

SEQUENCING ORDINANCE FOR DAKOTA COUNTY

Amended March 25, 1997

SECTION 1. PURPOSE

In general, cities and townships have primary responsibility for the regulation of land use within their borders. Therefore, it is appropriate that municipal and town governments act on permits and licenses involving local land uses including use of premises for charitable gambling prior to action by the County.

The purpose of this Ordinance is to assure the orderly consideration of and action on permits and licenses for which both County and city or township approvals are required. The Ordinance is intended to reduce overlap and inefficiencies in the processing of applications, while assuring that applications are acted upon in a reasonable time and manner.

SECTION 2. DEFINITIONS

The terms used in this Ordinance shall have the meaning commonly given them unless specifically stated otherwise.

SECTION 3. SEQUENCE OF ACTIONS

The following process shall be followed in the processing of permits and licenses issued by Dakota County, except where a different sequencing is required by law. The Dakota County Contiguous Plat Ordinance is specifically exempted from this Ordinance. In the administration of the Shoreland and Floodplain Management Ordinance (No. 50), this Ordinance applies to proposed Conditional Use Permits, variances, and zoning amendments, but does not apply to proposed permits for buildings, shoreland alteration, or sewage treatment systems.

(1) General. An applicant for a permit or license to be issued by Dakota County is encouraged to seek any necessary approvals from municipal or township authorities prior to requesting approval from Dakota County. It shall be the practice of Dakota County officials to refer applicants to other local authorities from whom permits or licenses must be obtained prior to acceptance of applications.

(2) Applications. When a permit or license application is made to Dakota County, the Office or Department to which the application is made shall (a) determine if there has been action by a city or township which has jurisdiction with respect to the matter and (b) if it is determined that no action has been taken, request of the appropriate city or township;

(i) If the city or township intends to consider the matter;

- (ii) If the city or township intends to consider the matter, does the application appear on its face to potentially meet the city or township requirements for approval; and
- (iii) Does the city or township request that Dakota County withhold any action until the city or town completes its action.

A written response of the city or township will be required as documentation.

(3) Decisions. If the city or township has taken the necessary action to grant approval, Dakota County shall proceed with the processing of the permit or license application.

If the city or township intends to consider the matter, determines that the application appears on its face to potentially meet city or town requirements for approval, and states that it desires that the County proceed with its review of the application, Dakota County may proceed to process the permit or license. However, any County action shall be contingent on the adoption of any necessary city and township approvals and the statement of County approval shall so indicate.

If the city or township with jurisdiction requests that the County withhold any action until other local action is completed, the County will accede to the request of the local government unit (subject to the waiver provision of Section 4, below).

If a city or township with jurisdiction determines that it does not intend to consider the matter and/or that the application does not appear on its face to potentially meet city or township requirements for approval, Dakota County shall not conduct a hearing or issue a permit or license until all other required local permits and licenses have been obtained by the applicant (subject to the waiver provision in Section 4, below).

SECTION 4. WAIVER

The County Board of Commissioners may waive the provisions of this Ordinance upon a written request which demonstrates to the Board's satisfaction that the application of the Ordinance will impose an undue hardship on the permit or license applicant.

SECTION 5. SEPARABILITY

The several provisions of this Ordinance are separable. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

SECTION 6. EFFECTIVE DATE

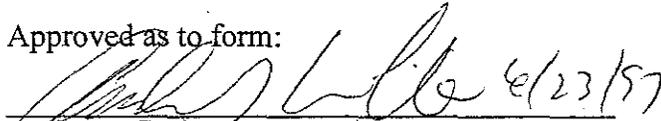
This Ordinance shall be effective upon passage by the County Board of Dakota County and publication according to law, except that any permit applications filed on or prior to the effective date of the Ordinance shall not be subject to the Ordinance.



Joseph A. Harris, Chair
Dakota County Board of Commissioners

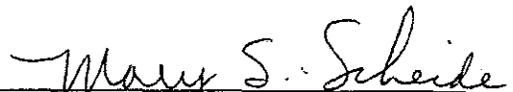
6-17-97
Date

Approved as to form:

 6/23/97

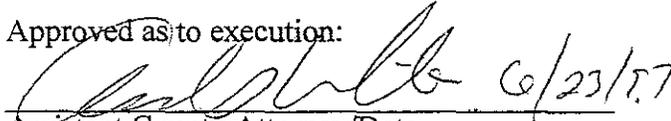
Assistant County Attorney/Date

Attest


Mary S. Scheide
Clerk to the Board

Date of Signature 6-17-97

Approved as to execution:

 6/23/97

Assistant County Attorney/Date



BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA

March 25, 1997

Resolution No. 97-187

Motion by Commissioner Maher

Seconded by Commissioner Krause

Adoption of Amendment to County Sequencing Ordinance

WHEREAS, Minn. Stat. § 349.213, subd. 2, requires that before issuing or renewing a gambling premises permit the state Gambling Control Board must notify the local county board and town board of the town where the premises are located, if located outside a city; and

WHEREAS, Minn. Stat. § 349.213, subd. 2, also requires that the state Gambling Control Board cannot issue said permit unless the gambling organization submits a resolution from the county board approving the premises permit; and

WHEREAS, in order to improve County efficiency the County Board desires that the gambling organization first notify the local town board of its application for a gambling premises permit before seeking a County Board resolution in support of the application; and

WHEREAS, in order to accomplish this the Dakota County Sequencing Ordinance must be amended by adding gambling premises permits to the list of activities included in Section 1 of the current ordinance; and

WHEREAS, a public hearing on this proposed change was held on March 25, 1997.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby amends the Dakota County Sequencing Ordinance by adding "gambling premises permits" to the list of actions to be presented first to the local town board, as set forth in Section 1 of the current ordinance; and

BE IT FURTHER RESOLVED, That the appropriate County officials are directed to publish a notice of the County Board's enactment of this amendment to the County Sequencing Ordinance in the official county newspaper.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> X </u>	Harris	_____
Maher	<u> X </u>	Maher	_____
Bataglia	<u> X </u>	Bataglia	_____
Mueller	<u> X </u>	Mueller	_____
Turner	<u> X </u>	Turner	_____
Krause	<u> X </u>	Krause	_____
Branning	<u> X </u>	Branning	_____

I, Mary S. Scheide, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 25th day of March 1997, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 27th day of March 1997.

Mary S. Scheide
Clerk to the Board