A:
16 Churches, hospitals, schools, theatres, stadium, and other places of
17 public or semi-public assembly, hotels and motels, trailer courts, camp
18 grounds, and multi-unit dwellings.
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20 C. "Zone B" Subject at all times to the height restrictions set
21 forth in Section 6, and to the general restrictions contained in subsection
22 7.A., land included in Zone B. shall be used for the following purposes only:
23

24 (1) For agricultural and residential purposes provided
25 there shall not be more than one single family dwelling and accessory
26 buildings (Accessory farm buildings may include one single family tenant
27 dwelling) per five (5) acre tract of land;

28 (2) Any commercial or industrial use which meets with
29 the minimum standards set forth in Subsection 7. B. (2).
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31 The following uses are specifically prohibited in Zone B:
32 Churches, hospitals, schools, theatres, stadiums and other places of

1 Section 10. PERMITS.

2 A. "Future Uses" Except as specifically provided in Paragraphs
3 1, 2 and 3 hereunder, no material change shall be made in the use of
4 land and no structure or tree shall be erected, altered, planted or
5 otherwise established in any zone hereby created unless a permit therefor
6 shall have been applied for and granted. Each application for a permit
7 shall indicate the purpose for which the permit is desire, with sufficient
8 particularity to permit it to be determined whether the resulting use,
9 structure or tree would conform to the regulations herein prescribed. If
10 such determination is in the affirmative, the permit shall be granted.

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12 (1) In the area lying within the limits of the horizontal
13 zone and the conical zone, no permit shall be required for any tree or struc-
14 ture less than 100 feet of vertical height above the ground, except when
15 because of terrain, land contour or topographic features such tree or
16 structure would extend above the neight limits prescribed for such zone.

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18 (2) In the areas lying within the limits of the approach
19 zones but at a horizontal distance of not less than 4,200 feet from each
20 end of the runways, no permits shall be required for any tree or structure
21 less than 100 feet of vertical height above the ground, except when such
22 tree or structure would extend above the height limit prescribed for such
23 approach zone.

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25 (3) In the areas lying within the limits of the transition
26 zones beyond the perimeter of the horizontal zone, no permit shall be
27 required for any tree or structure less than 100 feet of vertical height
28 above the ground except when such tree or structure, because of terrain,
29 land contour or topographic features would extend above the height limit
30 prescribed for such transition zones.
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1 public or semi-public assembly; hotels, motels, trailer courts, camp
2 grounds and multi-unit dwellings.

3 D. "Zone C." Subject at all times to the height restrictions
4 set forth in Section 6 and to the general restrictions contained in subsection
5 7.A., land included in Zone C may be used for any agricultural, residential,
6 commercial or industrial purpose, subject to the limitation that dwellings
7 are restricted to single-family dwellings constructed on not less than one (1)
8 acre lots.
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10 Section 8. NON-CONFORMING USES. Except as provided in
11 Section 10., the provisions of Section 6 and 7 of this Ordinance shall
12 not be construed to require the removal, lowering or other change or
13 alteration of any non-conforming use, or otherwise interfere with the
14 continuance of any non-conforming use as of the affective date hereof.
15 Nothing herein contained shall require any change in any structure, the
16 construction or alteration of which was begun prior to the effective date
17 of this Ordinance, and which is diligently prosecuted and completed within
18 two (2) years thereof.
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20 Section 9. VARIANCES. Any person desiring to erect or
21 increase the height of any structure or permit the growth of any tree, or
22 otherwise use his property not in accord with the regulations prescribed
23 in this Ordinance may apply to the Board of Adjustment hereinafter estab-
24 lished for a variance from the regulation in question. Such variance shall
25 be allowed where a literal application or enforcement of the regulations would
26 result in practical difficulty or unnecessary hardship and the relief granted
27 would not be contrary to the public interest but do substantial justice and
28 be in accordance with the spirit of the regulations; provided, any variance
29 may be allowed subject to a reasonable condition that the Board of Adjust-
30 ment may deem necessary to effectuate the purposes of this Ordinance.
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1 Nothing contained in any of the foregoing exceptions shall be
2 construed as permitting or intending to permit any construction, alteration or
3 growth of any structure or tree in excess of any of the height limits
4 established by this Ordinance except as set forth in Section 4.

