
SECTION 200.00 PLANNING AND ZONING COMMISSION.

- 200.01 Commission Established and Continued.
- 200.02 Membership.
- 200.03 Terms, Vacancies, Oath, Compensation.
- 200.04 Organization.
- 200.05 Powers and Duties.

200.01 COMMISSION ESTABLISHED AND CONTINUED.

The Planning and Zoning Commission of the City is hereby continued. The Commission shall be the City planning agency established by Minnesota Statutes, Section 462.354, Subd. 1.

200.02 MEMBERSHIP.

The City Planning Commission shall consist of five members appointed by the City Council. The five said members shall be appointed and may be removed by the Council. The Council may appoint up to two alternates to serve in the absence of an appointed member. In addition to the membership enumerated herein, the City Council may also appoint up to two Councilmembers who may attend all meetings and participate in all discussions, however, said appointed Councilmembers will be non-voting members of the Commission.

200.03 TERMS, VACANCIES, OATH, COMPENSATION.

Regular members and alternate members of the Commission shall be appointed to a term of four years. Term of office shall begin on February 1 and shall expire on January 31. All such members shall be appointed and may be removed by the City Council. Vacancies arising in the unexpired term shall be filled by Council appointment for the duration of the term. Every appointed member, before beginning the duties described herein, shall take an oath relating to the faithful discharge of those duties. Members shall receive compensation as set by Council resolution.

200.04 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Commission shall elect from its appointed regular members, a chairperson, a vice-chairperson, and a secretary, and such other officers as it may determine necessary. At the first regular meeting in February, the chair shall call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Meetings, Records. Regular meetings shall be held at least monthly unless no recommendations are required. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided by the parliamentary rules as defined by Roberts Rules of Order, Revised.

C. Special Meetings. The Chairperson or any two (2) members of the Planning Commission may call a special meeting of the Commission by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted

notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered personally to each member of the Commission, or shall be left at his/her usual place of residence with some responsible person.

D. Quorum. Three members of the Commission shall constitute a quorum. No action may be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present (and a final vote shall be taken at an adjourned meeting).

E. Voting. All action taken by the Commission shall be by a majority vote of members who are present.

F. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

200.05 POWERS AND DUTIES.

Subd. 1. Generally: The Planning and Zoning Commission shall have the powers and duties given planning agencies generally as provided in Minnesota Statutes 462.351 et seq. The Commission shall also exercise the duties conferred upon it by this Code, including the Zoning Title, and by the Council.

Subd. 2. Comprehensive Plan. After the Council has prepared and adopted a comprehensive plan, the Commission shall periodically, but at least once every two (2) years, review the comprehensive plan, any ordinances, and any capital improvement program the Council had adopted to implement the plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, and recommend it to the Council in accordance with law. Similarly, after such review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program and any ordinance implementing the plan.

Subd. 3. Zoning Ordinances, Public Hearing. No zoning ordinance or amendment shall be adopted by the Council until a public hearing has been held thereon by the Planning and Zoning Commission upon notice as provided in Minnesota Statutes, 462.357, Subd. 3.

Subd. 4. Subdivision Plat Approval. Any subdivision plat submitted to the Council for approval shall be referred to the Planning and Zoning Commission for review and recommendation prior to Council approval. The Commission shall provide a recommendation to the Council regarding any plat so referred within 60 days of filing.

Subd. 5. The Commission shall serve as the Zoning Board of Appeals and Adjustments for the City. See Section 206.00.

SECTION 201.00 PARK BOARD

- 201.01 Commission Established and Continued.
- 201.02 Membership.
- 201.03 Terms, Vacancies Oath, Compensation.
- 201.04 Power and Duties.

201.01 COMMISSION ESTABLISHED AND CONTINUED.

The Park Board for the City, pursuant to the authority given by Minnesota Statutes, 412.501 to 412.531 is hereby continued.

201.02 MEMBERSHIP.

The Park Board shall consist of five (5) voting members and, if desired, one or two Council persons acting ex officio, and up to two alternates.

