

TITLE 1

GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

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1-1-1: **TITLE OF CODE**

- A. All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code,” for which designation “code of ordinances,” “codified ordinances” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.
- B. All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designated number, such as “1-1-1.”

1-1-2: **RULES OF INTERPRETATION**

- A. *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
- B. *Specific Rules of Interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:
1. *AND or OR.* Either conjunction shall include the other as if written “and/or,” whenever the context requires.
 2. *Acts by Assistants.* When a statute, code provision or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

3. *Gender; Singular and Plural; Tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
4. *General Term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

1-1-3: **APPLICATION TO FUTURE ORDINANCES**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

1-1-4: **CAPTIONS**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

1-1-5: **DEFINITIONS**

- A. *General Rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CITY. The area within the corporate boundaries of the City of Sartell as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Benton and/or Stearns County, Minnesota.

MAY. The act referred to is permissive.

PERSON. Extends to and includes an individual, person, persons, firm, corporation, partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SECTION. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart subsections related by the subject matter of the heading. Not all chapters have subsections.

SHALL. The act referred to is mandatory.

STATE. The State of Minnesota.

1-1-6: **SEVERABILITY**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

1-1-7: REFERENCE TO OTHER SECTIONS

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

1-1-8: REFERENCE TO OFFICES

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

1-1-9: ERRORS AND OMISSIONS

In integrating ordinances into the Code, the City Administrator, in cooperation with the City Attorney, may correct obvious grammatical, punctuation and spelling errors; change reference numbers to conform with sections, substitute dates for the words "the effective date of this ordinance", and perform like actions to ensure a uniform code of ordinances without altering the meaning of the ordinances enacted.

1-1-10: OFFICIAL TIME

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

1-1-11: ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

1-1-12: ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

1-1-13: EFFECTIVE DATE OF ORDINANCES

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

1-1-14: REPEAL OR MODIFICATION OF ORDINANCE

- A. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.
- B. No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged,

but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

- C. When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

1-1-15: ORDINANCES WHICH AMEND OR SUPPLEMENT CODE

- A. If the City Council shall desire to amend any existing title, chapter or section of this code, the title, chapter or section shall be specifically repealed and a new title, chapter or section, containing the desired amendment, substituted in its place.
- B. Any ordinance which is proposed to add to the existing code a new title, chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the title, chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

1-1-16: PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

1-1-17: COPIES OF CODE

The official copy of this code shall be kept in the office of the City Clerk for public inspection. The Clerk shall provide a copy for sale for a reasonable charge.

1-1-18: ADOPTION OF STATUTES AND RULES BY REFERENCE

It is the intention of the City Council that, when adopting this City Code, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

1-1-19: PENALTY PROVISIONS

- A. *Criminal Penalties.*
 - 1. Any person who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.
 - 2. Any person who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

3. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

B. Administrative Penalties.

1. *Purpose.* The City Council seeks to offer an alternative method of enforcement for City Code violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in City Code violations, including, but not limited to neighborhood concerns, livability issues, and economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not effective solutions to address City Code violations.

In order to provide more flexibility in addressing City Code violations on an individualized basis that will be more efficient and effective, the City Council finds that an alternative enforcement process is necessary. Therefore, to protect the health, safety and welfare of the citizens of Sartell, it is the City Council's intent to create a process for the use and imposition of administrative civil penalties that will provide the public and the City of Sartell with a more effective method for addressing City Code violations.

2. *Alternative Methods of Enforcement.* A violation of the City Code is a misdemeanor pursuant to City Code; however, this subsection seeks to gain compliance with the City Code prior to the commencement of any formal civil or criminal court action. The administrative civil penalties proceedings are in addition to any other legal or equitable remedy available to the City for City Code violations. The City may, in its, discretion, choose not to issue an administrative citation and may initiate criminal charges instead.

City Code Violations. A violation of the following provisions of the City Code, or successor ordinances, shall be an administrative offense that may be subject to the administrative hearing process below. Ordinance violations are categorized as property violations, non-property violations or parking violations.

