



ORDINANCE NO. 323, 2ND SERIES

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 CHISHOLM-HIBBING AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE CHISHOLM-HIBBING AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

Section 1. Hibbing City Code Section 11.39, entitled "A-P Airport District" is hereby deleted in its entirety and there is hereby added as a new Section 11.39, entitled "Chisholm-Hibbing Airport Zoning Ordinance" the following:

"SEC. 11.39. CHISHOLM-HIBBING AIRPORT ZONING ORDINANCE"

Subd. 1. Purpose And Authority. The City Council of the City of Hibbing pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of users of the Chisholm-Hibbing 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 Chisholm-Hibbing Airport and the public investment therein.
B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Chisholm-Hibbing 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.

Subd. 2. Short Title. This Section shall be known as "Chisholm-Hibbing Airport Zoning Ordinance". Those sections of land affected by this Section are indicated in "Exhibit A" which is attached to this Section.

Subd. 3. Definitions. As used in this Section, unless the context otherwise requires:

"AIRPORT" means the Chisholm-Hibbing Airport located in parts of Section 26, Township 57, Range 20, in the City of Hibbing, St. Louis County, Minnesota.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1,353 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.

"COMMISSIONER" means the Commissioner of the Minnesota Department of Transportation.

"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 Section 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.

"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 preexisting structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment hereto.

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

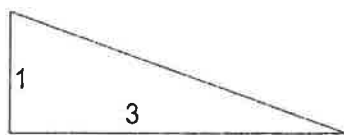
"PERSON" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"PLANNED", as used in this Section, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, MN/DOT, Office of Aeronautics, and the Chisholm-Hibbing Airport Authority.

"PRECISION INSTRUMENT RUNWAY" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

"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 feet horizontal to 1 foot vertical

"STRUCTURE" means an object constructed or installed by man, 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 Section 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.

"VISUAL RUNWAY" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

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

Subd. 4. Airspace Obstruction Zoning.

A. Airspace Zones. In order to carry out the purposes of this Section, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument 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:

a. extending 200 feet beyond each end of Runway 13/31 and Runway 4/22.

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:

b. 1000 feet for Runway 13/31.

c. 500 feet for Runway 4/22.

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 1,505 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:

- a. 10,000 feet for Runway 13/31.
- b. 6,000 feet for Runway 4/22.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000 foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

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 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

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:

- a. 20:1 for Runway 4/22.

The approach surface expands uniformly to a width of:

- b. 2,250 feet for Runway 4/22 at a distance of 5,000 feet to the periphery of the conical surface.

Precision Instrument Approach Zone: All that land which lies directly under an imaginary precision instrument approach surface longitudinally centered on the extended centerline at each end of Runway 13/31, a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward at a slope of 50:1 for a horizontal distance of 10,000 feet expanding uniformly to a width of 4,000, then continues upward and outward for an additional horizontal distance of

40,000 feet at a slope of 40:1 expanding uniformly to an ultimate width of 16,000 feet.

6. **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 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.

B. Height Restrictions: Except as otherwise provided in this Section, 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 zone created in Subd. 4. A. so as to project above any of the imaginary airspace surfaces described in said Subd. 4. 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.

Subd. 5. Land Use Safety Zoning

A. Safety Zone Boundaries: In order to carry out the purpose of this Section, 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 Chisholm-Hibbing Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, 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 Subd. 4.A. hereof, which extends outward from the end of the

primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:

- a. 5,000 for Runway 13/31
 - b. 2,050 for Runway 4/22.
2. Safety Zone B: All land in that portion of the approach zones of a runway, as defined in Subd. 4.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. 2,500 for Runway 13/31.
 - b. 1,025 for Runway 4/22.
3. Safety Zone C: All that land which is enclosed within the perimeter of the horizontal zone, as defined in Subd. 4. A. hereof, and which is not included in Zone A or Zone B.

B. Use Restrictions.

1. General: Subject at all times to the height restrictions set forth in Subd. 4. B., no use shall be made of any land in any of the safety zones defined in Subd. 5. 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. Zone A: Subject at all times to the height restrictions set forth in Subd. 4. B. and to the general restrictions contained in Subd. 5. B. 1. areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar aboveground 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), cemeteries, and automobile parking.