201.03. TERMS, VACANCIES, OATH, COMPENSATION.

The initial terms of board members shall be one member for one year and two members for two and three years respectively. Thereafter, all board members shall be appointed for a term of three years. Terms of office shall begin on January 1 and shall expire on January 31. Ex-officio Council persons may be appointed annually. If a mid-term vacancy occurs, the unexpired portion of the appointed term shall be filled by the Mayor with consent of the Council. Every appointed member, before beginning his/her duties, shall take an oath relating to the faithful discharge of those duties. Members shall receive compensation as set by Council resolution.

201.04 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Commission shall elect from among its appointed regular members, a chairperson, vice-chairperson and such other officers as it may determine necessary. At the first regular meeting in February, the chair will call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Meetings, Records: Regular meetings shall be held at least monthly unless no recommendations are required. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided by the parliamentary rules as defined by Roberts Rules of Order, Revised

C. Special Meetings. The Chairperson or any two (2) members of the Board may call a special meeting of the Board by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telegram, facsimile, electronic mail, or personally to each member of the Board, or shall be left at his/her usual place of residence with some responsible person.

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D. Quorum. A majority of the Commission shall constitute a quorum. No action may be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present.

E. Voting. All action taken by the Commission shall be by a majority vote of members who are present.

F. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

201.05 POWERS AND DUTIES.

The Park Board shall have the power and duties given park and recreations agencies generally as provided in Minnesota Statutes, 471.15 to 471.19.

A. Specific duties of the Park Board are:

1. To advocate the responsible use, preservation, renovation and management of the City of Belle Plaine's park land, trails, ravines, river bluffs and wetlands.
2. To make recommendations to the City Council regarding development and re-development of all parks, trails, and facilities and nature resources/open space needs.
3. To review and make recommendations to the City Council on newly proposed plats or subdivisions for future development of parks and recreational facilities, and their impact on Belle Plaine's natural resources.
4. To develop and continuously review a comprehensive plan, both of long and short range development, for a park system, trail system, recreation programs and open space needs.
5. To form any committees within its own body necessary to perform functions and duties of the Park Board.
6. To work with the Public Works Department in the development and review of a capital improvement budget and other long range plans.
7. To build partnerships within the community and promote public education by supporting existing programs and initiating new programs.
8. To act as a representative to the public for better lines of communication and citizen input to all parks, trails, recreation and natural resource matters.

SECTION 202.00 ECONOMIC DEVELOPMENT AUTHORITY

- 202.01 Authority Established, Purpose.
- 202.02 Membership.
- 202.03 Terms of Office, Vacancies, Oaths, Compensation and Removal.
- 202.04 Meetings
- 202.05 Organization.
- 202.06 Powers and Duties.

202.01 AUTHORITY ESTABLISHED, PURPOSE.

There is hereby established and continued an Economic Development Authority for the City of Belle Plaine pursuant to the authority given by Minnesota Statutes, Section 469.090 to 469.108. The management of all of the affairs, property, and business of the Authority shall be vested in a Board of Commissioners. The purpose of this Authority is to advise the City Council in all matters relating to the economic development of the community. The role includes efforts in pursuit of the following goals of economic development: 1) recruitment of new business and industry; 2) retention and expansion of existing business and industry; 3) diversification of the community's economy; 4) the retention and creation of jobs with livable wages, 5) increased community tax base; 6) planning and coordination of the community's economic development resources and efforts.

202.02 MEMBERSHIP.

The Authority shall consist of seven (7) members, with two members from the City Council, one member from the Chamber of Commerce, and four members at-large. All members shall be appointed by the Mayor and approved by the City Council. Not more than three appointed Commissioners may reside outside the City corporate limits at any one time. For any appointed Commissioner who resides outside the City corporate limits, said Commissioner shall reside within the boundaries of Belle Plaine Independent School District No. 716.

202.03 TERMS OF OFFICE, VACANCIES, OATH, COMPENSATION AND REMOVAL.

Regular members shall be appointed for a term of six (6) years. Terms of office shall begin on February 1 and shall expire on January 31. Members shall be appointed on a rotating basis; three members and the alternates shall be appointed in year one, two members in year two, and two members in year three, with subsequent reappointments to be made according to the same schedule. Commissioners shall receive compensation as set by Council resolution. Vacancies shall be filled by Mayoral appointment with approval by the City Council. Prior to assuming duties and responsibilities, each appointed Commission member shall take an oath relating to the faithful discharge of Commission duties. The City Council shall retain authority to remove any member of the Authority whenever, in its discretion, the best interest of the City shall be served.