Property Violations.

- i. Title 3: Business and License Regulations
- ii. Title 4: Public Health and Safety & Nuisances
- iii. Title 4: Rental Dwelling License
- iv. Title 5: Police Regulations
- v. Title 7: Public Ways and Property
- vi. Title 8: Water and Sewer
- vii. Title 9: Fire Code
- viii. Title 9: Building Code
- ix. Title 10: Zoning Code
- x. Title 11: Subdivision Code

Parking violations include any violations of Title 6 of the Code of Ordinances and Minnesota Statute Section 169.999.

Non-Property Violations. Non-Property Violations include all other code violations not specifically designated as Property or Parking Violations.

3. *Authority to Issue Notice of Violation and Administrative Citations.*
 - a. *Property Violations.* Upon the reasonable belief that a property related administrative offense detailed in subsection 2 (Alternative Methods of Enforcement) above has occurred, the City employee designated in this section shall serve on the violator a Notice of Violation in person or by mail. The Notice of Violation shall state the date and location of the violation and nature of the offense; the corrective action required; the compliance date; the name of

the official issuing the Notice of Violation; the date it was issued and a statement that if not corrected, an administrative citation may be issued. If compliance is not achieved by virtue of the Notice of Violation, the official is authorized to issue an administrative citation. An administrative citation shall be presented in person or by mail to the person responsible for the violation. The citation shall state the date and location of the violation and nature of the offense; the name of the official issuing the citation; the amount of the scheduled civil fine and the payment due date; and the manner for paying the fine or appealing the citation by requesting a hearing.

The following City employees and agents are authorized to issue Notices of Violation and administrative citations for property violations of the City Code:

- i. All licensed peace officers, police reserves, or community service officers of the Sartell Police Department;
 - ii. Community Development Department employees, including but not limited to the Planning and Community Development Director, City Planner, Building Official, Building Inspector, and Fire Marshal; and
 - iii. Public Works Director or Public Works Supervisors.
 - iv. Any designee of the above listed employees and agents.
- b. *Parking Violations.* Upon reasonable belief that a parking violation has occurred, a parking ticket will be issued immediately without requiring a Notice of Violation.
- i. It will be the duty of the police officers, community service officers, reserve officers and/or Fire Marshal of the City to report the following information to the Sartell Police Department:
 - (1) The location of the vehicle occupying the parking space which is in violation of a provision of this ordinance.
 - (2) The license number of the vehicle.
 - (3) The date and hour at which the violation was found to exist.
 - (4) The nature of the violation.
 - (5) Any other necessary facts relating to the violation.
 - ii. *Ticket.* The issuing authority will attach to a vehicle referred to in this subsection a notice to the owner or operator that the vehicle has been parked in violation of the provisions of the City Code and directing the owner or operator to make payment as required by this subsection.
 - iii. A violator may request a parking hearing. The parking hearing will be conducted by the City Attorney's Office. Notice of the date, time and location of the parking hearing will be provided to the violator. The City Attorney's Office shall have the authority to:
 - (1) mediate and enforce a settlement of the dispute;
 - (2) determine whether a violation occurred;
 - (3) reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.
- If the dispute is not resolved through the parking hearing, then the matter may be scheduled for an administrative hearing.
- c. *Non-Property Offenses.* Upon the reasonable belief that a non-property related administrative offense detailed in Section 2 (Alternative Methods of Enforcement) above has occurred, the City employee designated in this section shall serve on the violator a Notice of Violation in person or by mail. The Notice of Violation shall state the date and

location of the violation and nature of the offense; the corrective action required; the compliance date; the name of the official issuing the Notice of Violation; the date it was issued and a statement that if not corrected an administrative citation may be issued. If compliance is not achieved by virtue of the Notice of Violation, the official is authorized to issue an administrative citation. An administrative citation shall be presented in person or by mail to the violator. The citation shall state the date and location of the violation and nature of the offense; the name of the official issuing the citation; the amount of the scheduled civil fine and the payment due date; and the manner for paying the fine or appealing the citation by requesting an administrative hearing.