3. Zone B: Subject at all times to the height restrictions set forth in Subd. 4. B., and to the general restrictions contained in Subd. 5. B. 1., areas designated as 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 or such larger area as may be required by this Section.
- b. Each use shall not create, attract, or bring together 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	4	12:1 12:1	10,900	45
4	6	10:1 10:1	17,400	60
6	10	8:1 8:1	32,700	90
10	20	6:1 6:1	72,600	150
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in Zone B: Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

4. Zone C: Zone C is subject only to height restrictions set forth in Subd. 4. B., and to the general restrictions contained in Subd. 5. 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.

Subd. 6. Airport Zoning Map.

The several zones herein established are shown on the Chisholm-Hibbing Airport Zoning Map consisting of 2 sheets, prepared by Short-Elliott-Hendrickson (SEH), Inc., and dated August 13, 2005, 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 Section.

Subd. 7. Nonconforming Uses.

Regulations not retroactive. The regulations prescribed by this Section 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 Section, 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 Section, and is diligently prosecuted and completed within two years thereof.

Subd. 8. 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 permit therefore shall have been applied for and granted by the zoning administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

1. However, 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 each 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 Section as set forth in Subd. 4. and the land use limitations set forth in Subd. 5.

B. Existing Uses: Before any existing use or structure may be replaced, substantially altered or impaired, or rebuilt within any zone established herein, a permit must be secured 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 Section or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed: Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than 80% 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 zoning administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Section. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the zoning administrator 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 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight per cent 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.

Subd. 9. Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Section may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an application for a variance by certified mail to the members of the Board and the Board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner 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 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 or 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 Section, provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Section.

Subd. 10. 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 zoning administrator 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 Chisholm-Hibbing Airport Authority.
- B. Permits and Variances:** Any permit or variance deemed advisable to effectuate the purpose of this Section and be reasonable to effectuate the purpose of this Section and be reasonable in the circumstances, and granted by the zoning administrator or Board, shall 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.

Subd. 11. Conflicts.

Where there exists a conflict between any of the regulations or limitations prescribed in this Section 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.

Subd. 12. Severability.

- A. In any case in which the provision of this Section, although generally reasonable, is 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 Section as to other structures and parcels of land, and to this end the provisions of this Section are declared to be severable.
- B. Should any section or provision of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Section as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

Section 2. Penalty Provisions. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. Summary Approved. The Council hereby determines that the text of the summary of this Ordinance prepared by Richard K. Sellman, City Attorney, marked "Official Summary of Ordinance No. 323, 2nd Series", and a copy of which is attached hereto, clearly informs the public of the intent and effect of the Ordinance. The Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the Ordinance.

Section 4. Posting and Filing. The Clerk shall see that a copy of this Ordinance is filed in his office and in the Hibbing Public Library which the Council hereby designates as locations at which a copy is available for inspection by any person during regular office hours.

Section 5. Publication. The Clerk shall publish the title of this Ordinance and the official summary once in the official newspaper with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and the Hibbing Public Library.

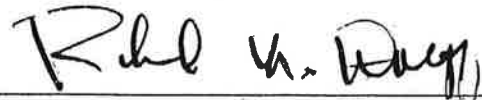
Section 6. Effective Date. This Ordinance takes effect upon its passage and the publication of its title and the official summary.

Adopted by the City Council of Hibbing, Minnesota, this 15th day of February, 2006:

FOR ADOPTION: Councilor Jack Lund
Councilor Dan Marich
Councilor Frank Bigelow
Councilor Tim Harkonen
Councilor Patty Shafer
Clerk Jeff Young
Mayor Rick Wolff

AGAINST ADOPTION: None.

ABSENT: None.



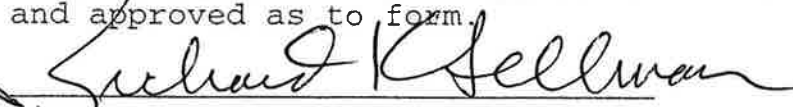
Richard M. Wolff, Mayor

ATTEST:



Jeffrey A. Young
City Clerk-Treasurer

The foregoing ordinance reviewed
and approved as to form.



Richard K. Sellman
City Attorney

(Published in the Hibbing Tribune on _____, 2006.
Affidavit of Publication attached.)

