

SUB-ANALYSIS

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CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Pursuant to the authority granted by statutes, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

Source: City Code
Effective Date: 9-1-75

SEC. 2.02. DEPARTMENTS GENERALLY.

Subd. 1. Control. All departments of the City, except the Legal Department, shall be under the direct supervision of the City Administrator. The City Administrator shall be responsible to the Council and subject to its supervision and direction for the proper and effective carrying out of all functions of the City government.

Source: Ordinance No. 165, 2nd Series
Effective Date: 9-12-89

Subd. 2. Appointment. All department heads and employees, except those of the Legal Department and except all essential employees of the Public Safety Department, shall be recommended for appointment by the City Administrator subject to approval of the Council and subject to the provisions of the City Code. The Council shall make the actual appointment by resolution stating the name, position, duties, salary, duration or term of appointment, bond requirement and any other necessary matter. Except as otherwise herein provided, all appointments shall be for an indeterminate term and subject to any applicable Civil Service regulations.

Source: Ordinance No. 207, 2nd Series
Effective Date: 1-19-94

Subd. 3. Compensation. All wages and salaries shall be fixed and determined by the Council.

SEC. 2.03. POLICE DEPARTMENT. A Police Department is hereby established. The Head of this Department shall be known as the Chief of Police, and the number of additional members and employees of the Police Department shall be determined by the Council by resolution which may be changed from time to time. The Mayor shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when, in his/her judgment, an emergency exists for the preservation of life or property. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform such duties as are required of them by

the Council or by law. The Chief of Police shall have general superintendence of the Police Department and custody of all property used and maintained for the purposes of said Department. It is the duty of the Chief of Police on or before the first day of July in each year to file a detailed inventory with the City Clerk-Treasurer of all property used or maintained for said Department, together with its projected needs for the ensuing fiscal year. It is also the duty of the Chief of Police, on or before the second business day in each month, to file with the City Clerk-Treasurer a report as to all arrests made by, and other activities of, his/her Department during the previous month. The Chief of Police shall also make and file such other reports as may be required by the Council.

SEC. 2.04. FIRE DEPARTMENT. A Fire Department is hereby established. The size and composition (including, but not limited to, a determination as to permanent and volunteer members), shall be established by resolution of the Council, which may be changed from time to time by a subsequent resolution. It is the duty of the Chief of the Fire Department on or before the first day of July in each year to file a detailed inventory with the City Clerk-Treasurer of all property used and maintained for said Department, together with its projected needs for the ensuing fiscal year. It is also the duty of the Chief of the Fire Department on or before the second regular business day in each quarter, to file with the City Clerk-Treasurer a report as to all fires occurring during the previous quarter stating the probable cause thereof and estimated damages; such reports shall also state the other activities of the Department. The Chief of the Fire Department shall also make and file such other reports as may be requested by the Council.

Source: City Code
Effective Date: 9-1-75

SEC. 2.05. LEGAL DEPARTMENT. A Legal Department is hereby established. The Council shall appoint a City Attorney to be head of the Legal Department who shall serve at the pleasure of the Council. The Council may also appoint such assistants as may be necessary who shall also serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him/her by law or referred to him/her by the Council. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances".

Source: Ordinance No. 253, 2nd Series
Effective Date: 3-4-99

SEC. 2.06. ENGINEERING DEPARTMENT. An Engineering Department is hereby established. The City Administrator shall appoint a City Engineer subject to approval of the Council for an indefinite term who shall be the Head of the Engineering Department.

Source: Ordinance No. 165, 2nd Series
Effective Date: 9-12-89

SEC. 2.07. PUBLIC WORKS DEPARTMENT. A Public Works Department is hereby established for the purpose of operation and maintenance of the sewerage system, sewage disposal facilities, refuse collection and streets.

Source: Ordinance No. 3, 2nd Series
Effective Date: 2-10-76

SEC. 2.08. BUILDING DEPARTMENT. A Building Department is hereby established. The Head of the Building Department shall be the Building Official (referred to in the State Building Code as the "Administrative Authority"), together with such assistants and staff members as may be authorized from time to time by the Council. It shall be the duty and power of the Building Official to carry out the provisions of the State Building Code and the Ordinances of the City relating to construction. The Building Official shall submit a periodic report to the Council covering the work of his/her Department for intervals required by the Council.

Source: Ordinance No. 96, 2nd Series
Effective Date: 10-30-82

(Sections 2.09 through 2.14, inclusive, reserved for future expansion.)

(Pages 13 through 17 reserved)

SEC. 2.15. BOARDS AND COMMISSIONS GENERALLY. Unless otherwise provided by other provisions of the City Code, all Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor or the Council, as the case may be, prior to the expiration of an existing term. The term of each appointee shall be established and stated at the time of his/her appointment, and terms of present Board and Commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed Board or Commission member shall be an employee of the City, but an ex officio member may be so employed. For the purpose of this Section, no elected official shall be considered an employee. The Chairman and Secretary shall be chosen from and by the Board or Commission membership annually to serve for one (1) year, provided that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and his/her position filled as any other vacancy. Each Board and Commission shall hold its regular meetings at a time established and approved by the Council. All appointees to Boards and Commissions shall hold office until their successor is appointed and qualified. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

Source: Ordinance No. 167, 2nd Series
Effective Date: 9-2-89

SEC. 2.16. LIBRARY BOARD. A Library Board composed of seven members is hereby established for the purpose of advising the Council as to the management and operation of the Public Library. All appointments shall be made by the Mayor for a term of three (3) years except that initial appointments shall be for such period so as to provide for staggered terms. The duties of the Library Board are as follows:

Source: Ordinance No. 47, 2nd Series
Effective Date: 3-3-78

Subd. 1. To transmit funds coming into its possession to the City Clerk-Treasurer.