- d. *Exceptions to Issuance of Notice of Violation.* For violations of any of the following sections, the City shall not be required to issue a Notice of Violation and may proceed directly to issuance of an administrative citation.
 - i. License Violation. For any license violations, including not having a license.
 - ii. Traffic or Parking Violations. For traffic, load limit or parking violations issued under Title 6 and Title 4.
 - iii. Animal Violations. For any violation of Title 5, Running at Large or Dangerous Dogs.
 - iv. Noise Violations. For any noise violation of Title 5 or Title 4.
 - v. Fire Pit Violations. For violation of Code section 4-2-2.
 - vi. Offenses committed within publically owned property.
- 4. *Civil Fines.* The administrative offenses detailed in Section 2 (Alternative Methods of Enforcement) above may be subject to a civil fine. The amount of a civil fine may not exceed the amount of the maximum fine allowed if the ordinance violation had been prosecuted as a misdemeanor. Civil Fines may not be imposed for ordinance violations that prohibit the same conduct that is classified as a crime of petty misdemeanor in Minnesota statutes, Chapters 168, 168A, 169, 169A, 170, 171, and 609.
 - a. *Schedule of Civil Fines.* The City shall by Resolution adopt a schedule of civil fines for administrative offenses for which a citation may be issued. City employees authorized to issue administrative citations shall adhere to this schedule of fines.
 - b. *Payment of Civil Fine; Request for Administrative Hearing.* The violator shall either pay the scheduled civil fine within 30 days or request a hearing within 10 days after issuance of the administrative citation. During that period, only the City Attorney or an Assistant City Attorney has authority to dismiss the citation and/or waive the scheduled civil fine. Upon payment of the fine, the right to appeal is waived. Any request for an administrative hearing shall be in writing submitted on the form provided by the City along with the citation or upon request and shall state the basis for the appeal request.
 - c. *Fee for Late Payment of Civil Fine.*
 - i. A late payment fee shall be imposed for property and non-property related violations if the violator fails to pay the civil fine within 30 days after issuance of the administrative citation (and fails to timely request a hearing pursuant to this Section). Such late payment fee will be in an amount equal to the original fee, but not less than the original fine plus late payment fee combined totaling \$100. Example: If original fine is \$100, then late payment fee will be \$100; if original fine is \$25, late payment fee will be \$75.
 - ii. If a civil fine is not paid within the time specified and no request for a hearing is timely received, the nonpayment of the civil fine shall constitute a personal obligation of the violator. A personal obligation may be collected by the City by any appropriate legal means. Unpaid fines that are referred to collections will be assessed a collection fee in addition to the late fee as designated by the City Council. If the fine was imposed for a property-related violation, the City may assess the applicable property pursuant to Assessment Section below.

