

**Chapter 1**  
**GENERAL PROVISIONS**

**SECTION:**

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**XX-1-1: TITLE:** This ordinance shall be known and may be cited as the BALDWIN TOWNSHIP SUBDIVISION ORDINANCE. (Ord. 910, 18 Apr 22)

**XX-1-2: PURPOSE:** The purpose of this ordinance is to provide that all subdivisions of land hereafter submitted shall fully comply in all respects with the regulations to:

- A. Provide for and guide the orderly, economic, and safe development of land and provision of town services and facilities.
- B. Encourage well planned, efficient, and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- C. Protect the public health, safety, general welfare of the town by requiring the necessary services concurrent with subdivision and development of land, such as properly designed roads and adequate sewage and water service.
- D. Place the cost of improvements against those benefiting from their construction.
- E. Secure the rights of the public with respect to public lands and waters. (Ord. 910, 18 Apr 22)

**XX-1-3: AUTHORITY:** This ordinance is enacted pursuant to the authority granted by Minnesota statutes 462.358 and Minnesota statutes 505.

**XX-7-4: SUBDIVISION APPROVAL:**

- A. The regulations governing the subdivision of land contained herein shall apply within the boundaries of the town.
- B. Any subdivision of land shall be required to comply with the provisions of this ordinance prior to recording with the county recorder for it to be valid.
- C. No building permits shall be considered for issuance by the town for the construction of any building, structure, or improvement to the land or to any parcel or lot in a subdivision until the requirements of this ordinance have been complied with. (Ord. 910, 18 Apr 22)

**XX-7-5: APPLICATON:**

- A. More Restrictive Provisions Govern: Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution, or regulation, the regulations that are more restrictive or impose higher standards or requirements shall prevail.
- B. Minimum Requirements: The standards set forth in this title are minimum requirements. The town board may impose additional or more stringent requirements as deemed necessary to promote and protect the public health, safety and, general welfare of the town. (Ord. 910, 18 Apr 22)

**XX-7-6: LOTS OF RECORD:** All lots which are a part of a subdivision legally recorded with the county recorder and a parcel(s) described by metes and bounds, the deed to which has been recorded county recorder to the adoption of this ordinance shall be considered to be a lot of record that may be considered a building site if they were created compliant with subdivision controls in effect at the time and subject to the provisions of the town zoning ordinance. (Ord. 910, 18 Apr 22)

**XX-7-7: FLOOD PRONE LANDS:**

- A. Warning and Disclaimer of Liability for Flooding:
  - 1. This ordinance does not imply that areas outside floodplain areas or land uses allowed within such districts will be free from flooding or flood damages.

2. This ordinance shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made hereunder.
3. No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the town until the town has accepted such dedication.

B. Subdivision Flooding and Flood Control:

1. No land shall be subdivided if the town board finds the land unsuitable for subdividing due to flooding, inadequate drainage, water supply, or sewage treatment facilities in accordance with this ordinance and the town zoning ordinance.
2. Any building sites on lots within the FP district established by the town zoning ordinance shall be at or above the regulatory flood protection elevation in accordance with this ordinance and the zoning ordinance.
3. All subdivisions shall have water supply and sewer disposal facilities that comply with the provisions of this ordinance, the town zoning ordinance, and any applicable ordinances, codes, rules, or laws.
4. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.
5. Each of the above requirements of this section shall take into consideration the 100-year flood profile and other supporting technical data in the flood insurance study and the flood insurance rate map. (Ord. 910, 18 Apr 22)

**XX-1-8: COMMON INTEREST COMMUNITIES:** Minnesota statutes 515B.1-106 makes applicable the requirements and standards of this ordinance, the town zoning ordinance, and other town ordinances to the common interest community form of property ownership subdivision. A proposed common interest community, including all information and documents required by Minnesota statutes 515B shall be subject to the provisions of this ordinance for the processing of plat applications. (Ord. 910, 18 Apr 22)

**XX-1-9: FEES, CHARGES, AND EXPENSES:**

- A. Fees And Charges: All applications for any permit or approval shall be signed by the applicant(s) and all owners of the property to which the request applies. The applicant(s) and owner(s) shall be deemed jointly and severally liable for the payment of all fees and escrows required by this ordinance. Fees and charges, as well as expenses

incurred by the town for engineering, planning, attorney, and other services related to the processing of applications required by this ordinance, as well as for public hearings, special meetings, or other such town board or planning commission actions as are necessary to process applications, shall be as set out by the town fee schedule ordinance.

- B. Escrow: When a land use application has been submitted, the applicant shall deposit funds in an escrow account with the town from time to time an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The escrows set forth in this section are minimum estimates only and actual costs may exceed the escrow amounts. In the event the town's administrative expenses, operating expenses, and out of pocket expenses incurred in processing the applicants' and owners' request exceed the escrow amount deposited, the applicant(s) and owner(s) shall remain liable for the difference between the amount of such costs incurred by the town and the amount of escrow posted with the town, regardless of whether the applicants' and/or property owners' request is granted or denied. An escrow deposit required by the town fee schedule ordinance shall be used for payment of all costs incurred for town in the processing of an application required by this ordinance:
1. All costs incurred for town staff and consultants directly related to processing of an application required by this ordinance including preparation of reports or studies, attendance at staff or public meetings, and any other expenses incurred with processing of an application.
  2. The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the town exceeds the fund balance.
  3. The town shall refund any amount deposited in the escrow account not expended, without interest, within 90 calendar days after final action on the application.
- C. Development Application: Fees, charges, and escrow for the estimated expenses for the processing of a development application required by this ordinance shall be collected prior to town action on any application. The fees shall be deposited in town accounts. The applicant shall not be paid interest on the fees required by this section.
- D. Fees and Expenses to be Paid: All fees and expenses incurred by the town are to be paid whether the application is approved or denied.

- E. Owner of the Property: The owner of the property subject to the application required by this ordinance shall be responsible for all costs incurred by the town in processing said application and enforcing the terms of any agreements relating to the application in accordance with Minnesota statutes 462.353, subd. 4a.
  
- F. Unpaid Expenses:
  - 1. All unpaid expenses incurred by the town under this ordinance not covered by the escrow will be charged against the property subject to the application and will be the responsibility of the property owner pursuant to Minnesota statutes 429.101, 462.353, 366.012, or any other relevant statutes.
  
  - 2. The property owner shall be invoiced for the town's costs to where property tax statements are sent by the county to be paid within 30 days of the date of the invoice.
  
  - 3. Should the property owner not reimburse the town as required by this section, the town shall be authorized to certify said unreimbursed costs plus interest to the county auditor for payment with the property owner's property taxes with interest and said certified amounts shall constitute a lien against the property that shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota statutes 429.101, 462.353, 366.012, or any other relevant statutes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the town may seek or receive for the violation of this ordinance. (Ord. 910, 18 Apr 22)

**XX-1-10: SEPARABILITY:** It is hereby declared to be the intention of the town that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
  
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment. (Ord. 910, 18 Apr 22)

**XX-1-11: EFFECTIVE DATE:** This ordinance shall become effective as of June, 20 2022 in accordance with ordinance 910 adopted the town board of Baldwin township on April 18, 2022. (Ord. 910, 18 Apr 22)