Subd. 2. To establish written rules and regulations for the use, management and operation of the Public Library, the same to be approved by action of the Council before they are placed in effect.

Subd. 3. To make recommendations to the Council for the improvement of the Public Library, and its facilities.

Subd. 4. To hold monthly meetings at a time regularly established and approved by the Council and to hold such special meetings as necessary for the conduct of its business.

Subd. 5. To report to the Council on or before the second regular business day in each month as follows:

A. Submitting a true copy of the minutes of all meetings held during the preceding month.

B. Submitting a statement of requests for payment.

C. Submitting a report of all activities not set forth in the minutes.

Source: City Code

Effective Date: 9-1-75

SEC 2.17. PLANNING COMMISSION AND ZONING BOARD.

Subd. 1. Establishment and Composition.

A. A Planning Commission composed of 7 members appointed for 3-year terms, and including the City Engineer and the City Administrator as ex-officio members only and not included in this number, is hereby established.

B. A Zoning Board of Appeals and Adjustments composed of 7 members for 3-year terms is hereby established. Members of the Planning Commission may also serve on the Zoning Board of Appeals and Adjustments.

Subd. 2. Meetings.

A. All meetings of the Planning Commission shall be held at the call of the Chairman or at the request of a majority of the members.

B. All meetings of the Zoning Board of Appeals and Adjustments shall be held at the call of the Chairman or at the request of a majority of the members.

Source: Ordinance No. 337, 2nd Series

Effective Date: 10-7-2007 and next appointment of members by Council

Subd. 3. Planning Commission.

A. All hearings conducted by the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested conditional use and the reasons for recommending or denying such request shall be specified. Every requirement, decision, or determination of the Planning Commission shall be filed immediately with the Council and shall be a public record. The Planning Commission shall adopt its own rules of procedure.

B. Quorum. No hearing shall be conducted by the Planning Commission without a quorum, consisting of the majority of all the members, being present. The concurring vote of the majority of the members voting shall be necessary to any action of the Planning Commission.

C. Duties. The Planning Commission shall have the following duties:

1. To prepare and recommend to the Council a comprehensive plan for the development of the City. The plan shall include reasonable requirements for streets, public grounds, and other public facilities and for the use of land within the corporate limits of the City and not included in any incorporated municipality. Upon the recommendation of such plan to the Council, it shall be known as the Comprehensive Municipal Plan for the City of Hibbing, and shall be utilized in the manner specified in Minn. Stat. Sec. 462.356, Subd. 2, as amended.

2. To recommend to the Council changes to the Comprehensive Municipal Plan.

3. To prepare and recommend to the Council plans for specific improvements pursuant to the Comprehensive Plan and to aid the Council in the development and completion of such projects.

4. To hear, review and offer recommendations to the Council on applications for conditional uses, and planned developments, under the zoning and subdivision provisions.

5. To initiate procedures for changes and amendments to the zoning and subdivision provisions and to hold the required public hearing, and review and recommend appropriate action to the Council in the manner specified.

Subd. 4. Zoning Board of Appeals and Adjustments.

A. The Zoning Board of Appeals and Adjustments shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. All testimony at any hearing of the Zoning Board of Appeals and Adjustments shall be given under oath. The Zoning Board of Appeals and Adjustments shall adopt its own rules of procedure.

B. Findings and Conclusions. Every decision of the Zoning Board of Appeals and Adjustments shall be accompanied by findings of fact and shall refer to any exhibits, containing plans and specifications for any proposed variance, which such plans and specifications shall remain a part of the permanent records of the

Zoning Board of Appeals and Adjustments. The findings of fact shall specify the reason or reasons for the Zoning Board of Appeals and Adjustments' decision, which shall be final subject to appeal to the Council which may affirm, modify or reverse any decision, and thereafter to judicial review. The terms of any relief granted shall be specifically set forth in the decision. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals and Adjustments, shall be filed immediately with the Council and shall be a public record.

C. Quorum. No hearings shall be conducted by the Zoning Board of Appeals and Adjustments without a quorum, consisting of the majority of all members, being present. The concurring vote of three members shall be necessary for any decision on an appeal or variance approval brought before the Zoning Board of Appeals and Adjustments.

Source: Ordinance No. 245, 2nd Series
Effective Date: 10-9-97

D. Duties. The Zoning Board of Appeals and Adjustments shall have the following duties:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

2. To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are 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 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances.

A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

3. To initiate procedures for changes and amendments of zoning and subdivision provisions and to appear at any hearing of the Planning Commission as a party in support of, or opposition to any proposed change or amendment of those provisions.