5. *Administrative Hearing Procedures.*

- a. *Scheduling the Hearing.* After the receipt of the written request to appeal the administrative citation, the City shall schedule a hearing before an independent hearing officer, which will be held within 60 days, unless otherwise agreed to in writing by the parties. The City Attorney's Office shall notify the violator of the date, time and location of the hearing at least ten days in advance of the scheduled hearing, unless a shorter time is accepted by all parties. Notice of the hearing shall be served in person or by mail.
- b. *Prepayment of Cost of Hearing.* An administrative hearing fee of \$75 shall be payable to the City at the time of the request for a hearing. However, in no event will the amount of the administrative fee exceed the total amount of the civil fine. A request for hearing is not valid until the administrative hearing fee is paid. The City Attorney has authority to reduce the requesting person's share of the costs where the person can demonstrate the person is indigent by clear and convincing evidence. Proof of being indigent can be demonstrated by the person's receipt of means tested governmental benefits or a demonstrated lack of assets or current income. Such proof shall be presented to the City Attorney's Office for determination of the amount of the prepayment in advance of the hearing. In all cases where the person requesting an administrative hearing is unable to attend and fails to request a continuance of the hearing at least 48 hours in advance of the hearing, all costs incurred by the City attributable to the requested hearing shall be charged to the requesting party and deducted from any prepayment made. The administrative hearing fee shall be refunded if the administrative hearing officer determines that no violation occurred. In the event that the hearing officer determines that a violation occurred then the administrative hearing fee will be applied toward any civil fine imposed.
- c. *Pre-Hearing Conference for Property and Non-property Violations.* After a violator has made a request for an administrative hearing, the City Attorney's office may conduct a pre-hearing conference with the violator. The pre-hearing conference will be conducted by the City Attorney's office and may be conducted in person, by phone, by electronic communication or by U.S. Mail. If the violator chooses not to participate in the pre-hearing conference, such action will not constitute a waiver of the requested administrative hearing. If the dispute is not resolved through the pre-hearing conference, then the matter will proceed to an administrative hearing.
 - i. *Authority.* The City Attorney's Office shall have the authority to do any of the following, or a combination thereof:
 - (1) Mediate and enforce a settlement of the dispute;
 - (2) Determine whether a violation occurred;
 - (3) Reduce, stay or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions;
 - (4) Waive all or part of the administrative hearing application fee;
 - (5) Dismiss the administrative citation.
- d. *Independent Hearing Officer.* The City Attorney shall periodically approve a list of lawyers, from which the City Attorney shall randomly select a hearing officer to hear a matter for which a hearing is requested. The person requesting a hearing shall have the right to request, no later than five days before the date of the hearing, that the assigned hearing officer be removed from the case. One such request for each case will be granted automatically by the City Attorney. The hearing officer is not a judicial officer, but is a public officer as defined by Minnesota Statutes, Section 609.415. The hearing officer shall not be a current or former City employee.
- e. *Conduct of the Administrative Citation Hearing.* At the hearing, both parties may be represented by Counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence

shall not apply. The hearing officer shall receive and give weight to the evidence, including hearsay evidence which possesses probative value commonly accepted by reasonable and prudent people. The hearing shall be recorded and a full record of the proceedings shall be maintained by the City according to its data retention schedule.

- f. *Authority of the Hearing Officer.* The independent hearing officer has the authority to do any of the following, or a combination thereof:
 - i. Make a finding that a violation has occurred.
 - ii. Reduce, stay, or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions.
 - iii. Require compliance with the City Code within a specified timeframe.
 - iv. Make a finding that no violation has occurred and dismiss the administrative citation.
- g. *Imposition of Civil Fine by Hearing Officer.* When imposing a fine for a violation, the hearing officer may consider any or all of the following factors but in no case shall the fine exceed \$1,000.00
 - i. the duration of the violation;
 - ii. the frequency or reoccurrence of the violation;
 - iii. the seriousness of the violation;
 - iv. the history of the violation;
 - v. the violator's conduct after issuance of the notice of hearing;
 - vi. the good faith effort by the violator to comply;
 - vii. the economic impact of the fine on the violator;
 - viii. the impact of the violation upon the community;
 - ix. prior record of City Code violations; or
 - x. any other factors appropriate to a just result.
- h. *Fines for Continuing Violations.* The hearing officer may exercise discretion to impose a fine for more than one day of a continuing violation but only upon a finding that:
 - i. the violation caused a serious threat of harm to the public health, safety, or welfare; or
 - ii. the accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons for continuing violations must be in writing.
- i. *Decision and Order.* The decision of the hearing officer shall be in writing and contain findings of fact and conclusions of law. The written report shall be served on the parties by mail within 20 days of the last date of the hearing unless otherwise agreed to by the parties. Any administrative civil penalty that the independent hearing officer imposes must be paid to the City within the timeframe established in the order. If no date is specified, it must be paid within 30 calendar days of the hearing officer's order. If the administrative civil penalty is not paid, the City may pursue all legal collection means available.