EXHIBIT A

Chisholm-Hibbing Airport Zoning Ordinance

This Ordinance affects all or a portion of the following sections of land in St. Louis County, Minnesota:

<u>Sections</u>	<u>Township</u>	<u>Range</u>
13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36	57	20
1, 2, 3, 11, 12	56	20
19, 29, 30, 31, 32	57	19
5, 6, 7	56	19

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance adopted and passed by the Hibbing City Council at its regular meeting held on February 15, 2006.



Sandra Marincel
Council Secretary

Subd. 6. Airport Zoning Map.
Subd. 7. Non-conforming Uses.
Subd. 8. Permits.
 A. Future Uses
 B. Existing Uses
 C. Non-Conforming Uses Abandoned or Destroyed
Subd. 9. Variances.
Subd. 10 Hazard Marking and Lighting.
 A. Non-conforming Uses
 B. Permits and Variances
Subd. 11. Conflicts.
Subd. 12. Severability.
Section 2. Penalty Provisions.
Section 3. Approval of Summary for publication
Section 4. Posting and Filing of Ordinance at City Clerk's Office and Hibbing Public Library.
Section 5. Publication of Title and Official Summary.
Section 6. Effective date: Date of Publication.

Richard M. Wolff, Mayor
 ATTEST:
 Jeffrey A. Young
 City Clerk-Treasurer
 The foregoing ordinance reviewed and approved as to form.

Richard K. Sellman
 City Attorney
 March 1, 2006

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 CHISHOLM-HIBBING AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE CHISHOLM-HIBBING AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.
 The City Council of Hibbing, Minnesota, ordains:

OFFICIAL SUMMARY OF ORDINANCE NO. 323, 2ND SERIES

NOTICE: A printed copy of the complete Ordinance is available for inspection by any person during regular office hours at the offices of the City Clerk and the Hibbing Public Library.

Section 1. Add new Section 11.39, entitled 'Chisholm-Hibbing Airport Zoning Ordinance'.

Subd. 1. Purpose and Authority

Subd. 2. Short Title.
 Chisholm-Hibbing Airport Zoning Ordinance

Subd. 3. Definitions.

Subd. 4. Airspace Obstructing Zoning .

A. Airspace Zones
 B. Height Restrictions
 C. Boundary Limitations

Subd. 5. Land Use Safety Zoning

A. Safety Zone Boundaries
 B. Use Restrictions
 C. Boundaries Limitations

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Sue LaBrosse, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as The Hibbing Daily Tribune, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance NO. 333, which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Wednesday, the 1st day of March 2006.

Sue LaBrosse

BY: Lynn B Kaim

Subscribed and sworn to before me on

this Dec. 12, 2006

Notary Public



LYNN B KAIM
NOTARY PUBLIC
MINNESOTA

My Commission Expires Jan. 31, 2011

ORDINANCE NO. 328, 2ND SERIES



AN ORDINANCE OF THE CITY OF HIBBING, MINNESOTA, AMENDING HIBBING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATION (ZONING)" BY AMENDING THE ZONING DISTRICT MAP PURSUANT TO AUTHORITY CONTAINED IN SECTION 11.74, SUBD. 1.; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS:

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

Section 1. The Hibbing City Code is hereby amended by adding the following to the Zoning District Map, to be recorded in the Hibbing City Code in the Chapter entitled "Listing of Uncoded Ordinances in Effect":