Source: Ordinance No. 392, 2nd Series
Effective Date: 08-17-2011

E. Procedure on Appeals.

1. An appeal may be taken to the Zoning Board of Appeals and Adjustments by any person or by any officer, department, board or commission of the City affected by a decision of the Administrative Officer. Such appeal shall be taken within fourteen (14) days of the action complained of by filing with the Administrative Officer and with the City Clerk-Treasurer a notice of appeal specifying the grounds thereof. A non-refundable filing fee, established from time to time by the Council to cover administrative costs and costs of the hearing, shall accompany the notice of appeal filed with the City Clerk-Treasurer. The Administrative Officer shall forthwith transmit to the Zoning Board of Appeals and Adjustments all of the papers constituting the record upon which the action appealed from was taken.

2. An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Zoning Board of Appeals and Adjustments after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals and Adjustments or by a court of record on application, on notice to the Administrative Officer and on due cause shown.

3. A public hearing shall be set, notice given, and conducted by the Zoning Board of Appeals and Adjustments.

4. Within ten (10) days following the close of the public hearing, the Zoning Board of Appeals and Adjustments shall render a decision on the appeal.

F. Procedure on Variances.

1. An application for a variance shall be submitted to the City Clerk-Treasurer at least three (3) weeks prior to the requested date of public hearing. A non-refundable application fee, established from time to time by the Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be prescribed by rule or the Zoning Board of Appeals and Adjustments:

(a) The particular zoning requirements which prevent the proposed use or construction;

(b) The characteristics of the subject property which prevent compliance with said requirements.

(c) The minimum reduction of the zoning requirements which would be necessary to permit the proposed use or construction; and

Source: Ordinance No. 245, 2nd Series
Effective Date: 10-9-97

(d) The practical difficulties which would result if said particular zoning requirements were applied to the subject property.

Source: Ordinance No. 393, 2nd Series
Effective Date: 08-17-2011

2. A public hearing shall be set, notice given, and conducted by the Zoning Board of Appeals and Adjustments.

3. Within thirty (30) days following the close of the public hearing, the Zoning Board of Appeals and Adjustments shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance, which such plans and specifications shall remain a part of the permanent records of the Zoning Board of Appeals and Adjustments. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact.

Source: Ordinance No. 245, 2nd Series
Effective Date: 10-9-97

4. Appellate Procedure.

(a) Any Person aggrieved by a decision of the Zoning Board of Appeals and Adjustments under Subd. 4. F. may appeal such decision to the City Council.

(b) Such aggrieved person is entitled to a full hearing before the City Council upon serving a written request therefore upon the Mayor, the City Clerk-Treasurer and the Zoning Administrator at least 15 days prior to any regular Council meeting.

(c) Such request for hearing shall contain a general statement setting forth the administrative decision to be challenged by the appellant.

(d) Upon receipt of such request for hearing, the Zoning Administrator shall prepare a Notice, in letter form, from the Board of Adjustment to each area resident or property owner originally notified by letter of the variance hearing advising that an appeal before the City Council has been requested. The letter shall also advise of the name of the appellant, the subject being appealed, the time of day, date and place of said hearing before the City Council and contact information for the Administrative/Council Assistant.

(e) At such hearing the appellant may present any evidence deemed pertinent to the appeal.

(f) The Officer presiding at the hearing, upon motion made and passed by the City Council in the interest of justice, adjourns the hearing to a later date, the time and place of which shall be fixed and determined in the motion.

Source: Ordinance No. 383, 2nd Series
Effective Date: 05-05-2011

SEC. 2.18. (CODIFIER'S NOTE: Repealed by Ordinance No. 245, 2nd Series. Former topic incorporated into Sec. 2.17. Reserved for future expansion.)

SEC. 2.19. BOARD OF BUILDING APPEALS. A Board of Building Appeals is hereby established for the purpose of determining the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of the State Building Code. The Board of Building Appeals shall consist of six members who are qualified by experience and training to determine matters relating to building construction, and shall be appointed for three (3) year terms except that initial appointments shall be for such period so as to provide for staggered terms. The Building Official shall be an ex officio member and act as Secretary of the Board. The Board shall conduct investigations and inquiry into matters brought before it and shall make all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the Council such new legislation as is consistent therewith.

Source: Ordinance No. 96, 2nd Series
Effective Date: 10-30-82

SEC. 2.20. HUMAN RIGHTS COMMISSION.

Subd. 1. Establishment and Composition. A Human Rights Commission, composed of six (6) members, is hereby established for the purpose of securing for all citizens freedom from discrimination:

- (1) In employment because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age;
- (2) In housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and familial status;
- (3) In public accommodations because of race, color, creed, religion, national origin, sex, sexual orientation, and disability;
- (4) In public services because of race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, and status with regard to public assistance; and
- (5) In education because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age. Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy.

It is also the purpose of the Human Rights Commission to protect all persons from wholly unfounded charges of discrimination. Nothing in this section shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

It is also the purpose of the Human Rights Commission to secure for all citizens full participation in the affairs of the City by assisting the Minnesota Department of Human Rights in implementing State laws against discrimination and by advising the Council in long-range programs to improve community relations in the City.