202.04 MEETINGS.

Subd. 1. Meetings of the Authority shall be held at least monthly. The agenda shall include the meeting location. At least three (3) days written notice of such meetings shall be given to the Commissioners.

A. Special Meetings. The President or any two (2) members of the Authority may call a special meeting of the Authority by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone, telegram, facsimile, electronic mail, letter, or personally to each member of the Authority, or shall be left at his/her usual place of residence with some responsible person.

Subd. 2. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

202.05 ORGANIZATION.

Subd. 1. Officers.

A. Election. The Board shall elect from among its appointed regular members, a president, vice-president and such other officers as it may determine necessary. At the first regular meeting in February, the chair will call for nominations and the officers shall be elected by voice or written ballot from among those nominated.

B. Membership, Records. The City Council shall annually set regular meeting times and places for the Commission upon advice and counsel from the Authority. Minutes shall be kept for all proceedings.

C. Quorum. Four members of the Authority shall constitute a quorum. No action will be taken without a quorum, but a lesser number may adjourn a meeting until a quorum is present.

D. Voting. All action taken by the Authority shall be by a majority vote of members who are present.

E. Bylaws. The Authority is authorized to adopt its own rules and procedures, subject to City Council review and approval. The Authority shall specifically adopt ethics/conflict of interest standards to govern its proceedings and membership.

202.06 POWERS AND DUTIES.

Subd. 1. Generally, the Economic Development Authority shall provide advice to the City Council on all elements of the community's economic development program, as directed by the City Council and/or the Economic Development Authority. It shall recommend, develop and implement programs to achieve the policy goals enumerated in the purpose clause of this section.

Subd. 2. Economic development incentives and financial assistance. The Economic Development Authority shall recommend, develop and implement programs to provide economic development incentives and assistance as directed by the City Council and/or the Economic Development Authority. Revolving loan funds, tax increment financing, and state/federal grant funds are examples of this assistance. In all instances, the issuance of assistance or incentives shall require the approval of the City Council and/or the Economic Development Authority.

Subd. 3. Liaison. The Economic Development Authority shall recommend, develop and implement efforts to establish contacts, coordination and collaboration with other groups, agencies or individuals actively involved in economic development activities that may affect Belle Plaine. The Authority shall also coordinate its work with the efforts of other city boards, commissions and staff.

Subd. 4. Marketing. The Economic Development Authority shall recommend, develop and implement programs to publicize the advantages and opportunities for business location within Belle Plaine.

Subd. 5. Information Clearing House. The Economic Development Authority shall recommend, develop and implement programs to cause the collection and dissemination of community information that may be relevant to the encouragement of economic development.

Subd. 6. Annual City Budget. The Economic Development Authority shall recommend a program of revenues and expenditures in support of economic development, in conjunction with the City's annual budget process. The Authority may also offer comment as requested by the City Council, regarding the impact of city budgets and community taxes on the economic health of the community.

Subd. 7. Special Projects. The Economic Development Authority may be assigned special duties, projects or other assignments by the City Council.

SECTION 203.00 HOUSING AND REDEVELOPMENT AUTHORITY.

- 203.01 Authority Established and Continued.
- 203.02 Membership, Appointment, Terms of Office, Compensation.
- 203.03 Officers.
- 203.04 Meetings.
- 203.05 Quorum.
- 203.06 Powers.

203.01 AUTHORITY ESTABLISHED AND CONTINUED.

The Housing and Redevelopment Authority, in and for the City of Belle Plaine, pursuant to the authority given by Minnesota Statutes, Chapter 462C, is hereby established and continued.

203.02 MEMBERSHIP, APPOINTMENT, TERMS OF OFFICE, COMPENSATION.

Subd. 1. Membership, Appointment, Terms of Office, Compensation. The Authority shall consist of the members of the City Council excluding the Mayor. The HRA terms of office shall coincide with the Councilmembers' terms for the City of Belle Plaine. Members of the Housing and Redevelopment Authority shall receive compensation as set by Council resolution.