The decision of the hearing officer shall be final without any further right of administrative appeal.
- j. *Failure to Appear.* Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. IF the owner fails to appear, the administrative citation shall be sustained. If the City fails to appear, the administrative citation shall be dismissed.

- k. *Judicial Review.* An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statute Section 606.01.
6. *Assessment of Civil Fines for Property-Related Violations.*
- a. *Civil Fines Subject to Assessment.* Unpaid civil fines imposed for property-related violations may be assessed against:
 - i. property which was the subject matter or related to the subject matter of the civil fine; or
 - ii. property which was the location of an activity, proposed use, delivery of city services or other circumstances which resulted in the civil fine.
 - b. *Prior Voluntary Payment.* Prior to any assessment for unpaid fines, the City Administrator or the City Administrator's designee shall seek voluntary payment of the fines by notifying the owner of the property in writing of the fine imposed.
 - c. *Assessment Procedure.* The unpaid civil fine and late fees, including the administrative charge due under subdivision (d) of this Section, together with interest thereon at the maximum lawful rate permitted under Minnesota Statutes, Chapter 429, against said lot or parcel of land, together with a description of the premises and the name of the supposed owner, shall be certified to the County Auditor and shall be collected in the same manner as taxes and/or special assessments against the premises. The charge shall be a perpetual lien on the premises until paid. Prior to the certification to the County Auditor, the owner shall be given written notice of the proposed assessment and be provided an opportunity to be heard before the City Council.
 - d. *Certification Fee.* A \$50.00 charge will be added to all accounts certified to the County Auditor's office for collection. This fee is to be considered separate and distinct from any penalty or interest that may be charged by the County as a result of the certification.

CHAPTER 2

MAYOR AND COUNCIL

SECTION:

- 1-2-1: Composition and Terms
- 1-2-2: Council Meetings
- 1-2-3: Presiding Officer
- 1-2-4: Voting
- 1-2-5: Ordinances and Resolutions
- 1-2-6: Suspension or Amendment of Rules
- 1-2-7: Compensation of Mayor and Council Members
- 1-2-8: Compensation of Officers and Employees
- 1-2-9: Quorum for Conducting Business
- 1-2-10: Workers' Compensation

1-2-1: **COMPOSITION AND TERMS**

- A. There are four (4) Council members and one (1) Mayor who shall be called the Council. The terms for the Council shall be four (4) year overlapping terms. The elections shall be held on general election day every other year.

1-2-2: **COUNCIL MEETINGS**

- A. *Regular Meetings.* Regular meetings of the Council shall be held at least once each month, at a date and time as established by the Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time, unless otherwise specified. All meetings, including special and adjourned meetings, shall be held in the city hall unless otherwise specified.
- B. *Special Meetings.* The Mayor or any two members of the Council may call a special meeting of the Council upon notice as required by Minnesota Statutes Section 412.191, as it may be amended from time to time.
- C. *Emergency Meetings.* Notice of emergency meetings shall be given as required by M.S. Section 471.705, Subd. 1c(c), as it may be amended from time to time.
- D. *Initial Meeting.* At the first regular Council meeting in January of each year, the Council shall:
 - 1. Designate the depositories of city funds;
 - 2. Designate the official newspaper;
 - 3. Appoint an Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies; and,
 - 4. Appoint members of departments, boards, commissions and committees as the Council deems necessary.

1-2-3: **PRESIDING OFFICER**

- A. *Who Presides.* The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Administrator shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

- B. *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the Council, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.
- C. *Appeal Procedure.* Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

1-2-4: **VOTING**

The votes of the Council members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council members on any action taken shall be recorded in the minutes.