Members shall be appointed for staggered three-year terms. An Administrative Assistant who is a permanent City staff person shall, and the City Attorney may, function as ex officio members of the Commission. It is desirable that Commission members be representative of the broad spectrum of the citizens of the City. Commission members should be willing to attend training sessions for the purpose of facilitating the discharge of their duties.

Subd. 2. Meetings. Regular meetings shall be scheduled on a quarterly basis to handle regular Commission business and further efforts of information dissemination. Special meetings shall be held at the call of the Chairperson. Such business

meetings shall be open for public attendance. Minutes shall be kept of all Commission proceedings. The Administrative Assistant shall be responsible for all minute and record-keeping duties. The Commission shall adopt its own rules of procedure.

Subd. 3. Quorum. No meeting shall be conducted by the Commission without a quorum, being a majority of all members, being present. The concurring vote of a majority of the Commissioners present shall be necessary for any action.

Subd. 4. Purpose and Duties of the Commission. The Human Rights Commission shall have the following purpose and duties:

A. To implement and administer the policies and regulations of the City with respect to preventing and prohibiting all unfair discriminatory practices.

B. To provide a local and confidential source of assistance for residents and nonresidents with discrimination complaints based on race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age. Such assistance may take the form of mediation, conciliation or referral of verified discriminatory acts to the State Department of Human Rights.

C. To take positive measures to disseminate the nondiscriminatory policies of the City with respect to all unfair discriminatory practices by conducting public information meetings.

D. To initiate data collection and evaluation activities that will identify minority and low-income concentrations within the City, and to prepare recommendations for submission to the planning Commission and Council that will contribute to lessening such concentrations, strengthen the fair housing policies of the City, and eliminate discrimination based on race, color, creed, religion, sex, national origin, disability, marital status, status with regard to public assistance, sexual orientation, and age.

Subd. 5. Duties of the Administrative Assistant. The duties of the City staff person designated as Administrative Assistant to the Commission by the Mayor shall be:

A. To act as the authorized liaison representative of the Commission, both with complainants and the public in general for dissemination of non-discriminatory policies.

B. To interview and evaluate complainant charges of discriminatory acts, advise the complainant of his/her rights, procedures for redress, responsibilities of the Commission and disposition alternatives in the case.

C. To take minutes and keep official records of all Commission proceedings, and to function as correspondent for such communications with Federal and State agencies as are directed by the Commission.

D. To conduct, or arrange to have conducted, such socio-economic research as is authorized by the Commission to enable the Commissioners to function affirmatively and effectively in implementing the non-discriminatory policies of the City.

Source: Ordinance No. 271, 2nd Series
Effective Date: 9-29-01

SEC. 2.21. HOUSING ADVISORY AND APPEALS BOARD.

Subd. 1. Establishment and Composition. A Housing Advisory and Appeals Board, composed of five members who are not employees of the City, and who shall serve staggered three-year terms, is hereby established. The Building Official shall be an ex-officio member and shall act as Secretary of the Board.

Subd. 2. Powers and Duties. The Board shall have all of the powers and duties set forth in the Uniform Housing Code.

Source: Ordinance No. 136, 2nd Series
Effective Date: 7-12-85

SEC. 2.22. CHARITABLE GAMBLING COMMISSION.

Subd. 1. Establishment and Composition. A Charitable Gambling Commission composed of five (5) members is hereby established. Membership of the Charitable Gambling Commission shall include the City Administrator, three members of the public chosen at-large and appointed by the Council, and one representative of a charitable gambling license-holder, said member to be nominated by the license-holders and appointed by the Council.

Subd. 2. Duties. The Charitable Gambling Commission shall have the following duties:

A. To appoint one of its members as its Chairman and to hold meetings at the call of its Chairman.

B. To give proper notification to all of the charitable gambling license-holders in the City of any and all of the meetings of the Charitable Gambling Commission to hear the complaints of the license-holders and to hear any recommendations of the license-holders. The Charitable Gambling Commission shall thereafter make recommendations to the Council.

C. To prepare and recommend to the Council changes in procedure and practice governing charitable gambling in the City, and to make recommendations to the Council with regard to possible changes in City Code provisions governing charitable gambling in the City.

Source: Ordinance No. 182, 2nd Series
Effective Date: 8-24-90

D. To examine the records and/or reports of each licensed organization filed with the City to determine that 75% of the licensed organization's net profits are expended for the purposes set forth in Section 6.44, Subd. 3,B.1. of the City Code.

Source: Ordinance No. 314, 2nd Series
Effective Date: 01-26-2005

E. To examine each raffle application to determine if the application needs to be sent to the Council for approval as an exempt raffle or be registered with the City as an excluded or exempt raffle as defined by Minnesota Statute Section 349.166.

Source: Ordinance No. 367, 2nd Series
Effective Date: 02-07-2010

SEC. 2.23. CABLE TELEVISION COMMISSION.

Subd. 1. Establishment and Composition. A Cable Television Commission composed of five (5) members is hereby established, four (4) of whom shall be non-Council members and one (1) of whom shall be a Council member. All appointments to the Commission shall be made by the Council. The purpose of the Commission is to propose to the Council such rules and regulations for the cable communication system as may be required to secure adequate and proper cable television service and to provide sufficient accommodations for the public.