203.03 OFFICERS.

The officers of the Authority shall be as follows:

Subd. 1. Chairperson. The chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the chairperson shall sign all contracts, deeds and other instruments made by the Authority. At each meeting the chairperson shall submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Authority.

Subd. 2. Vice chairperson. The vice chairperson shall perform the duties of the chairperson in the absence or incapacity of the chairperson. In case of the resignation or death of the chairperson, the vice chairperson shall perform such duties as are imposed on the chairperson until such time as the Authority shall select a new chairperson.

Subd. 3. Secretary. The Secretary shall perform the duties of a secretary for the Authority.

Subd. 4. Executive Director. The Authority shall employ an Executive Director who shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. He/she shall be charged with the management of the housing projects of the Authority.

203.04 MEETINGS.

Subd. 1. Annual Meeting. The annual meeting of the Authority shall be held on the 3rd Monday of the month of January of each year. The Authority shall hold regular meetings at such time as the Board may determine is necessary.

Subd. 2. Special Meetings. The Chairperson or any two (2) members of the Authority may call a special meeting of the Authority by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone, facsimile, telegram, electronic mail, or personally to each member of the Authority, or shall be left at his/her usual place of residence with some responsible person.

Subd. 3. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

203.05 QUORUM.

A quorum shall consist of a majority of the voting members.

203.06 POWERS.

The Authority is authorized to exercise on behalf of the City, all of the powers conferred by Minnesota Statutes, Sections 462C.01 to 462C.08, including without limitation, the power to issue and sell mortgage revenue bonds for single family housing. The Authority shall have such other powers contained within Minnesota Statutes Section 462.415 to 462.705.

SECTION 204.00 DESIGN COMMITTEE.

- 204.01 Commission Established and Continued.
- 204.02 Membership, Appointment, Compensation.
- 204.03 Organization.
- 204.04 Power and Duties.

204.01 COMMISSION ESTABLISHED AND CONTINUED.

The Design Committee is hereby established and continued.

204.02 MEMBERSHIP, APPOINTMENT, TERMS OF OFFICE, COMPENSATION.

The Design Committee shall consist of two members from each of the following: City Council, Planning Commission, Economic Development Authority, Chamber of Commerce. Committee members shall be appointed for four-year terms by the Mayor with the approval of the City Council. The Council may appoint up to two alternates to serve in the absence of an appointed member. Chamber of Commerce Director and City Community Development Director shall serve in an ex-officio capacity. Not more than three appointed Committee members may reside outside the City corporate limits at any one time. Committee members shall serve without compensation.

204.03 ORGANIZATION.

Subd. 1. Officers.

A. Election, Term of Office. The Committee shall elect from among its appointed regular members, a chairperson, a vice-chairperson, and a secretary for a term of one year. Elections shall be held in January. The Chair and Vice-Chair shall be members of the Committee. The Secretary need not be a member of the Committee.

B. Duties of the Chairperson. It shall be the duty of the Chairperson to preside at all meetings of the Committee, shall be in charge of the day-to-day operations, shall sign or counter-sign all certificates, contracts, and other instruments of the Committee as authorized, shall make reports to the Committee, and shall perform all such other duties as are incident to the office or are properly required by the Committee.

C. Duties of the Vice-Chairperson. In the absence of the chairperson, the vice chairperson shall serve in his/her stead and perform all duties of the chairperson.

Subd. 2. Meetings. Regular meetings shall be held at least monthly unless no recommendations are required. Meetings shall be held at the Belle Plaine Government Center, or at such other place as the Board may establish from time to time. A minimum of three (3) days written notice of such meetings shall be given to the Committee members.

Subd. 3. Special Meetings. The Chairperson or any two (2) members of the Board may call a special meeting of the Board by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone,

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facsimile, telegram, electronic mail, or personally to each member of the Board, or shall be left at his/her usual place of residence with some responsible person.

Subd. 4. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

Subd. 5. Quorum. A majority of the Committee shall constitute a quorum, but in no case shall a quorum be less than five Committee members. Less than a quorum may, however, adjourn any meeting, which may be held on a subsequent date without further notice, provided a quorum be present at such deferred meeting.

204.04 POWERS AND DUTIES.

The Design Committee is a committee appointed by the Mayor and City Council to prepare recommendations for Design components, potential funding sources for community-wide improvements and administer the Design Standards for properties in all zoning districts.

