

City Code, Chapter 10: QUASI-JUDICIAL PROCEDURES

CHAPTER 10
QUASI-JUDICIAL PROCEDURES

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CHAPTER 10
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ARTICLE I
TITLE, INTERPRETATION AND ENACTMENT

SECTION 10-100. TITLE. This Ordinance shall be known and may be cited as the “Quasi-Judicial Procedures Ordinance of the City of Columbus, Minnesota.”

[§ 10-100 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 10-110. PROVISION OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. This Ordinance is intended to provide minimum procedural safeguards for the individual where the power of the City is focused upon the individual. This Ordinance shall serve as a guide to the City Council, the Planning Commission and any other agency of the City as to the procedure to be used in adjudicating individual cases. Where the requirements of this Ordinance are at variance or in any other way conflict with the requirements of State or Federal Law, the more restrictive law or that law imposing the higher standards shall govern.

[§ 10-110 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 10-120. SEVERABILITY CLAUSE. Should any section, subsection, paragraph, subparagraph, clause, words, or provision of this Ordinance be declared by any Court of competent jurisdiction to be unconstitutional or invalid, such decisions shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10-130. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances or parts of the City Code in conflict with this Quasi-Judicial Procedures Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect, except where such conflict or inconsistency provides more stringent procedural safeguards to the individual, in which case the more stringent procedures shall apply.

[§ 10-130 amended by Ord. No. 07-02, effective March 1, 2007.]

ARTICLE II
PROCEDURES

SECTION 10-200. APPLICATION. In all matters where the circumstances or application of the individual are to be adjudicated, these procedures shall apply. Examples of situations which require application of these procedures include, but are not limited to:

- A. Zoning matters under Chapter 7A and 7B –
 - 1. All Variance applications;
 - 2. All Conditional Use Permit applications;
 - 3. All proceedings to revoke a Conditional Use Permit;

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- 4. All cases requiring a decision on the status of Nonconforming Use.
- B. Subdivision matters under Chapter 8 –
 - 1. All Variance applications;
 - 2. All minor subdivision applications which do not appear to comply with the Ordinance.
- C. Licensing matters under Chapter 4 –
 - 1. All licensing matters which require a hearing.
- D. Employee or Appointee Status Hearing –
 - 1. All hearings to adjudicate the disciplining or termination of a City employee or a City appointee. (Note: privacy laws and data practices laws may require such hearings to be closed to the public.)
- E. Excavation permit matters under Chapter 9 -
 - 1. All excavation permit matters which require a hearing.

[§ 10-200 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 10-201. CASE DOCUMENTATION.

- A. Every case or application under Chapters 7A, 7B, 8 and 9 shall be established as a separate City file and shall be identified as a “Planning Case,” as follows:

(Example)

Planning Case 85-001
 ↑ ↑
 Year of Sequential
 Origination Numbering

- B. Every licensing matter requiring a hearing under Chapter 4 shall be established as a separate City file and shall be identified as a “Licensing Case,” as follows:

(Example)

Licensing Case 85-001
 ↑ ↑
 Year of Sequential
 Origination Numbering

- C. Every employee or appointee status matter shall be established a separate City file (if a file has not already been established for the individual) and shall be identified as a “Personnel File.”

[§ 10-201 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 10-202. NONCONTROVERSIAL CASES. In recognition of the fact that many noncontroversial cases will come before the Planning Commission and before the City Council pursuant Chapters 4, 7A, 7B, 8 and 9, this Section permits an expedited procedure which avoids the procedures of § 10-203 below. “Noncontroversial cases” are those where, on first examination, it clearly appears from

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the application and other documentation in the case file that the application (1) is not a case which is required by Ordinance to be subjected to a public hearing, (2) the application is in full compliance with the governing Ordinance(s), and (3) does not require the exercise of discretionary judgment by the Planning Commission or City Council.

After first examination, the chairperson of the Planning Commission may identify the case as a noncontroversial case. Any dispute at the Planning Commission as to the noncontroversial status to the case renders the case controversial, requiring application of § 10-203 procedures.

Where it later appears to the City Council that the Planning Commission erroneously expedited a case as noncontroversial, the City Council shall refer the case back to the Planning Commission for application of § 10-203 procedures.

[§ 10-202 amended by Ord. No. 07-02, effective March 1, 2007.]

SECTION 10-203. ADJUDICATION PROCEDURES.

A. An applicant or individual is entitled to proper notice and a fair hearing prior to the final decision in his case.

B. The City Clerk, upon instruction from the City Council or Planning Commission, shall issue and publish before the hearing a notice which specifies the time and place of the hearing, a reasonably definite statement of the result sought, a short statement of the facts of the matter, and a statement that the applicant or individual has the right to be present and to be represented by Counsel. (Note: Particular ordinances or laws may dictate exact notice and publication requirements.)

C. The hearing may be held before the City Council or the primary evidentiary hearing may be referred to the Planning Commission.

D. The applicant or individual shall have the right to cross-examine witnesses who testify against him, and, the applicant or individual shall have the right to produce witnesses and evidence in his behalf.

E. If the Planning Commission conducts the evidentiary hearing, it shall make a full written report of its proceedings to the City Council and shall forward the case file with the report. The report shall include minutes of Planning Commission meetings and hearings where the case was discussed or heard. The minutes must show all of the findings of fact, all the conclusions to be drawn from the facts, and the recommendation to the City Council.

F. The City Council shall give full consideration and a fair determination of the matter according to the record of proceedings before the Planning Commission and according to any other evidence submitted directly to the City Council.

G. A recording or verbatim transcript of the hearing or hearings shall be made and kept as a part of the case file. If the City Council conducts all of the hearings and proceedings in a case, the same quality of case record as shown in paragraph E above must be produced and preserved.

[§ 10-203 amended by Ord. No. 02-07, effective March 1, 2007.]



[Former Chapter 10, "Signs", has been amended and renumbered as Chapter 7B by Ord. No. 89-1, effective July 21, 1989. New Chapter 10, "Quasi-Judicial Procedures", added by Ord. No. 89-1, effective July 21, 1989.]

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History of ordinances affecting the text of Chapter 10 (since adoption of Ord. No. 89-1):

Amended by Ord. No. 02-07, effective March 1, 2007.