1-2-5: **ORDINANCES AND RESOLUTIONS**

- A. *Signing and Publication Proof.* Every ordinance and resolution passed by the Council shall be signed by the Mayor and attested by the City Clerk. Every resolution passed by the Council shall be signed by the Mayor and/or City Clerk. Signed ordinances and resolutions shall be filed by the City Clerk in the ordinance and resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.
- B. *Repeals and Amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

1-2-6: **SUSPENSION OR AMENDMENT OF RULES**

These rules may be suspended only by a two-thirds vote of the members present and voting.

1-2-7: **COMPENSATION OF MAYOR AND COUNCIL MEMBERS**

The compensation of the Mayor and the compensation of each Council member shall be established from time to time by Council ordinance pursuant to M.S. Section 415.11, as it may be amended from time to time. The compensation established by the ordinance shall not take effect until after the next city election after the ordinance was adopted and published. Effective as of January 1, 2011, the salary of the Mayor is \$625 per month and the salary of each Council member is \$433.33 per month.

1-2-8: **COMPENSATION OF OFFICERS AND EMPLOYEES**

Officers and employees of the city shall be compensated at a rate as established from time to time by the Council.

1-2-9: **QUORUM FOR CONDUCTING BUSINESS**

- A. A quorum shall consist of a majority of the entire Council, including the Mayor. A quorum shall be necessary to transact the business of the Council. Meetings may be conducted by interactive television in accordance with the requirements for such meetings in Minnesota Statutes.
- B. If no quorum is present, the Council shall not thereby stand adjourned, but the members present shall adjourn or recess the Council by a majority vote.

1-2-10: **WORKERS COMPENSATION**

Pursuant to Minnesota Statutes Section 176.01, Subdivision 9, Clause 6, elected officials and members of the following boards, commissions and committees are included in the coverage of the Workers' Compensation Act: City Council, Economic Development Authority, Housing and Redevelopment Authority, Economic Development Commission, Convention & Visitor's Bureau Advisory Board, and Planning Commission.

CHAPTER 3

FINES, FEES AND CHARGES

SECTION:

- 1-3-1: Schedule of Civil Fines
- 1-3-2: Others Fees and Charges

1-3-1: SCHEDULE OF CIVIL FINES

The City is authorized to issue administrative civil citations for violations of the City Code. The City Council has adopted a schedule for administrative civil citations establishing penalties for such violations and the same may be amended from time to time, in the Council's discretion, by Resolution.

Repeat Violations within 24 Months: The fine for a second and/or subsequent violation of the same type by the same violator is subject to a fine that is double the amount of the scheduled fine for the previous violation up to a maximum of \$1000.00.

1-3-2: OTHER FEES AND CHARGES

The City is authorized to impose fees, rates and charges and the same may be amended from time to time, in the Council's discretion, by Resolution.

CHAPTER 4

EXCESSIVE USE OF PUBLIC SERVICES

SECTION:

- 1-4-1: Purpose
- 1-4-2: Scope and Applicability
- 1-4-3: Definitions
- 1-4-4: Applicability and Exceptions
- 1-4-5: Waiver
- 1-4-6: Legal Remedy Non-Exclusive

1-4-1. PURPOSE. The City Council recognizes that the City has limited staff and resources, and finds that repeated nuisance service responses present a burden to the community as they limit the availability of law enforcement and public safety protection services to other residents of the City. The purpose of this chapter is to protect the public safety, health, and welfare, and to prevent and abate repeated service responses, which prevent police or public safety services to other residents of the City. It is the City's intent to impose and collect from the Owner, Occupant, Responsible Party, or any combination thereof, of property to which City officials must repeatedly respond from any repeated nuisance event or activity that generates extraordinary costs to the City. The repeated nuisance service response fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection City-wide.

1-4-2. SCOPE AND APPLICABILITY. This chapter applies to all owners, occupants and responsible parties of private property which is the subject or location of the repeat Nuisance service responses by the City. This chapter shall apply to any repeat Nuisance service responses as set forth herein made by City Personnel as hereinafter defined.

1-4-3. DEFINITIONS.