SECTION 205.00 EMERGENCY MANAGEMENT.

- 205.01 Scott County Emergency Management Common Organization.
- 205.02 Conformity and Cooperation with Federal and State Authorities.
- 205.03 City of Belle Plaine Emergency Services Director.
- 205.04 Penalty.

205.01 SCOTT COUNTY EMERGENCY MANAGEMENT COMMON ORGANIZATION.

The City of Belle Plaine hereby continues with the Scott County Emergency Management Common Organization, the plans and administration of which shall be adopted as though set forth in its entirety.

205.02 CONFORMITY AND COOPERATION WITH FEDERAL AND STATE AUTHORITIES.

Every officer and employee of the City shall cooperate with Federal, State, County and City authorities and with authorized agencies engaged in emergency services, and emergency measures to the fullest possible extent consistent with the performance of their other duties.

205.03 CITY OF BELLE PLAINE EMERGENCY SERVICES DIRECTOR.

There is hereby created and continued within city government the position Emergency Services Director.

Subd. 1. Appointment. The Police Chief may be appointed by the Mayor with the approval of the City Council for an indefinite term as Emergency Services Director and may be removed by the Mayor at any time.

Subd. 2. Powers and Duties.

A. The Director shall supervise the general operations of all local emergency management forces during a civil defense emergency. He/she shall perform such duties under the direction and control of the Mayor, in cooperation with the Scott County Emergency Management Common Organization and in conformity with controlling regulations and instructions of state emergency services authorities. The Director shall be authorized to utilize personnel, services, equipment, supplies and facilities of the City to the maximum extent practical.

B. The Director, working together with Scott County Emergency Management Director (or personnel within said department), shall prepare a Comprehensive General Plan for the Emergency Services of the City which will include a Community Shelter Plan utilizing the established fallout shelters, and he/she shall present such Plan to the Council for its approval. When the Council has approved the Plan by resolution, it shall be the duty of all emergency services forces of the City to perform the duties and functions assigned to the Plan as approved. The Plan may be modified in like manner from time to time. The Director shall coordinate the emergency services activities of the City to the

end that they shall be consistent and fully integrated with the emergency services plans of other political subdivisions within the county and state.

C. The Director, with the consent of the Mayor, shall represent the City on any regional or state organization for emergency services.

D. The Director shall make such studies and surveys of the manpower, industries, resources and facilities of the City, including fallout shelters, as he/she deems necessary to determine their adequacy for emergency services, and to plan for their most efficient use in time of a civil defense emergency.

E. The Director shall carry out all orders, rules and regulations issued by the Mayor and/or the Governor pertaining to emergency services.

205.04 PENALTY.

Any person who violates any provision of this Chapter or any regulation adopted hereunder relating to acts, omissions or conduct other than official acts of City officers or employees is guilty of a misdemeanor.

SECTION 206.00 ZONING BOARD OF APPEALS AND ADJUSTMENTS.

- 206.01 Board Required.
- 206.02 Establishment of Board.
- 206.03 Organization.
- 206.04 Duties.

206.01 BOARD REQUIRED.

Minnesota Statutes, Section 462.354 requires any municipality having in effect a zoning ordinance to provide, by ordinance, for a board of appeals and adjustments. Such Statute also states that the governing body may provide alternatively that there be a separate board of appeals and adjustments or that the governing body or the Planning and Zoning Commission or a committee of the Planning Commission serve as the board of appeals and adjustments, and it may provide an appropriate name for the board. The board may be given such other duties as the governing body may direct.

206.02 ESTABLISHMENT OF BOARD.

The Planning and Zoning Commission is hereby established as the required Board of Appeals and Adjustments, such Board to be hereinafter referred to as the Board of Appeals or the Board. The Planning and Zoning Commission, acting as the Board of Appeals, shall be vested with such administrative authority as is hereinafter provided or as provided by State law.

206.03 ORGANIZATION.

Subd. 1. Rules. The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Zoning Ordinance.

Subd. 2. Meetings. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his/her absence, the acting chairperson, may request the attendance of witnesses. All meetings shall be open to the public.

