

Ordinance No. 4

Planning Commission Ordinance.

AN ORDINANCE ESTABLISHING A COMMISSION TO PLAN FOR THE PHYSICAL DEVELOPMENT OF THE TOWN OF CREDIT RIVER AND TO MAKE RECOMMENDATIONS TO THE TOWN BOARD IN REGARD TO ZONING OF THE TOWN OF CREDIT RIVER.

The Board of Supervisors of Credit River Township Ordains:

Section 1. Establishment of Commission. The Town planning commission for the Town of Credit River established by resolution in April 1, 1968, shall be titled the Planning Commission, Town of Credit River, Scott County, Minnesota.

Section 2. Composition. The Planning Commission shall consist of seven members appointed by the Board of Supervisors, none of whom shall hold any other public office or position in the Town.

Of the members of the commission first appointed, one shall be appointed for a term of three (3) years, three for a term of two (2) years and three for a term of one (1) year, commencing March 12, 1968. Their successors shall be appointed for terms of three years. Vacancies during the term shall be filled by the Board of Supervisors for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation, however they shall be reimbursed for all expenses and costs necessarily incurred in connection with their duties.

Section 3. Organization, Meetings, etc. The Commission shall elect a chairman from among its appointed members for a term

of one year and the Commission may create and fill such other offices as it may determine.

The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. On or before February 1st of each year the Commission shall submit to the Town Board a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Town Board at annual Town Meeting. The planning commission, upon authorization of the Town Board by resolution, may employ the services of an attorney, engineer and/or professional planner and purchase such things as maps, paper, records, etc., in connection with its work, to be paid for by the Town Board in accordance with the terms of the resolution authorizing the same.

Section 4. Adoption of Program of Work. Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of a resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program will include:

- (a) An outline of data and information to be assembled as a basis for the Town plan;
- (b) An outline of subjects to be covered by the Town plan;
- (c) An outline of types of procedure necessary to make the Town plan effective.

The planning commission may, by resolution, revise its program of work from time to time.

Section 5. Preparation of Town Plan. It shall be the function and duty of the planning commission to prepare a comprehensive Town plan for the physical development of the Town, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the Town. Such plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work.

Section 6. Procedure for Adoption of Plan. Before proposing to the Town Board that they adopt the Town Plan or any section of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The proposal of the Town plan or of any section or amendment thereof shall be by resolution of the commission approved by the affirmative votes of not less than 5/7 of its total members. The commission may from time to time amend or add to its proposal for the Town plan or section thereof as herein provided for the proposal of the original plan whenever changed conditions or further studies by the commission indicate that such amendment or addition is necessary.

An attested copy of the plan or of any section, amendment or addition to the Town plan proposed by the planning commission shall be certified to the Town Board.

Section 7. Means of Executing Plan. Upon the proposal of the Town plan or any section thereof, it shall be the duty of the planning commission to recommend to the Town Board reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the Town and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such Town plan.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the Town, a long term program of capital expenditures and such other matters as will accomplish the purpose of this section.

Section 8. Zoning Plan. The planning commission upon its own motion may and upon instructions by the Town Board shall prepare a proposed zoning plan for the Town. Before recommending such plan to the Town Board, the planning commission shall hold at least one public hearing thereon after a notice similar to that required by Section 6. The same procedure shall apply for the preparation of any plan of proposed rights of way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

Section 9. Official Map of Street Extensions. The planning commission, with the assistance of the Town engineer, may and upon instruction by the Town Board, shall prepare an official map of the platted and unplatted portions of the Town and adjoining territory, or portions thereof, indicating upon such map the proposed future extension or widening of streets of the Town within such existing platted and developed territory or across such unplatted territory.

After such map has been prepared and a hearing on it has been held as provided in Section 8, it shall be submitted to the Board, which shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Board, a public hearing shall be held upon the proposal at least ten days after a notice thereof has been published in a newspaper published in the Town. After such map has been adopted by the Board and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the Town it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

Section 10. Plats. Every proposed plat of land within the Town limits shall be submitted to the Town Board before being filed with the Register of Deeds and no plat of land shall be filed unless and until the same shall first have been approved by the Town Board of Supervisors.

Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before it has been approved by the Town Board of Supervisors in accordance with the provision of this section and the Town subdivision ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or both. Before acting on or considering a plat the Town Board of Supervisors shall receive from the planning commission its recommendations on the subdividers preliminary plan.

The Town Board shall submit all preliminary plans of subdivisions to the planning commission for its recommendations. The planning commission, after any such preliminary plan has been referred to it by the Town Board, shall act on the same and shall make its recommendations with respect thereto within 40 days after the subdivider has complied with the terms of the Town Subdivision Ordinance. Such recommendations may consist of: (a) recommendation that the Town Board approve a plat prepared in accordance with such plan; or (b) recommendation that the Town Board disapprove a plat prepared in accordance with such plan, in which case such recommendation shall include a statement of the specific reasons for such recommendation; or (c) recommendation that the Town Board approve a plat similar to such plan after specific changes or revisions are made therein, which recommendations may include the condition that a revised plan, containing such changes or revisions, be submitted to the planning commission, in which case such revised plan shall be so submitted to the planning commission for its further consideration and recommendations before the Town Board acts on the plat.

Section 11. Procedure for Changes. No change shall be made in the zoning plan, future street and public land plan, or regulations governing the platting of land after such plans or regulations have been adopted by the Town Board, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the council; and no ordinance or resolution establishing any such plans or specification 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 Council.

Failure of the planning commission so to report within forty days or such longer period as may be designated by the Board after such reference shall be deemed to be approval of the proposed change.

Section 12. List of Recommended Public Works. As part of its duties, the planning commission shall prepare a list of public works which it believes are necessary and desirable to be constructed during the ensuing fiscal year. Such list shall be arranged in order of preference with recommendations as to which projects shall be constructed with the Township general funds and which with road and bridge funds and such other method of financing as it deems advisable.

A copy of such recommended program of public works shall be included in the annual report of the planning commission provided for in Section 3.

Section 13. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14. Violations. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed One Hundred (\$100.00) Dollars or imprisonment in the county jail for not more than ninety (90) days, or both, for each offense. Each day of violation shall be considered a separate offense.

Section 15. Effective Date. This Ordinance shall become effective from and after the date of its publication according to law.

Adopted this 1st day of April, 1968.

BOARD OF SUPERVISORS  
TOWN OF CREDIT RIVER

By Robert Polyzanos  
Chairman

ATTEST:

John F. Casey  
Clerk