5 B. "Existing Uses" Before any existing use or structure
6 may be replaced, substantially altered or repaired or rebuilt within any
7 zone established in Section 4, a permit must be secured authorizing such
8 replacement, change or repair. No permit shall be issued which would
9 allow the establishment or creation of an airport hazard or permit a non-
10 conforming use of structure to be made higher, enlarged, intensified,
11 or become a greater hazard to air navigation than it was on the effective
12 date of this Ordinance or than it was when the application for a permit is
13 made.
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15 C. "Non-Conforming Uses Abandoned or Destroyed" Whenever
16 the Airport Zoning Board determines that a non-conforming structure or
17 tree has been abandoned, more than 80 per cent torn down, physically
18 deteriorated, or decayed, no permit shall be granted that would allow such
19 structure or tree to exceed the applicable height limit or otherwise deviate
20 from the zoning regulations.
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22 Section 11. HAZARDS, MARKING AND LIGHTING. Any permit
23 issued, or variance granted, under Sections 9. and 10., may, if such
24 action is deemed advisable to effectuate the purposes of this Ordinance
25 and reasonable in the circumstances, be so conditioned as to require the
26 owner of the land or structure in question to permit the Village of Hallock,
27 Minnesota, at its own expense, to install, operate and maintain thereon
28 such markers and lights as may be necessary to indicate to flyers the
29 presence of an airport hazard.
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1 Section 12. AIRPORT ZONING ADMINISTRATION. The
2 Airport Commission created under the authority of Ordinance No. 117
3 of the Village of Hallock is hereby charged with the duty of administer-
4 ing and enforcing the provisions of this Ordinance. The duties of the
5 Airport Commission shall include that of receiving applications for and
6 the granting or denying of permits as provided in Section 10. The
7 Airport Commission shall not have or exercise any of the powers or
8 duties herein delegated to the Board of Adjustment.
9

10 Section 13. APPEALS.

11 A. Any person aggrieved, or any taxpayer affected, by any
12 decision of the Airport Commission made in the administration of this
13 Ordinance, shall have the right of appeal to the Village Council, which shall
14 act as, and have the powers of, the Board of Adjustment pursuant to the
15 authority granted by Minnesota Statutes 360.071 (1971).
16

17 B. All appeals hereunder must be taken within fifteen (15) days
18 from the date of the making and filing of any order or decision, by filing with
19 the City Clerk of the Village of Hallock, a note of appeal specifying the
20 grounds thereof. The Village Clerk shall forthwith transmit to the Village
21 Council all the papers constituting the record upon which the action appealed
22 from was taken.
23

24 C. An appeal shall stay all proceedings in furtherance of the action
25 appealed from, unless the Airport Commission certifies to the Village Council,
26 after the notice of appeal has been filed with it, that by reason of the facts
27 stated in the certificate a stay would, in its opinion, cause imminent peril to
28 life or property. In such case, proceedings shall not be stayed except by Order
29 of the Village Council on notice to the Airport Commission and on due cause shown.
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31 D. The Village Council shall fix a reasonable time for hearing
32 appeals; shall give public notice and due notice to the parties in interest,

1 and shall decide the same within a reasonable time. Upon the hearing
2 any party may appear in person or by agent or by attorney.

3 E. The Village Council may, in conformity with the provisions
4 of this Ordinance, reverse or affirm, in whole or in part, or modify the
5 order, requirement, decision or determination appealed from and may
6 make such order, requirement, decision or determination, as may be
7 appropriate under the circumstances.
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9 F. On appeal from a decision of the Airport Commission, the
10 Village Council shall make findings of fact and conclusions of law as
11 provided in Paragraph D of Section 13.

12 Section 14 JUDICIAL REVIEW. Any person aggrieved, or
13 any taxpayer affected, by a decision of the Village Council, may appeal to
14 the District Court as provided in Minnesota Statutes, Chapter 360.072.
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16 Section 15. CONFLICTS. In the event of a conflict within this
17 Ordinance or between the regulations of this Ordinance and any other
18 applicable federal, state or local regulations, the more stringent limita-
19 tion or regulation shall govern and prevail.

20 Section 16. PENALTIES. Any person who violates any pro-
21 vision of this Ordinance, or who violates any ruling or order made there-
22 under, shall be guilty of a misdemeanor as provided in Minnesota Statutes,
23 Section 360.073, shall be punished by a fine of not more than \$100.00 or
24 imprisonment for not more than 90 days or by both such fine and imprison-
25 ment, and each day a violation continues to exist shall constitute a
26 separate offense.
27

28 Section 17. SEVERABILITY. If any of the provisions of this
29 Ordinance or its application is held invalid, such invalidity shall not
30 affect other provisions or applications of this Ordinance which can be
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1 given effect without the invalid provisions on application, and to this
2 end, the provisions of this Ordinance are declared to be severable.

3 Section 18. DATE EFFECTIVE. This Ordinance shall be
4 effective ten days following the date of its publication and copies thereof
5 shall be filed with the Commissioner of Aeronautics and the Register of
6 Deeds, Kittson County, Minnesota.

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8 Adopted by the Village Council of Hallock, Kittson County,
9 Minnesota, this 5th day of March , 1973.

10 Published in the Kittson County Enterprise on March 14,
11 1973.

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