- A. Excessive Use of Public Services.** "Excessive Use of Public Services" means each response after three or more responses from a Public Officer in response to a claim of Nuisance where the responses occurred within a 24 month time period to the same Private Property. Public Services also include inspections conducted by Inspections personnel related to nuisance conditions maintained on the property.
- B. Excessive Use of Public Services Fee.** "Excessive Use of Public Services Fee" shall mean the fee imposed upon the Responsible Party as result of Excessive Use of Public Services.
1. The Excessive Use of Public Services Fee shall be \$300 per occurrence.
 2. An excessive Use of Public Services Fee imposed under this section will be subject to a 10% late penalty if delinquent.
- C. Nuisance.** "Nuisance" shall mean one or more of the following behavioral incidents occurring or committed at a specific property address:
1. Any activity, conduct, or condition deemed a violation under any provision of the following City Codes:
 - a. Public Nuisances Affecting Health and Safety under Title 4, Chapter 6
 - b. Animal Control provisions under Title 5, Chapter 2
 - c. Noise Related Nuisances under Title 4, Chapter 6 or Title 4, Chapter 9, Section 12.

2. Any activity, conduct, or condition constituting disorderly conduct under Minnesota Statute 609.72;
 3. Any activity, conduct, or condition constituting disorderly house under Minnesota Statute 609.33;
 4. Any activity, conduct, or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms;
 5. Any activity, conduct, or condition constituting assault under Minnesota Statutes 609.221-.224.
- D. Public Officer.** “Public Officer” shall mean a peace officer, fire marshal or inspector or other city personnel responding to a claim of Nuisance.
- E. Public Service Responses.** “Public Service Responses” shall mean the Public Officer responding to a claim of Nuisance upon a Private Property.
- F. Responsible Party.** “Responsible Party” shall mean the Owner or Occupant of private property where the Nuisance occurred, or the person responsible or involved in the Nuisance regardless of where the Nuisance occurred.
- G. Owner.** “Owner” shall mean any person who, alone or jointly and severally with others, has legal title to any Private Property, with or without accompanying actual possession thereof; which shall include any known agent of owner, or any known person holding a contract for deed, being a mortgagee, vendee or vendor; or any other person who maintains or permits a Nuisance and is known to the city.
- H. Occupant.** “Occupant” shall mean any known lessee or tenant of private property, any known agent of the lessee or tenant, or any other person having actual possession of the property.
- I. Private Property.** “Private Property” shall mean any location, including a house, apartment unit, condominium, sleeping room, or other dwelling unit, whether occupied on a temporary or permanent basis, and whether owned, leased, rented or used with or without permission or compensation.

1-4-4. APPLICABILITY AND EXCEPTIONS.

- A. Applicability.** An Excessive Use of Public Services Fee shall be imposed for Excessive Use of Public Services upon an Owner, Occupant, and Responsible Party for Nuisance behavior on Private Property.
- B. Exceptions.** The following shall not be considered Excessive Use of Public Services:
1. A medically related emergency response other than medical-related emergencies that are violation of Minn. Statute 609.78.subd. 1(4).
 2. A call by a victim in response to circumstances involving domestic assault incident or order for protection violations.
 3. A call by a victim of Nuisance, except when continual calls are unfounded.

1-4-5. WAIVER. At the discretion of the Police Chief or his/her designee, the Excessive Use of Public Services Fees may be waived against an owner or vendor of rental property, or property held contract for deed, who has commenced eviction proceedings against the tenant(s) or vendee(s) responsible for the Nuisance.

1-4-6. LEGAL REMEDY NON-EXCLUSIVE.

1. Nothing in this ordinance shall be construed to limit the City's other available legal remedies for any violation of the law, which may constitute an Excessive Service Response hereunder, including criminal, civil, administrative, injunctive, or other remedy.
2. Nothing in this ordinance shall be construed to require that formal charges be brought in order for conduct, activity or conditions to qualify as a nuisance.