Subd. 2. Meetings. The Commission shall hold at least one regularly scheduled meeting quarterly and such other special meetings as are necessary for the conduct of its business. Special meetings may be held at the call of the Chairman or at the written request of a majority of the members of the Commission. The Commission shall report to the Council after each meeting in writing by providing a copy of its minutes.

Subd. 3. Terms of Office, Officers.

A. The Council member's term shall terminate when he/she is no longer a member of the Council. Initial non-Council members of the Commission shall serve a term of:

- 1.** One (1) member shall serve a one (1) year term to January 1, 1997.

2. Two (2) members shall serve a two (2) year term to January 1, 1998.

3. One (1) member shall serve a three (3) year term to January 1, 1999.

B. After their initial appointment, members shall serve for a term of three (3) years beginning with the month of January of the year appointed. A person appointed to fill a vacancy due to the resignation of a member, or otherwise, shall complete the term of the person replaced.

C. The Council member shall be the Chairman of the Commission. The members shall elect a vice chairman and a secretary annually at the first meeting after new members are seated.

Subd. 4. Duties of the Cable Television Commission With Regard to Public Access.

A. To recommend to the Council:

1. Matters pertaining to local access programming procedures, i.e. noncommercial public access, educational use, government use and for lease.
2. Equipment needed for both portable and studio production.
3. A program scheduling system.
4. Policies to implement public access.

B. To provide to the public according to policies established by the Council.

1. Technical assistance in program production and editing.
2. Instruction in use of equipment.
3. Instruction in video production.
4. A public relations campaign for the local access channel.
5. A volunteer squad for taping and channeling operation.

C. To prepare and recommend to the Council a request for monies as other City Departments for operations and equipment for cable access.

Subd. 5. Duties of Cable Television Commission With Regard to Servicing the Cable Communications System.

A. To recommend to the Council:

1. The programming services to be offered on the System. This information shall be obtained in part by periodically seeking information from City residents and subscribers regarding their programming interests and preferences.

2. The regulation of rates in accordance with local, State and Federal law.

B. To do the following and to advise the Council with regard to Commission actions:

1. Oversee compliance, by the Franchisee with the provisions of the Franchise and advise the Council on matters which might constitute grounds for a forfeiture or revocation of the Franchise.

2. Hear all complaints of Subscribers which have not been satisfied by appeal to the Franchisee, and record all such complaints, along with actions and results.

3. Review any proposed change in Franchise ownership and determine whether same shall be approved subject to confirmation by the Council.

4. Audit all of Franchisee's records as may be required by the Franchise.

5. Advise and coordinate with the Franchisee the promotion, development, and utilization of access and local origination channels and programming.

6. Keep current and abreast of all changes in the law, technology and service which may impact the enforcement of the Franchise and report such developments to the Council.

7. Participate in all periodic reviews and evaluations as prescribed in the Franchise.

C. To prepare and recommend to the Council a request for monies as other City Departments for operations and equipment for securing adequate and proper cable television service.

Subd. 6. Nothing in this Section is intended to conflict with the provisions of Ordinance No. 151, 2nd Series which grants a non-exclusive cable communication franchise to Range Television Cable Co., Inc. but if such a conflict does arise the provisions of Ordinance No. 151, 2nd Series shall prevail.

Source: Ordinance No. 224, 2nd Series
Effective Date: 12-6-95

SEC. 2.24 PARK AND RECREATION ADVISORY BOARD. A Park and Recreation Advisory Board composed of seven (7) members is hereby established for the purpose of advising the Council as to the management and operation of the parks and recreation facilities in the City. All appointments shall be made by the Council for a term of three (3) years except that initial appointment shall be for such period so as to provide for staggered terms. The duties of the Park and Recreation Advisory Board shall be determined by Resolution of the City Council.

Source: Ordinance No. 301, 2nd Series
Effective Date: 02-04-2004

SEC. 2.25. EMERGENCY MANAGEMENT.

Subd. 1. Policy and Purpose. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:

(a) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters.

(b) To provide for the exercise of necessary powers during emergencies and disasters.

(c) To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to the carrying out of emergency preparedness functions.

(d) To comply with provisions of Minnesota Statutes, Chapter 12, Section 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

Subd. 2. Definitions

1. "Emergency Management" means the preparation for and the carrying out of all emergency functions, other than functions for which military

forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous materials mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as "Civil Defense" functions.

2. "Disaster" means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

3. "Emergency" means an unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

4. "Emergency Management Forces" means the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

5. "Emergency Management Organization" means the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

Subd. 3. Establishment of an Emergency Management Organization. There is hereby created with the City government an emergency management organization that shall be under the supervision and control of the City Emergency Management Director, hereinafter called the "Director". The director shall be appointed by the Mayor for an indefinite term and may be removed by them at any time. The director shall serve at a salary determined by the City Council and shall be paid his or her necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the City Council.

Subd. 4. Powers and Duties of the Director

1. The director, with the consent of the City Council, shall represent the City on any regional or state conference for emergency management. The director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City Council for its action. Such arrangements shall be consistent with the State Emergency Plan.

2. The director shall make studies and surveys of the manpower, industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The director of Emergency Management shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject to approval of the City Council.