<u>Legal Description</u>	<u>Zoning Map Change</u>
W1/2 of SE1/4, Section 22, Township 57, Range 20; SE1/4 of SE1/4, Section 22, Township 57, Range 20, EXCEPT the East 1/2 thereof;	AR to AMU-P
NE1/4 of SW1/4, Section 22, Township 57, Range 20, EXCEPT that part thereof described as follows: Beginning at NW corner, thence North 88 degrees 52'45" East along north line 1288.78 feet, thence South 37 degrees 14'12" West 1675.49 feet to a point on south line, thence South 88 degrees 53'24" West along south line 118.97 feet to SW corner, thence North 06 degrees 46'27" West along west line 1320.24 feet to Point of Beginning;	
SE1/4 of SW1/4, Section 22, Township 57, Range 20;	
E1/2 of SW1/4 of SE1/4, Section 23, Township 57, Range 20;	
SE1/4 of SE1/4, EXCEPT the Northerly 330 feet thereof, Section 23, Township 57, Range 20;	
E1/2 of NE1/4, Section 26, Township 57, Range 20;	
NW1/4 of NE1/4, Section 26, Township 57, Range 20;	
N1/2 of NW1/4, Section 26, Township 57, Range 20;	
NE1/4 of SE1/4, EXCEPT the airport runway, Section 26, Township 57, Range 20;	
NW1/4 of NE1/4, Section 27, Township 57, Range 20, EXCEPT that part thereof described as follows: Part of NW1/4 of NE1/4 commencing at the NW corner, thence South 02 degrees 12'12" East assigned bearing along the west line of forty 75.45 feet to the South Right of Way of State Trunk Hwy 37 and the Point of Beginning, thence South 85 degrees 55'43" East 400.60 feet along said South Right of Way to the West Right of Way of Dublin Road, thence South 00 degrees 33'25" West 31.77 feet along said West Right of Way, thence Ely and Sely along said West Right of Way 377.39 feet along a tangential curve concave to the NE having a radius of 420 feet and a central angle of 51 degrees 28'58", thence North 85 degrees 55'43" West 542.36 feet to the west line of forty, thence North 02 degrees 12'12" West 352.11 feet along said west line to the Point of Beginning;	
NE1/4 of NE1/4, Section 27, Township 57, Range 20;	
NW1/4 of SE1/4, Section 27, Township 57, Range 20;	
NE1/4 of SE1/4, Section 27, Township 57, Range 20;	
SE1/4 of SE1/4, Section 27, Township 57, Range 20.	

S1/2 of NE1/4, Section 27, Township 57, Range 20

AR to AMU-P

Lots 1 - 22, Luthen Plat

AR to AMU-P

W1/2 of SW1/4 of SE1/4, Section 23, Township 57, Range 20

C-3 to AMU-P

That Part of NW1/4 of NE1/4, Section 27, Township 57, Range 20, commencing at the NW corner, thence South 02 degrees 12'12" East assigned bearing along the west line of forty 75.45 feet to the South Right of Way of State Trunk Hwy 37 and the Point of Beginning, thence South 85 degrees 55'43" East 400.60 feet along said South Right of Way to the West Right of Way of Dublin Road, thence South 00 degrees 33'25" West 31.77 feet along said West Right of Way, thence Ely and SEly along said West Right of Way 377.39 feet along a tangential curve concave to the NE having a radius of 420 feet and a central angle of 51 degrees 28'58", thence North 85 degrees 55'43" West 542.36 feet to the west line of forty, thence North 02 degrees 12'12" West 352.11 feet along said west line to the Point of Beginning.

I-1 to AMU-P

Section 2. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing and attestation, this ordinance shall be published once in the official newspaper of the City and shall be in effect on and after date following such publication.

Adopted by the City Council of Hibbing, Minnesota, this 20th day of September, 2006.

FOR ADOPTION: Councilor Jack Lund
 Councilor Dan Marich
 Councilor Frank Bigelow
 Councilor Tim Harkonen
 Councilor Patty Shafer
 Clerk Jeff Young

AGAINST ADOPTION: None.

ABSENT: Mayor Rick Wolff

Richard M. Wolff
Richard M. Wolff, Mayor

ATTEST:

Jeffrey A. Young
Jeffrey A. Young, Clerk-Treasurer

The foregoing ordinance reviewed and approved as to form.

Richard K. Sellman
City Attorney Richard K. Sellman

(Published in the Hibbing Tribune on October 17, 2006.
Affidavit of Publication attached.)

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Sue LaBrosse, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as The Hibbing Daily Tribune, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance # 328, which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Tuesday, the 17 day of October 2006.

BY: Sue LaBrosse


Subscribed and sworn to before me on

this Nancy Novak 10/20/06
Notary Public

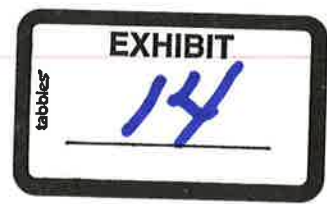


CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance adopted and passed by the Hibbing City Council at its regular meeting held on September 20, 2006.



Sandra Marincel
Council Secretary



ORDINANCE NO. 329, 2ND SERIES

AN ORDINANCE ESTABLISHING A NEW AIRPORT MULTIPLE USE PARK DISTRICT (AMU-P); AND ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF HIBBING, MINNESOTA ORDAINS:

Section 1. Hibbing City Code Chapter 11 entitled "Land Use Regulation (Zoning) is hereby amended by adding a new Section 11.40 entitled "Airport Multiple Use Park District (AMU-P)", as follows:

"SECTION 11.40. AMU-P AIRPORT MULTIPLE USE PARK DISTRICT.

Subd. 1. General Uses. The following are general uses on the property of the Chisholm-Hibbing Airport which may be granted under the Airport Authority. Said general uses, as regulated by this Section are also subject to the regulations of this Chapter, including the applicable regulations and permitting requirements of Federal, State and Local governmental authorities.

A. Principal and accessory uses related to aviation transportation (airport) terminals, offices, airfields, commercial airline hangers, and all related operations and maintenance facilities.

B. Hangers owned by the Airport Authority which may be offered for private use.

C. Airport terminal parking lot/ramp.

D. Open space for soil and water conservation programs and other programs intended to protect and enhance critical environmental features for areas not suitable for development provided there are no buildings or other structures.

E. Special events and activities.

Subd. 2. AMU-P, Airport Multiple Use Park District. Any use of property, including any improvement thereto shall first require an executed agreement with the Airport Authority, except where any such use or improvement in compliance with the regulations of this Section is for private property (not owned by or leased from the Airport Authority). In any case the Building Department may request Airport Authority advice or assistance when there is a question of enforcement of this Section.

A. Permitted Uses. The following uses shall be permitted in the AMU-P District (unless otherwise listed in Section 11.39 as prohibited) and are subject to the regulations of Section 11.39, and those of this Chapter. Said uses are further subject to the applicable regulations and permitting requirements of Federal, State and Local governmental authorities as well.

1. Automobile rental facilities.
2. Loading and unloading operations at the airport terminal for ground shipping, taxis services, including ground based public or private mass transit.
3. Aviation related manufacturing, fabricating, assembling, warehousing, and sales.
4. Commercial ground shipping transportation terminals and warehousing facilities, including over the road trucking businesses.
5. Retail shops, offices or office complexes, commercial eating or drinking establishments. Any such shop, office or establishment not contained within the Airport Authority's airport terminal shall be a stand-alone building per parcel, and subject to a maximum building size of 10,000 square feet.
6. Publically owned parking ramps/lots. Off-street parking lots and loading facilities incidental to any approved principal use as for permitted uses or conditional uses subject to the regulations for such uses as stipulated in Sec. 11.51 of this Chapter.
7. Signs shall be subject to the "Signs Permitted in other Commercial and Industrial Districts" regulations as applicable, including other applicable regulations as stipulated in Sec. 11.57 of this Chapter.
8. Accessory buildings or structures, or uses customarily incidental to the principal use, building or structure as regulated in this Section for any general or permitted use, or any duly approved use, building or structure as for a conditional use.
9. Livestock pasturing, hay and wild crop harvesting provided there are no buildings or other structures.

B. Conditional Uses. The following AMU-P District uses shall be considered as for principal uses and are subject to the regulations of Section 11.39, and those of this Chapter. Said

uses shall (unless otherwise listed in Section 11.39 as prohibited) also require an approved conditional use permit in conformance with the regulations and procedures for conditional uses as stipulated in Section 11.73. Conditional Uses of this Chapter, and further are subject to the applicable regulations and permitting requirements of Federal, State and Local governmental authorities as well.

1. Commercially or publically owned outdoor/indoor recreational uses, buildings, fields, including related facilities.
2. Light industry manufacturing, fabricating, assembling, warehousing, or wholesale businesses.
3. Automobile sales and service, including any related repair shops.
4. Automobile service stations, convenience stores, car wash establishments.
5. Shopping centers, plazas, outlet malls, grocery stores.
6. Retail shops larger than 10,000 square feet (NOTE: commercial eating or drinking establishments are not to be included here).
7. Aviation repair operations not associated with the Airport Authority, or not in conjunction with an aviation manufacturing operation listed as a permitted use.
8. Short and long term storage facilities (not including aircraft hangers).
9. Motel or hotel facilities.
10. Privately operated or owned parking ramps/lots.
11. Public service corporation uses, including other uses such as but not limited to utility corridors, buildings, towers, antennas, and other public and private utility transmission facilities reasonably necessary to the public convenience or welfare.
12. Any building or structure not to exceed 10,000 square feet (including addition, enlargement, replacement/relocation of existing) for open space uses, including livestock pasturing, hay and wild crop harvesting.