Subd. 3. Special Meetings. The Chairperson or any two (2) members of the Board may call a special meeting of the Board by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered via telephone, facsimile, telegram, electronic mail, or personally to each member of the Board, or shall be left at his/her usual place of residence with some responsible person.

Subd. 4. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

Subd. 5. Minutes. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Administrator.

206.04 DUTIES.

Subd. 1. The duties of the Board of Appeals shall be:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator.
- B. To hear requests for variances from the literal provision of the Zoning Ordinance where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to recommend to the Council that such variances be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. “Undue Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variances, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue Hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, Subdivision 2, when in harmony with the ordinance. The board of appeals and adjustments shall not recommend a variance for any use that is not permitted under the ordinance for property in the zone where the affected person’s land is located. The board may recommend a variance for the temporary use of a one family dwelling as a two family dwelling. The board may recommend conditions in the granting of variances to insure compliance and to protect adjacent properties.
- C. To interpret the meaning of the Zoning Ordinance in cases of ambiguity and to make ruling with respect to the application of said Zoning Ordinance.

SECTION 207.00 BUILDING CODE BOARD OF APPEALS.

- 207.01 Creation.
- 207.02 Membership.
- 207.03 Officers.
- 207.04 Place of Meeting.
- 207.05 Rules of Procedure.
- 207.06 Meetings.
- 207.07 Quorum and Manner of Voting.
- 207.08 Appeal Procedure.
- 207.09 Criteria.
- 207.10 Cost Responsibility.

207.01 CREATION.

The Belle Plaine Building Code Board of Appeals, hereinafter referred to as the Board, is created pursuant to the Minnesota State Building code.

207.02 MEMBERSHIP.

The Board shall be composed of the Mayor and two Councilmembers as appointed by the Mayor at the first regular meeting in January. The Belle Plaine Building Official shall be an ex-officio member. Alternates shall fill the vacancy of a regular member 1) when a regular member is absent, 2) when, in the determination of the City Council, there exists a conflict of interest between a regular board member and the issue to be decided or 3) when, in the determination of the City Council, one or more alternates possess expertise germane to a particular issue being discussed. If the latter is the case, the City Council shall also designate which of the regular member(s) is to be replaced. Said regular member(s) may then take part in the discussion, but may not vote when the subject issue is being decided.

207.03 OFFICERS.

The officers of the Board shall consist of a chairperson and vice-chairperson. The Belle Plaine Building Official shall act as secretary of the Board. Duties shall be as follows:

- A. Chairperson. The chairperson shall preside at all meetings of the Board. At each meeting he/she shall make such reports and perform such other duties as are pertinent to his/her office.
- B. Vice-chairperson. The vice-chairperson shall act in the absence of the chairperson and shall perform the duties of the chairperson whenever the chairperson has resigned or is incapacitated and until a new chairperson is elected.
- C. Secretary. The secretary shall keep a true and complete record of the proceedings of the Board and shall, at the discretion of the Board, prepare all notices, reports, written decisions, recommendations and such other writings as the Board may direct.

207.04 PLACE OF MEETING:

All meetings of the Board shall be held in the Council Chambers of the City of Belle Plaine, except that on two days written notice to all Board members and to any person or persons whose appeal is to be heard at that time, any regular or special meeting of the Board may be held at such other place within the City of Belle Plaine as the notice may designate.

207.05 RULES OF PROCEDURE.

All procedures of the Board shall be governed by the Rules of Procedure hereinafter set forth and by the provisions of the Minnesota State Building Code.

207.06 MEETINGS.

Subd. 1. Meetings shall be held as determined necessary.

A. Notice of the meeting in writing shall be sent to all members. Order of business shall follow a format determined by the City Council.

B. The meeting of the Board shall be held upon notice from the secretary within ten (10) working days after an appeal is filed with the Board. If additional time is required, an extension of not more than three working days may be granted, with approval of the Board chairperson. Notice of such meeting shall be given by mail or telephone to all Board members, and to all persons who have filed appeals to be heard by the Board at least three (3) days in advance of the meeting. In addition, written notice shall be posted at the Belle Plaine City Hall at least three (3) days in advance of the meeting. Order of business shall follow a format determined by the City Council .