3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the City including municipal and unincorporated areas and shall present such plan to the City Council for its approval. When the City Council has approved the plan by resolution, it shall be the duty of all City departments and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the emergency management activities of the City to the end that they shall be consistent and fully integrated with the emergency plan of the Federal Government and the State and correlated with emergency plans of other political subdivisions within the State.

4. In accordance with the State and County Emergency Plan, the director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

5. The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments of the City to the maximum extent practicable. The officers and personnel of all such departments shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the City Emergency Management organization and to the Governor upon request. The head of each department in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department.

6. The director shall, in cooperation with existing City departments affected, assist in the organizing, recruiting and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans of the City and state. To the extent that such emergency personnel are recruited to augment a regular City department for emergencies, they shall be assigned to such departments and shall be under the administration and control of said department.

7. Consistent with the state emergency services law, the director shall coordinate the activity of the municipal emergency management organizations within the City and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (Minnesota Statutes, Chapter 12, Sec. 12.25).

8. The director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

9. The director shall act as principal aide and advisor to the City official responsible for direction and control of all City emergency operations during an emergency. The coordinator's main responsibility is to

assure coordination among the operating departments, non-governmental groups, and with higher and adjacent governments.

10. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the City Council.

Subd. 5. Local Emergencies

1. A local emergency may be declared only by the Mayor of a municipality or their legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the chief of the local records-keeping department of the subdivision.

2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Subd. 6. Emergency Regulations

1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the City Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safe-guarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

2. Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Administrator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Administrator's Office shall be conspicuously posted at the front of the city hall or other headquarters of the City or at such other places in the affected area as the City Council shall designate in the resolution. By like resolution, the City Council may modify or rescind any such regulation.

3. The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent such conflict exists.

During a declared emergency, the City is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for budgets.

Subd. 7. Emergency Management A Governmental Function. All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Subd. 8. Participation in Labor Dispute or Politics. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

Source: Ordinance No. 348, 2nd Series
Effective Date: 5-21-2008

(Page 35 reserved)

SEC. 2.26. JOINT AIRPORT COMMISSION. (Repealed by Ordinance No. 264, 2nd Series, adopted 9-18-2000, effective 9-23-00).

SEC. 2.27. HIBBING JOINT RECREATION AND PARK BOARD. (Repealed by Ordinance No. 264, 2nd Series, adopted 9-18-2000, effective 9-23-00).

(Pages 37 - 41 reserved.)

SEC. 2.28. OTHER BOARDS AND COMMISSIONS. Other Boards and Commissions serving the City created by Statute or resolution are as follows:

Subd. 1. **Public Utilities Commission** - members chosen by the Council.

Subd. 2. **(CODIFIER'S NOTE:** This Subdivision, amended by Ordinance No. 185, 2nd Series, which established the Public Safety Commission, now numbered as Section 2.31.)

Subd. 3. **Police Civil Service Commission** - (Repealed by Ordinance No. 185, 2nd Series, adopted 1-7-91.)

Subd. 4. Hibbing Area Redevelopment Agency - (Repealed by Ordinance No. 187, 2nd Series, adopted 2-19-91.)

Subd. 5. Housing and Redevelopment Authority - members chosen by the Mayor, with approval of the Council.

Subd. 6. Citizens Advisory Board - members chosen by the Mayor, with approval of the Council.

Source: City Code
Effective Date: 9-1-75

SEC. 2.29. HERITAGE PRESERVATION COMMISSION.

Subd. 1. Declaration of Public Policy and Purpose. The Council hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity, and is required in the interest of the health, safety, welfare and prosperity of the people. The purpose of this Section is to:

A. Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, visual or architectural history;

B. Protect and enhance the City's appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry;

C. Foster civic pride in the beauty and notable accomplishments of the past; and,

D. Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the City.

Subd. 2. Heritage Preservation Site Defined. "Heritage Preservation Site" means any area, place, building, structures, lands, districts, or other objects which have been duly designated Heritage Preservation Sites pursuant to Subdivision 4 of this Section.

Source: Ordinance No. 66, 2nd Series
Effective Date: 4-12-80

Subd. 3. Heritage Preservation Commission Established.

A. Members. There is hereby created and established by the City a Heritage Preservation Commission, hereinafter called the "Commission", which shall consist of seven (7) voting members appointed by the Mayor, with the advice and consent of the Council, as follows: one (1) local architect; one (1) Planning Commissioner; one (1) Hibbing Historical Society member recommended by the Society Board; one (1) staff

member from the City Assessor's office; and three (3) members-at-large who are residents of the City.

B. Terms of Office. The Mayor and Council shall designate one member-at-large to serve a term of one year, one to serve a term of two years, and one to serve a term of three years. The vacancy of the unexpired terms shall be filled in the same manner as the appointment is made. Members shall serve without compensation and continue to hold office until their successors have been appointed and qualified.

Source: Ordinance No. 380, 2nd Series
Effective Date: 08-17-2011

C. Organization. The Commission when formed shall elect from its members, such officers as it may deem necessary. The Commission shall have the power to designate and appoint from its members various committees with powers and duties of the Commission. The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Section, which are not inconsistent with the laws of the City and the State of Minnesota. The Commission shall make an annual report, containing a statement of its activities and plans, to the Mayor, Council, and the Chairman of the Planning Commission.

