

Ordinance Setting the Policy of the Town of Duluth, Minnesota Concerning the Review of Petitions for Annexation.

WHEREAS, the Town of Duluth Land Use Plan includes the following general goals and policies:

- To provide through the development and implementation of sound plans, an orderly and harmonious physical environment;
- To provide for the general health, safety, and welfare of the residents of the Town;
- To carefully consider both the needs of the individual property owners and the needs of the public at large in the development and implementation of plans and controls relating to land use;
- To utilize the powers of the Town in a manner that will cause and facilitate high quality development;
- To work as closely as possible with existing and adjoining units of government, in recognition of the fact that cooperation is highly desirable if the Town is to achieve its other goals and policies and implement its plans
- To retain all lands under its jurisdiction
- That where necessary, community water and sewer systems are to be installed by the developer and such systems must meet all codes, ordinances, and laws;
- That the development and implementation of plans regarding land use be formulated to cause orderly development of the Town;
- That those people who desire a rural or semi-rural environment be allowed the opportunity to achieve that desire through residence in the Town;
- That the Town should use all powers granted it by the Minnesota Statutes to provide and supply those municipal services necessary to facilitate the development of residential, commercial, and industrial land uses within the Town;
- That the Town Board oppose annexation by municipalities of land located in the Town; and

WHEREAS, any petitions for annexation by adjoining municipalities and/or Town residents or property owners will have a great impact upon the aforementioned land use goals and policies of the Town of Duluth; and

WHEREAS, the current provisions of Minnesota law do not afford an opportunity for towns to comprehensively review or analyze petitions for annexation prior to hearing before the Minnesota Municipal Board, which deprives towns and their residents and property owners of the opportunity to know the grounds for proposed annexations prior to Municipal Board review, which is

fundamentally unfair and contrary to the preservation of the peace, health, safety, and general welfare of the residents and property owners of the Town of Duluth.

NOW, THEREFORE, be it ordained by the Town Board of Supervisors of the Town of Duluth, St. Louis County, State of Minnesota, as follows:

Section 1 – Annexation Petition Review.

Any petition to the Minnesota Municipal Board for annexation of property located in the Town of Duluth, by a municipality adjoining the Town of Duluth or one or more Town of Duluth residents or property owners, or any proposed settlement concerning such a petition, shall be reviewed by both the Town Planning commission and the Town Board of Supervisors.

Section 2 – Receipt of Petition; Public Hearing.

Upon receipt of an annexation petition, the Town Clerk shall forthwith transmit the petition to the Planning Commission, which shall set a public hearing upon the annexation petition at its next regular meeting. At least ten (10) days published notice of the public hearing in the Town's official newspaper shall be given prior to the hearing. The Clerk shall also give written notice or posted notice of the public hearing to the residents and property owners directly affected and written notice to the petitioners for annexation at least ten (10) days prior to the public hearing.

Section 3 – Review by the Planning Commission and Town Board.

(a) The public hearing or hearings to be held by the Planning Commission shall afford an opportunity to the petitioners for annexation to present their information and evidence to the interested members of the public concerning the petition. The Planning Commission shall allow all members of the public present at the hearing an opportunity to ask questions that are reasonable and relevant to the matter at hand. The Planning commission shall review the annexation petition with regard to the aforementioned general goals and policies of the Town of Duluth Land Use Plan, the Town Zoning Ordinance, the Town Subdivision Regulations, and any other ordinance, resolution, or regulation of the Town of Duluth that the Planning Commission deems to be in the interests of the Town of Duluth. The public hearings may be continued from time to time until conclusion.

(b) The Planning Commission shall refer the annexation petition to the Town Board of Supervisors within forty-five (45) days after the closing of the last public hearing by the Planning Commission upon the petition. If no election is held on the issue pursuant to Section 4 herein, the Planning Commission shall formulate and transmit to the Town Board a written recommendation upon the annexation petition within said forty-five (45) day period.

(c) After referral of the annexation petition by the Planning Commission, the Town Board may, at its option, hold another public hearing or hearings upon the annexation petition. The requirements for published or posted notice and notice to the petitioners shall be the same as that for the Planning Commission set forth in Section 2 herein. The criteria to be reviewed by the Town Board shall also be the same as that applicable to the Planning Commission as set forth in Section 3 herein.

(d) If a settlement proposal upon an annexation petition is developed subsequent to the review of the original petition by either the Planning Commission or the Town Board, such settlement proposal shall be subject to all of the review and public hearing procedures of this section.

Section 4 – Referendum Vote.

(a) Whenever a petition for annexation of property located in the Town of Duluth has been initiated by a municipality, the question of whether the area proposed for annexation should or should not be annexed shall be submitted to all of the eligible voters of the Town of Duluth. Any proposed settlement of such a

petition shall also be subject to the acceptance or disapproval of said eligible voters. The special referendum election shall be held within ninety (90) days after the closing of the last public hearing held upon the annexation petition.

(b) Whenever a petition for annexation of property located in the Town of Duluth has been initiated by a party other than a municipality, the Town Board of Supervisors shall order the question to be subject to a special election as provided in this section, if the Town Board is of the opinion that substantial rights and interests of the Town of Duluth or any of its residents or property owners would be affected by the proposed annexation. Such questions shall be decided by the Town Board within forty-five (45) days after the closing of the last public hearing on the petition for annexation. If the Town Board decides that an election should be held in the matter, then such special election shall take place no later than ninety (90) days after the closing of the last public hearing on the annexation petition.

(c) Any special election held pursuant to this section shall conform to the state laws governing special town elections; provided, however, that the ballot used in such election shall bear the words "For Annexation" and "Against Annexation" or "For Settlement" and "Against Settlement", with a square before each of the phrases in one of which the voter shall make a cross or other mark or indication to express a choice.

(d) Promptly upon completion of the counting and the canvassing of the ballots in the special election, and their certification by the Town Board, the Town Clerk shall report the results of the special election to the Minnesota Municipal Board.

Section 5 – Position of the Town Board on Petition.

(a) The results of the special election, if one is held, shall be binding upon the Town Board of Supervisors, who shall adopt a position in conformity with that given by a majority of the voters in the special election.

(b) If no special election is held, the Town Board of Supervisors shall formulate a written petition concerning the annexation petition within forty-five (45) days after the date of the closing of the last public hearing the Town Board holds on the matter. The findings and position of the Town Board shall forthwith be transmitted by the Town Clerk to the Minnesota Municipal Board.

Section 6 – Severability and Repealer.

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall remain in full force and effect.

Section 7 – Effective Date.

This ordinance shall take effect and be enforced from and after its passage and publication in accordance with law.

Passed by the Town Board of Supervisors for the Town of Duluth, St. Louis County, Minnesota, the 9<sup>th</sup> day of April 1992.

TOWN OF DULUTH MINNESOTA

By Richard Bakke  
Chairman of Board of Supervisors

ATTEST:  
Dorothy Blomquist  
Town Clerk