Subd. 3. Accessory Uses, Buildings Or Structures. Accessory uses, buildings or structures may not exist as principal uses, buildings or structures in their own stead. Such accessory uses, buildings or structures, either attached to a principal building or structure, or detached, may be permitted in the following manner when auxiliary to any principal use, building or structure as defined in this Chapter and noted above as a general or permitted use, or as a duly approved conditional use:

A. An accessory use, building or structure is defined here as that which is customarily incidental to a fully maintained and functioning principal use, building or structure, and is located on the same lot therewith. Such accessory use, building or structure shall include but not necessarily be limited to aircraft hangers, warehouses or specialized freight and yard equipment structures, vehicle and maintenance equipment storage structures, private utility structures, secondary processing structures and similar specialized structures.

Subd. 4. Storage, Screening, Off-Street Parking, And Landscaping. A site plan for any building or zoning permit shall be required to include design details for storage, wall or fence with or without screening, off-street parking, and landscaping. The Building Department shall have the authority to approve/disapprove all such design details, order or approve changes to the site plan as necessary for permit compliance. Standards for off-Street Parking found in Sec. 11.51 of this Chapter shall apply. Except for parking lot, loading and driveway surfaces no less than 35 feet of the front yard (or corner lot) and 15 feet of the side yard(s) of the principal structure shall be landscaped with grass, shrubs or other similar landscaping materials. Property and landscaping shall be kept neat, clean and uncluttered. Storage area, wall or fence with or without screening, off-street parking, and landscaping shall be installed as part of the initial construction prior to the issuance of a Certificate of Occupancy or Zoning. Storage and screening standards are as follows:

A. Storage of all vehicles, aircraft, equipment, including but not limited to all raw materials, supplies, new or used parts, finished or unfinished products shall be within the confines of a completely enclosed building or within the confines of a wall or chainlink fence which is not less than six (6) feet high, but not higher than twelve (12) feet. Where any such wall or chainlink fence, or portion thereof is less than 100 feet from any primary arterial highway, or any adjoining zoning district to the AMU-P, District said wall or fence, or portion thereof shall consist of 100% opacity for screening purposes. Such wall or fence screening shall be required where said storage not confined within a completely enclosed building

is less than 50 feet from any common side or rear property lines with adjoining properties (buffer area requirements of this Section may supercede these requirements if adjoining properties are in different zoning districts). This regulation shall not apply to merchandise for direct on-site sales or rental, any duly approved parking lot or ramp solely intended for transient parking uses by visitors, customers, and employees of such general, permitted or conditional uses of this District.

Subd. 5. Requirements. The following requirements shall be observed for all lots and uses in the AMU-P District, and general uses where noted:

A. Minimum lot area: each lot shall be no less than 20,000 square feet in area where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 4.5 acres.

B. Minimum lot width: each lot shall be no less than 100 feet wide where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 300 feet. Said applicable minimum lot width shall front along a highway, street, or local road intended for public use. Such applicable minimum lot widths and minimum lot areas may not be required provided such lots are legally platted in approved Planned Developments.

C. Minimum lot depth: no requirement stipulated, however such lot depth of the property in question shall be adequate for any principal building or structure, including any accessory building or structure to comply with all applicable minimum setback and maximum lot coverage requirements, and for said property to comply with the applicable minimum lot area requirement.

D. Maximum lot coverage allowed: no greater than 40% of the property in question shall be covered with principal and accessory buildings/structures where it is serviced by public sanitary sewer and water utilities, otherwise such requirement shall be no greater than 10%.

E. Maximum height limits: principal buildings shall not be greater than 40 feet; detached accessory buildings shall not be greater than 30 feet, but only where they do not in effect reduce the more restrictive height limits as regulated within the Zones of Section 11.39, Subd. 4. Air Space Obstruction Zoning and Section 11.39, Subd 5. Land Use Safety Zoning.