D. Program Assistance. To accomplish the intent and purpose of this Section, the Commission may request staff support from the Department of Planning and Development, City Building Official and Public Library following written authorization from the Council to provide such in-kind assistance for specific projects and durations.

Subd. 4. Designation of Heritage Preservation Sites.

A. Criteria. The Commission shall recommend to the Council areas, buildings, districts, or objects to be designated Heritage Preservation Sites. In considering the designation of Heritage Preservation Sites the Commission shall apply the following criteria:

1. Its character, interest of value as part of the development, heritage or cultural characteristics of the City, State of Minnesota, or the United States.

2. Its location as a site, or contributing element in proximity to a site of a significant historic event or process.

3. Its embodiment of distinguishing characteristics of an architectural style, period form or treatment.

4. Its identification with a person or persons who significantly contributed to the culture and development of the City, the region and/or the nation.

5. Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent distinctive architectural innovation.

6. Its unique location or singular physical characteristics representing an established and familiar aspects of a view, vista, area, or district in the City.

B. Request to Council. Following the tentative selection of a Heritage Preservation Site by the Commission, the Commission shall forward a request to the Council for formal site designation. Such request shall include the findings and recommendations of the Commission with respect to eligibility for preservation as determined by the criteria specified in Subparagraph A, above. The request shall include the proposed program for preservation and method of accomplishment. A copy of the request to Council shall be forwarded simultaneously to the planning Commission for review and comment within thirty (30) days from the date of submission.

C. Authorization of Hearings. Upon receipt of the request from the Commission, the Council shall authorize a public hearing to consider designation as a Heritage Preservation Site. The Council may delegate the authority to conduct such hearing to the Heritage Preservation Commission and shall require notice of hearing to be published in the official newspaper for the City at least twenty (20) days prior to the date of hearing, and written notice of hearing to be sent to all property owners of record for the property which is proposed to be designated as a Heritage Preservation Site, and to all property owners of record abutting the boundary of the subject site.

D. Hearings.

1. Planning Commission Review and Comment. Recommendations with respect to the relationship of Heritage Preservation designation to the comprehensive plan of the City, its opinions as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to

any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation shall become part of the official record concerning the proposed designation. These shall be submitted by the Heritage Preservation Commission along with its recommendation concerning the proposed designation to the Council. The Heritage Preservation Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the Planning Commission at the scheduled hearings.

2. Testimony. All affected property owners, their designated representatives and all residents of the City shall have the right to present testimony at the hearing according to established rules of procedure. The hearing officer shall order a written record of the events of the hearing, which shall be later forwarded to the Council for the public record. Such record shall contain the sense of the testimony presented as well as the findings and recommendations of the hearing agency.

E. Communication With State Historical Society. A copy of the Heritage Preservation Commission's proposed designation of a Heritage Preservation Site, including boundaries, and a program for the preservation, restoration or rehabilitation of the site shall be sent to the State Historical Society in accordance with Minnesota Statutes 1974, Section 471.193, Subdivision 5.

F. Acquisition. The Heritage Preservation Commission may recommend to the Council, after review and comment by the Planning Commission, that certain property eligible for designation as a Heritage Preservation Site be acquired by gift, by negotiation, or other legal means as provided for in Chapter 117 of Minnesota Statutes.

G. Action of the Council. Upon receipt of the record of hearing, recommendations of the Planning Commission and findings and preservation program of the Heritage Preservation Commission, the Council may act to designate the proposed site for heritage preservation purposes.

Subd. 5. Preservation Program. All decisions of the Heritage Preservation Commission with respect to this Subdivision shall be in accordance with the approved program for the rehabilitation of each Heritage Preservation Site of which the following general precepts indicate the nature and scope of authentic preservation, and the degree of quality sought in planning as well as in building craftsmanship:

A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

F. Deteriorated architectural features will be encouraged to be repaired rather than be replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Cleaning methods that will damage the historic building materials should not be undertaken.

H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

J. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be impaired.

Subd. 6. Program Implementation; Acquisition or Preservation Financing. The Council may undertake actions to implement the preservation program through either acquisition for public use coupled with heritage renovation efforts where this is acceptable to the property owners, or by making available municipal financing incentives to the property owners to undertake such renovation. Municipal financing incentives include industrial revenue bonds, negotiated rates for municipal services or utility connections, loan guarantees, construction of municipal support facilities (parking, lighting, landscaping, air rights, etc.) deferred assessments, and others. Assistance in the form of grants application assistance and liaison with Federal and State agencies may also be provided.

Subd. 7. Rights of Property Owners With Respect to Proposed Heritage Preservation Sites. (Repealed by Ordinance No. 184, 2nd Series, adopted 9-12-90.)

Subd. 8. Additional Powers and Duties of the Commission. The Commission shall have the following powers and duties addition to those otherwise specified in this Chapter:

A. The Commission shall conduct a survey, as needed, of areas, places, buildings, structures, or objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political, or architectural history of Hibbing.

B. The Commission shall review needed and desirable improvements of older buildings throughout Hibbing, acting in a resource and advisory capacity to owners of Historically Significant Sites, regarding their preservation, restoration, and rehabilitation.

