
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 Organization.
- 201.05 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.

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.

Subd. 8. Housing and Redevelopment. The Economic Development Authority shall have all of the following powers:

- (a) all powers of an economic development authority under the EDA Act.
- (b) all powers of a housing and redevelopment authority under the HRA Act.
- (c) all powers of a city under Minnesota Statutes, Section 469.124 to 469.134.
- (d) all powers and duties of a redevelopment agency under Minnesota Statutes, Sections 469.152 to 469.1655.
- (e) the powers of a city under Minnesota Statutes, Chapter 462C.
- (f) the authority to issue bonds in accordance with the EDA Act and the HRA Act.
- (f) the authority to levy special benefit taxes in accordance with Section 469.033, subdivision 6 of the HRA Act in order to pay or finance public redevelopment costs (as defined in the HRA Act), subject to approval by the City Council in accordance with Section 469.033, subdivision 6.

(g) all powers under Minnesota Statutes, Sections 469.474 to 469.1794, subject to all approvals required by the City under those provisions.

(h) any other powers related to development, redevelopment or housing authorized under Minnesota Statutes, to the extent such allocation to the EDA is consistent with such statutes.

(Ord. 16-06, Section 202.06, Adopted April 18, 2016.)

SECTION 203.00 HOUSING AND REDEVELOPMENT AUTHORITY.

- 203.01 No HRA Powers Allocated by the City.
- 203.02 Powers Retained by the City.
- 203.03 Amendment.

203.01 NO POWERS ALLOCATED.

The City allocates no powers to the Housing and Redevelopment Authority in and for the City of Belle Plaine, it being the intent of this ordinance that all development, redevelopment, and housing powers of a housing and redevelopment authority under law be allocated to the Belle Plaine Economic Development Authority.

203.02 POWERS RETAINED BY THE CITY.

Notwithstanding anything to the contrary herein, the City retains the development powers of a city under Minnesota Statutes, Sections 469.124 through 469.133, which powers the City may exercise concurrently with the EDA. Nothing in this ordinance is intended to limit or affect powers, rights, duties or obligations that are specifically assigned to the City under the Enabling Resolution, the EDA Act, the HRA Act, or any other law.

203.03 AMENDMENT.

Nothing in this ordinance is intended to limit or prevent the City from (a) modifying this ordinance to revise the respective powers of the HRA and the EDA, or (b) modifying the Enabling Resolution to impose new or different limitations on the EDA as authorized by the EDA Act.

(Ord. 16-06, Section 203.00 Adopted April 18, 2016.)

SECTION 204.00 DESIGN COMMITTEE.

- 204.01 Commission Established and Continued.
- 204.02 Membership
- 204.03 Terms, Vacancies, Oath, Compensation.
- 204.04 Organization.
- 204.05 Power and Duties.

204.01 COMMISSION ESTABLISHED AND CONTINUED.

The Design Committee is hereby established and continued.

204.02 MEMBERSHIP.

The Design Committee shall consist of five (5) appointed residents of the City of Belle Plaine and one (1) City Council liaison. The Council may appoint up to two alternates to serve in the absence of an appointed member.

204.03 TERMS, VACANCIES, OATH, COMPENSATION

Regular members and alternate members of the Commission shall be appointed to a term of four years. The terms of office shall begin on February 1 and shall expire on January 31. All 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 shall take an oath relating to the faithful discharge of those duties. Members may receive compensation as set by Council resolution.

204.04 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. 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 monthly unless no business is required. At least three (3) days written notice of such meetings shall be given to the Commissioners. All meetings shall be guided 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 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.

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

E. Quorum. A majority of the Committee shall constitute a quorum. No action may be taken without a quorum. 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.

204.05 POWERS AND DUTIES.

The Design Committee is an advisory Committee appointed by the Mayor and City Council.

A. Specific duties of the Design Committee are:

1. Prepare recommendations for design components of developments, as assigned.
2. Prepare recommendations for design components of public projects.
3. Administer design policies contained in the Belle Plaine Design Manual, as may be amended.
4. Provide recommendations to other Boards, Committees, Commissions, and the City Council as requested or as required under City Code.
5. Manage the look and feel of the City by making recommendations regarding branding, communications, marketing, social media presence, and similar aspects.
6. Promote a positive image of the City.
7. Monitor architectural and design related aspects of the City Code.
8. Enhance the visual landscape of the City.
9. Promote and preserve cultural aspects and heritage of the City.
10. Promote and preserve historic Downtown.
11. Promote a definitive sense of place in the City of Belle Plaine.

(Ord. 08-07, Repeal and Replace Section 204, Design Committee, Adopted October 6, 2008.)

(Ord. 18-01, Design Committee Enabling Language Section 204.02, 204.04 and 204.05, Adopted February 20, 2018.)

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.
- 206.05 Appeals.

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, pursuant to Section 1103.05 VARIANCES, of Chapter 11, Zoning, of the Belle Plaine City Code.
- 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.

206.05 APPEALS.

Subd. 1. Filing and Appeal. Appeals to the Board may be taken by any person aggrieved or by any official or department of the city affected by any decision of the zoning administrator. Such appeals shall be taken within 30 days of such decision by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Subd. 2. Hearing. The Board shall fix a time for the hearing of the appeal, which shall be held not less than ten (10) days nor more than 45 days after filing of said appeal. Hearings before the Board under Minnesota Statutes Sec. 462.359 Subd. (4) (Official Maps) shall require notice published in the official newspaper ten (10) days before the hearing. For all other hearings before the Board, notice of the date, time and place of such hearing shall be given to all interested parties. At the hearing, any party may appeal in person, by agent, or by attorney.

Subd. 3. Decision. Appeal request decisions of the Board shall be final. Appeals of Board decisions shall be made to the Scott County District Court within 30 days of the decision.

(Ord. 14-06, Section 206, Adopted October 20, 2014).

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).

(Ord. 14-06, Section 206, Adopted October 20, 2014).

(Ord. 16-06, Section 202.06, Adopted April 18, 2016.)

(Ord. 16-06, Section 203.00 Adopted April 18, 2016.)