F. Lot line setbacks: minimum distances from building/structure line to property line (property lines along public

highways, road, streets, and alleys are also known as right-of-way lines); (Note: Setbacks from any protected (public) water (lake, river/stream) shall comply with the minimum Ordinary High Water Level [OHWL] setback requirements applicable for any lake, river/stream regulated in Chapter 16: Shoreland Management of this Ordinance shall be observed for any building/structure.); (*buffer area requirements are stricter than lot line setbacks and shall be observed as stipulated below). Lot line setbacks and buffer area are as follows:

1. **Minimum front yard setback:** all buildings/structures shall be setback from the right-of-way line of any primary arterial highway or road no less than 100 feet; all other street or road right-of-way lines no less than 35 feet.
2. **Minimum side yard setbacks:**
 - (a) Principal building or structure shall not be less than 15 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
 - (b) Detached accessory building or structure shall not be less than 10 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
3. **Minimum rear yard setback:**
 - (a) Principal building or structure shall not be less than 25 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
 - (b) Detached accessory building or structure shall not be less than 10 feet where the property in question is serviced by public sanitary sewer and water utilities, otherwise such requirement shall not be less than 50 feet.
4. **Minimum corner lot setbacks:** applicable minimum front yard setback requirements listed above shall be required for all buildings or structures where both yards of the property in question abut any primary arterial highway, street or road.

5. **Buffer area.** Unless exempted from these requirements, all land uses including buildings, parking lots/ramps and areas used for storage but are not within the confines of a completely enclosed building in the AMU-P, District, including properties for "General Uses" shall be separated by a buffer area of undeveloped land that is not less than 150 feet from adjacent zoning districts or properties of existing non-conforming residents which are within the boundaries of the A-R, Agricultural-Rural Residential District. Uses exempted from the buffer area requirement are specified as follows: livestock pasturing, hay and wild crop harvesting, open space uses, public utility corridors including related facilities and buildings/structures, publically owned recreational fields (i.e. open fields and parking areas for community and public recreational uses), and approved special events or activities. Also exempted from the buffer area requirement are any general, permitted and conditional use of the AMU-P, District where the front yard (or corner lot) of said use is separated from any other adjacent zoning district, or any non-conforming properties and buildings/structures within this District by a highway, street or road.

6. **Public Waters.** Any general, permitted or conditional use in this District within 1000 feet of a lake, river or stream designated by the DNR as a Public Water shall be subject to the regulations of this Section, however where said distance is 300 feet or less and the applicable setback, height, erosion control, screening and distance requirements of the Shoreland Management District in Chapter 16 of this Ordinance are more restrictive, the more restrictive requirements shall prevail."

Section 2. Penalty Provisions. Hibbing City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. Summary Approved. The Council hereby determines that the text of the summary of this Ordinance prepared by Richard K. Sellman, City Attorney, marked "Official Summary of Ordinance No. 329, 2nd Series", and a copy of which is attached hereto, clearly informs the public of the intent and effect of the Ordinance. The Council further determines that publication of the title and such summary

will clearly inform the public of the intent and effect of the Ordinance.

Section 4. Posting and Filing. The Clerk shall see that a copy of this Ordinance is filed in his office and in the Hibbing Public Library which the Council hereby designates as locations at which a copy is available for inspection by any person during regular office hours.

Section 5. Publication. The Clerk shall publish the title of this Ordinance and the official summary once in the official newspaper with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and the Hibbing Public Library.

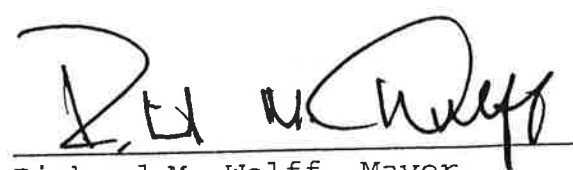
Section 6. Effective Date. This Ordinance takes effect upon its passage and the publication of its title and the official summary.

Adopted by the City Council of Hibbing, Minnesota, this 20th day of September, 2006.


FOR ADOPTION: Councilor Jack Lund
Councilor Dan Marich
Councilor Frank Bigelow
Councilor Tim Harkonen
Councilor Patty Shafer
Clerk Jeff Young

AGAINST ADOPTION: None.

ABSENT: Mayor Rick Wolff


Richard M. Wolff, Mayor

ATTEST:


Jeffrey A. Young
City Clerk-Treasurer

The foregoing ordinance reviewed
and approved as to form.