C. The Commission shall work for the continuing education of the citizens of the City with respect to the civic and architectural heritage of the City. It shall keep current and public a register of designated and proposed Heritage Preservation Sites and areas, along with the plans and programs that pertain to them.

D. The Commission may accept the services, on a permanent or part-time basis, as provided by the City, of technical experts and such persons as may be required to perform its duties; subject to requirements of the Council.

E. The Commission may have authority to accept gifts and contributions to be made to the City and to assist the City Staff in the preparation of applications for grant funds to be made by the City for the purpose of Heritage Preservation.

F. The Commission shall on a continuing basis collect and review records, documents, studies, models, maps, plans and drawings pertaining to Historic Preservation to be entered into the Hibbing Historical Archives as a permanent record of the City history and development.

Source: Ordinance No. 66, 2nd Series
Effective Date: 4-12-80

Subd. 9. Review of Permits.

A. Site Alteration Permit. The Commission shall review and recommend the approval or disapproval of the issuance of any building permit to do any of the following on a parcel designated as a Heritage Preservation Site in the City:

1. Remodel, alter or repair in any manner, including paint color that will change the exterior appearance of an historic building or in a site;
2. New construction;
3. Signs;
4. Moving of buildings;
5. Demolition in whole or in part.

6. The Heritage Preservation Commission shall have access to all of the plans, including the site plans, building elevations and design details and materials that are submitted to the Planning Commission or the Building Inspector's office.

B. City Activity. The Commission shall review and make recommendations to the Building Official concerning City activity that could change the nature or appearance of an Heritage Preservation Site.

C. Preservation Program. All decisions regarding recommendations of the Commission to the Building Official with respect to this Section shall be in accordance with the program for the rehabilitation of the Heritage Preservation Site and in accordance with the Secretary of the Interior's Standards of Preservation Projects. In making such decisions and recommendations, the Heritage Preservation Commission shall follow the guidelines set forth in the Preservation Program at City Code, Section 2.29, Subd. 5, above.

D. Findings. Before making any favorable or unfavorable recommendations to the Building Official on a building permit on an Heritage Preservation Site in the City, the Heritage Preservation Commission shall make findings based upon the Preservation Program for preservation and architectural control of the Heritage Preservation Site in regard to the following:

1. In the case of a proposed alteration or addition to an existing building on such a site, that such alteration or addition will not materially impair the architectural or historic value of the building, and the Commission shall make written findings considering the existing structures and existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving setback.

2. In the case of the proposed demolition of a building on such a site prior to recommending approval of demolition, the Commission shall make written findings in the following: Architectural and historic merit of the building, the effect on surrounding buildings, the effect of any new proposed construction on the remainder of the building (in case of partial demolition) and on surrounding buildings, the economic value or usefulness of the building as it now exists, or if altered or modified in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.

3. In the case of a proposed new building on such a site, that such building will not in itself, or by reason of its location on the site, materially impair the architectural or historic value of buildings on adjacent Sites or in the immediate vicinity within the Historic Preservation Site.

E. Limitations. If within forty-five (45) days from the filing of the building permit application the Commission has neither made a favorable or unfavorable recommendation to the Building Official, the plans and permit application shall be deemed to have been approved by the Commission and the building permit may be issued if other requirements of City departments are met.

F. Emergency Repair. In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, a building permit may be issued by other departments of the City without any prior Commission action or notification. In the case of such an emergency permit being issued, the Commission shall be immediately notified of its issuance.

Source: Ordinance No. 184, 2nd Series
Effective Date: 9-29-90

SEC. 2.30. ECONOMIC DEVELOPMENT COMMISSION. (Repealed by Ordinance No. 187, 2nd Series, adopted 2-19-91.)

SEC. 2.31 POLICE CIVIL SERVICE COMMISSION. A Police Civil Service Commission is hereby established which shall have all of the rights, powers and duties set forth in Minnesota Statutes, Chapter 419. The initial membership of said Police Civil Service Commission immediately upon the effective date of this Section shall be those members of the present Public Safety Commission who elect to be on the Police Civil Service Commission, said present members shall elect to be on either the Police Civil Service Commission or the Firefighters Civil Service Commission but not on both. The Council shall appoint citizens of this state and residents of this City so that there are a total of three (3) Police Civil Service Commissioners with terms of one year, two years and three years with said present members to serve the balance of their appointed terms.

SEC. 2.32 FIREFIGHTERS CIVIL SERVICE COMMISSION. A Firefighters Civil Service Commission is hereby established which shall have all of the rights, powers and duties set forth in Minnesota Statutes, Chapter 420. The initial membership of said Firefighters Civil Service Commission immediately upon the effective date of this Section shall be those members of the present Public Safety Commission who elect to be on the Firefighters Civil Service Commission, said present members shall elect to be on either the Firefighters Civil Service Commission or the Police Civil Service Commission but not on both. The Council shall appoint citizens of this state and residents of this City so that there are a total of three (3) Firefighters Civil Service Commissioners with terms of one year, two years and three years with said present members to serve the balance of their appointed terms.

Source: Ordinance No. 247, 2nd Series
Effective Date: 3-19-98

(Sections 2.33 through 2.39, inclusive, reserved for future expansion.)

(Pages 52 through 56 reserved)