C. Special meetings of the board may be called by the chairperson, vice-chairperson or any two members of the board by written notice filed with the secretary. All members of the Board shall be notified of the time and place of the meeting according to the same procedure required for a regular meeting. via telephone, facsimile, telegram, electronic mail, or personally to each member of the Board, or shall be left at his/her usual place of residence with some responsible person. Order of business shall be the same as that of a regular meeting, except that no hearings on appeals shall be held.

D. Any meeting of the Board may be adjourned to a specified date without additional notice, except that members not in attendance shall be notified of the adjourned meeting.

E. Compliance with Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. § 471.705.

207.07 QUORUM AND MANNER OF VOTING.

A majority of members of the Board shall constitute a quorum, but a lesser number may adjourn a meeting until a quorum is present. All action taken by the Board shall be by a majority vote of all members of the Board. All questions which decide the outcome of an appeal shall be decided by roll call vote of members in attendance. All other questions before the Board shall be decided by voice vote. Any member of the Board who refuses to vote on roll call shall be considered ineligible to take part in further discussion on the issue. If, thereafter, the matter cannot be decided by a majority vote of the Board, such member shall be replaced by an alternate member (to be designated by the City Council) and a final vote shall be taken at an adjourned meeting.

207.08 APPEAL PROCEDURE.

Subd. 1. Appeals shall be considered only as they relate to use of alternate building materials and/or alternate methods of construction, or dissatisfaction with an interpretation of Building Code made by the Belle Plaine Building Official. The appeal procedure shall be as follows:

- A. Each applicant shall complete an Application for Appeal Consideration form and submit it first to the Belle Plaine Building Official for his/her approval or denial. If a test is required by the Belle Plaine Building Official pursuant to the Minnesota State Building Code, a report from an approved agency which has tested the proposed alternate material or methods of construction shall be obtained. Such report shall include the findings, conclusions and recommendations, if any, of the approved agency.
- B. The decision of the Belle Plaine Building Official shall be in writing and shall be served upon the applicant by certified mail. Any applicant who is dissatisfied with the decision may thereupon appeal to the Board as hereinafter provided.
- C. Each appeal, upon being filed with the Board, shall be immediately examined by the Board chairperson to determine if it complies with the requirements of the ordinance. If an appeal is determined to be insufficient, the chairperson shall immediately notify the applicant of such insufficiency and the same shall not be scheduled for hearing until it is made complete and sufficient by the applicant.
- D. A hearing shall be scheduled by the Belle Plaine Building Official, with notification given according to the provisions of Section 207.06 (B).
- E. A hearing on the appeal shall be conducted in the following manner:
 - 1. The appeal shall be read aloud by the secretary.
 - 2. The applicant or his/her representative shall be heard.
 - 3. The Belle Plaine Building Official and any employees of his/her department desiring to speak on the matter shall be heard.
 - 4. Anyone else desiring to speak in support of the appeal shall be heard.
 - 5. Anyone else desiring to speak against the appeal shall be heard.

F. At the conclusion of the hearing, the Board shall then act on the appeal, or it shall take the matter under advisement and defer action until a date which shall be as soon thereafter as practical.

G. The final board decision on an appeal shall be in writing, shall contain findings of the Board, shall be signed by the chairperson and shall contain the roll call vote of the members of the Board. A copy of the final decision shall be sent within 15 days of the decision to the Belle Plaine Building Official, to the State Building Official and to the applicant.

207.09 CRITERIA.

Subd. 1. No variance from the provisions of the Building Code shall be approved by the Board unless it is determined by the Board that the proposed variance is equal or better than the mode of construction or the materials required by the Building Code. If the board acts to reverse or modify the decision or interpretation of the Belle Plaine Building Official, it shall do so only upon a determination that:

A. The interpretation or decision of the Belle Plaine Building Official violates a provision of the Building Code or any other controlling law or ordinance;

B. The interpretation or decision of the Belle Plaine Building Official exceeds authority of the building official.

207.10 COST RESPONSIBILITY.

The applicant shall be required to reimburse the City of Belle Plaine for any and all costs that accrue as the result of the appeal procedure. This shall include, but is not limited to, staff salary, remuneration to Board members (if any), mailing and postage, special research conducted in order to test the validity of the appeal request.

(Ord. 07-12, Repealing and Replacing Chapter 2, Adopted December 3, 2007).