

ORDINANCE NO. 30

**AN ORDINANCE ESTABLISHING A COMMISSION TO
PLAN FOR THE PHYSICAL DEVELOPMENT OF THE
TOWN OF WHITE BEAR, MINNESOTA, AND TO
RECOMMEND A ZONING PLAN**

THE TOWN BOARD OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. ESTABLISHMENT OF COMMISSION. A Town Planning Commission for the Town of White Bear, Minnesota, is hereby established. The Commission shall be the Town Planning agency, and shall be advisory directly to the Town Board.

SECTION 2. COMPOSITION.

2-1. Planning Commission. Such Planning Commission shall consist of seven members to be appointed by the Town Board. Of the members of the Commission first appointed, two shall be appointed for the term of one year, two for the term of two years, and three for the term of three years. Their successors shall be appointed for terms of three years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the terms shall be filled by the Board for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his/her duties, take an oath that he/she will faithfully discharge the duties of his/her office. All members shall serve without compensation. The Town Board, having the power to appoint the commission members, shall also have the authority to remove any appointed member when, in its judgment, the public welfare will be promoted by the removal. The Town Board shall appoint the chair of the commission.

2-2. Variance Board. Such Variance Board shall consist of three members appointed by the Town Board, namely: the Town Planner, the Town Code Enforcement Officer, and the Chair of the Town Planning Commission. That all other Planning Commission members will be ex-officio members of the Variance Board.

2-2.a. The Variance Board shall meet monthly to review variance requests and to submit their report in a timely manner with their recommendations to the Planning Commission.

SECTION 3. ORGANIZATION, MEETINGS, ETC.

3-1. The Commission shall elect a chairman and a secretary from its appointed members for the term of one year, which election shall be approved by the Town Board.

3-2. 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.

SECTION 4. POWERS AND DUTIES OF THE COMMISSION. The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by Laws of Minnesota 1965, Chapter 670, as amended. It shall also exercise the duties conferred upon it by this Ordinance, which duties include:

1. The preparation of a comprehensive land use, thoroughfare and community facilities plan for the future development of the Town.

2. Advising the Town Board on the maintenance and enforcement of the Zoning Ordinance.

3. Advising the Town Board on subdivision platting.

4. Advising on projects and proposals with planning implications such as street naming, proposed street vacations, highway relocations, and similar matters.

SECTION 5. ZONING ORDINANCES: PUBLIC HEARINGS. No zoning ordinance or amendment thereto shall be adopted by the Town Board until a public hearing has been held thereon by the Town Board upon notice as provided in Laws of Minnesota 1965, Chapter 670, Section 7, Subdivision 3.

SECTION 6. PLATS: APPROVAL.

6-1. Any plat of land, subdivision, request for variance, or request for special use permit submitted to the Town Board for approval shall, prior to final approval, be referred to the Planning Commission for review and recommendation. Any plat, subdivision, request for variance or request for special use permit so referred shall be returned to the Town Board by the Commission within 60 days, and failure of the Commission to report within such period is deemed to have satisfied the requirements of this subdivision.

6-2. Any person who violates this provision or who sells land or offers for sale or contracts for the sale of land by reference to or by other use of any plat or proposed subdivision before such plat or subdivision has been approved by the Town Board in accordance with the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the law.

SECTION 7. PENALTIES. Every person convicted of a violation of any of the provisions of the Ordinance shall be punished by a fine of not more than Seven Hundred Dollars (\$700.00) or by imprisonment for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution may be added. Any owner or agent of the owner of land who conveys a lot or parcel in violation of Section 6, shall forfeit and pay to the municipality a penalty of not less than \$100.00 for each lot or parcel so conveyed.

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of the Town of White Bear, Minnesota, this 11th day of May, 1970.

APPROVED:

TERRANCE M. ROONEY, Chairman

ATTEST:

MARIE ROLPH, Clerk-Treasurer

Board of Supervisors:
TERRANCE . ROONEY, Chair
THOMAS MALLOY, JR., Supervisor
JEROME L. PERRON, Supervisor

Published in the Suburban Sun on May 20, 1970.

Historical Notes

1992

Section 2-1 passed May 18, 1992, and effective May 27, 1992 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1987

Section 2 and 7 passed November 16, 1987, and effective November 25, 1987 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1970

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, and 9 originally passed May 11, 1970, and effective May 20, 1970 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer).