

## **ORDINANCE NO. 14**

### **AN ORDINANCE ESTABLISHING A PLANNING COMMISSION TO PLAN FOR THE PHYSICAL DEVELOPMENT, TO RECOMMEND A ZONING PLAN FOR THE TOWNSHIP OF EUREKA AND PROVIDING RULES FOR THE OPERATION THEREOF**

The Town Board of the Township of Eureka, County of Dakota, State of Minnesota, ordains as follows:

#### **Section 1 - PURPOSE**

This Ordinance is enacted for the following purposes:

A. To encourage sound and harmonious growth of the community and its environs and efficiency and economy in the provision of facilities and services, to insure maximum returns for expenditure of public funds, and to avoid errors and waste resulting from unplanned and uncoordinated development.

B. To prepare and maintain in current form a comprehensive plan with related studies, statement of policies, regulations and ordinances to guide the development of the Township of Eureka.

C. To establish a Planning Commission under the authority granted by the provisions of Minnesota Statutes Section 462.354.

#### **Section 2 - ESTABLISHMENT; QUALIFICATIONS; TERMS OF OFFICE**

There is hereby established a Planning Commission, herein after referred to as a "Commission", which will consist of not less than five nor more than nine members appointed by the Town Board from among the residents of Eureka Township.

Among this membership, one shall be ex-officio, to be appointed from the membership of the Town Board to serve as liaison with the Planning Commission.

Terms of office for members other than the ex-officio member shall be three years.

Ex-officio members shall be appointed for annual terms, provided that membership on the Commission shall terminate with the office from which the ex-officio membership is derived.

Members other than the ex-officio member shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that his private or personal interests are involved in any manner coming before the Commission, he shall disqualify himself from taking part in action from the matter, or he may be disqualified by the Chairman of the Commission.

No person, other than the ex-officio member, shall be appointed to serve more than two successive terms on the Planning Commission.

### **Section 3 - REMOVAL FROM OFFICE; VACANCIES**

Any member of the Commission may be removed from office for just cause by two-thirds vote of the Town Board, provided that he is given ten days advance notice in writing of the proposed action of the Board and an opportunity for a public hearing before the vote is taken. In addition, any member may be removed for non-attendance at Planning Commission meetings without action by the Town Board according to rules adopted by the Planning Commission.

It shall be the duty of the Chairman of the Planning Commission to notify the Town Board promptly of any vacancies occurring in the membership, and the Town Board shall fill such vacancies within 30 days for the unexpired term of the original appointment.

### **Section 4 - OFFICERS, RULES, EMPLOYEES, SALARIES AND EXPENSES**

The Commission shall elect a Chairman, Vice-Chairman, and Secretary from among those of its members who are not appointed ex-officio. The election of officers shall take place at the first meeting of the Planning Commission following the Annual Town Meeting on the second Tuesday of March in each year. No person shall serve as Chairman of the Planning Commission for more than two years at any one time.

The Commission shall adopt rules for its governance and for the transaction of its business, and shall keep a written record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record. Copies of the minutes of the Planning Commission meetings shall be transmitted to the Clerk of the Town Board at least twenty-four hours prior to the next regularly scheduled meeting of the Town Board following the meeting of the Planning Commission.

Subject to the approval of the Town Board and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

Members of the Commission shall receive no salaries or fees for their services thereon, but may receive necessary travel per diem and other expenses, while on official business for the Commission, if funds are available for this purpose.

#### **Section 5 - FUNCTIONS, POWERS AND DUTIES**

The functions, powers and duties of the Commission shall be, in general:

A. To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.

B. To prepare and keep a current comprehensive general plan for meeting present requirements, and such future needs as may be foreseen.

C. To establish principles, and policies for guiding action affecting development in the Township and its environs.

D. To prepare and recommend to the Town Board ordinances, regulations, and other proposals promoting orderly development along lines indicated as desirable by the Comprehensive Plan.

E. To determine whether specific proposed development conforms to the principles and requirements for the Comprehensive Plan and the Ordinances.

F. To keep the Town Board and the general public informed and advised as to all planning and development matters.

G. To conduct such public hearings, as may be required to gather information necessary for the drafting, establishment, and maintenance of a Comprehensive Plan and Ordinances and regulations relating to it, and to establish public committees for the purpose of collecting and supplying information necessary for the Plan, or for the purpose of promoting the accomplishment of the Plan in whole or in part.

H. To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the Plan.

In connection with its duties, and within the limit of its funds, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies of the location, condition, and adequacy of specific facilities of the Township and, as appropriate, its environs, including, but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All town employees shall, upon request within a reasonable time, furnish to the Commission or its employees or agents such available records or information as may be required in its work. The Commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized Township agents or employees, and shall have such other powers as are required for performance of official functions in carrying out the purpose of this Ordinance.

## **Section 6 - PLAT APPROVAL**

It shall be the responsibility of the Commission to pass upon proposed new or amended plats directly or indirectly under the jurisdiction of the Township. No new plat, and no amendment or vacation of an existing plat or portion thereof shall thereafter be recorded without the approval of the Commission. This section is subject to all of the provisions and requirements of Eureka Township Ordinances No. 11 and 12 establishing subdivision regulations.

## **Section 7 - BUILDING PERMITS**

No building permit for any structure to be erected on any property within the Township shall be issued until the application for the permit has been referred to the Planning Commission for report thereon, and an attested copy of such report has been filed with the Town Board.

Failure of the Planning Commission to file an attested report on the application within forty (40) days after the application has been filed with the Town Clerk shall be deemed to the approval of the application by the Planning Commission.

The action of the Planning Commission shall be duly considered by the Town Board, but shall be advisory only, and it shall in no way bind the Town Board.

## **Section 8 - CHANGES**

No change shall be made in the present zoning of land, or in the zoning plan or future street or public land plan or regulations governing the platting of land, until the proposed change has been referred to the Planning Commission for a report thereon and an attested copy of such report has been filed with the Town Board. No ordinance or resolution establishing any such plans or specifications shall be adopted by the Town Board until such ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of such report has been filed with the Board. Failure of the Planning Commission to so report within forty (40) days after the matter has been referred to the Planning Commission shall be deemed to the approval of the proposed change by the Planning Commission. The action of the Planning Commission shall be advisory only and shall not be binding upon the Town Board.

Section 9 - **RECOMMENDED PUBLIC WORKS**

As a part of its duties, the Planning Commission shall prepare a list of public works, which it believes, are necessary and desirable to be constructed. Such list shall be arranged in order of preference with recommendations as to which projects shall be constructed with Township general funds and which with road and bridge funds, and such other methods of financing as it deems advisable.

Section 10 - **CONFLICTS WITH OTHER ORDINANCES; SEPARABILITY**

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this Ordinance be held unconstitutional or void, the remaining provision shall nevertheless remain in full force and effect.

Section 11 - **EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication according to law.

**Albert J. Wachter**

Eureka Town Chairman

ATTEST:

**H. O. Leine**

Eureka Town Clerk

Passed by the Eureka Town Board this 17th day of May, 1972.

Published in the Dakota County Tribune the 25th day of May, 1972.