Richard K. Sellman

City Attorney

(Published in the Hibbing Tribune on 12/14, 2006.
Affidavit of Publication attached.)

ORDINANCE NO. 329A, 2ND SERIES

AN ORDINANCE ESTABLISHING A NEW AIRPORT MULTIPLE USE PARK DISTRICT (AMU-P); AND ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

The City Council of Hibbing, Minnesota, ordains:

OFFICIAL SUMMARY OF ORDINANCE NO. 329, 2ND SERIES

NOTICE: A printed copy of the complete Ordinance is available for inspection by any person during regular office hours at the offices of the City Clerk and the Hibbing Public Library.

Section 1. Add new Section 11.40 entitled 'Airport Multiple Use Park District (AMU-P)'.

Subd. 1. General Uses. Airport uses on airport property controlled by Airport Authority.

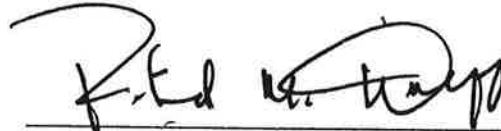
Subd. 2. AMU-P, Airport Multiple Use Park District.
A. Permitted Uses.
B. Conditional Uses.

Subd. 3. Accessory Uses, Buildings Or Structures.

Subd. 4. Storage, Screening, Off-Street Parking, And Landscaping.

Subd. 5. Requirements.
A. Minimum lot area
B. Minimum lot width
C. Minimum lot depth
D. Maximum lot coverage allowed
E. Maximum height limits
F. Lot line setbacks
1. Minimum front yard setback
2. Minimum side yard setbacks
3. Minimum rear yard setback
4. Minimum corner lot setbacks
5. Buffer area
6. Public Waters

- Section 2. Penalty Provisions.
- Section 3. Approval of Summary for publication.
- Section 4. Posting and Filing of Ordinance at City Clerk's Office and Hibbing Public Library.
- Section 5. Publication of Title and Official Summary.
- Section 6. Effective date: Date of Publication.



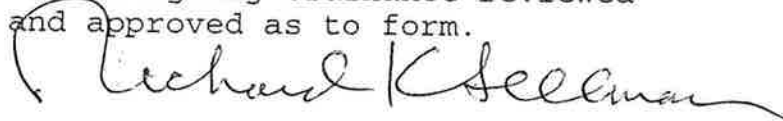
Richard M. Wolff, Mayor

ATTEST:



Jeffrey A. Young
City Clerk-Treasurer

The foregoing ordinance reviewed
and approved as to form.



City Attorney

(Published in the Hibbing Tribune on _____, 2006.
Affidavit of Publication attached.)

**ORDINANCE NO. 329A,
2ND SERIES**

AN ORDINANCE ESTABLISHING A NEW AIRPORT MULTIPLE USE PARK DISTRICT (AMU-P); AND ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS. The City Council of Hibbing, Minnesota, ordains:

**OFFICIAL SUMMARY OF
ORDINANCE NO. 329,
2ND SERIES**

NOTICE: A printed copy of the complete Ordinance is available for inspection by any person during regular office hours at the offices of the City Clerk and the Hibbing Public Library.

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Subd. 2. AMU-P, Airport Multiple Use Park District.

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2. Minimum side yard setbacks

3. Minimum rear yard setbacks

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5. Buffer area

6. Public Waters

Section 2. Penalty Provisions.

Section 3. Approval of Summary for publication.

Section 4. Posting and Filing of Ordinance at City Clerk's Office and Hibbing Public Library.

Section 5. Publication of Title and Official Summary.

Section 6. Effective date: Date of Publication.

Richard M. Wolff, Mayor

ATTEST:

Jeffrey A. Young

City Clerk-Treasurer

The foregoing ordinance reviewed and approved as to form.

Richard K. Sellman

City Attorney

December 14, 2006

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Sue LaBrosse, being duly sworn, on oath says that she is the publisher or authorized agent and employee of the publisher of the newspaper known as The Hibbing Daily Tribune, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance 329A 2nd Series which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Thursday, the 14th day of December 2006.

Sue LaBrosse

BY: Lynn Kaim


Subscribed and sworn to before me on
this Dec. 14, 2006
Notary Public



LYNN B KAIM
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2011

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance adopted and passed by the Hibbing City Council at its regular meeting held on September 20, 2006.



Sandra Marincel
Council Secretary