

Chapter 2. Administration and Operations

Section 200 - General Provisions

200.01 City elections to be held biennially. Pursuant to Minn. Stat. Section 412.022, and Chapter 205, the regular City election shall be held biennially on the first Tuesday after the first Monday in November of every even-numbered year.

200.02 Mayor’s, Councilmembers Terms of Office. The terms of office for the mayor and councilmembers shall be four (4) years.

200.03 Salaries. Pursuant to Minn. Stat. § 415.11, the salaries of the Mayor and each councilmember shall be fixed as follows:

Subd. 1 Mayor. The salary of the Mayor shall be Six Thousand Dollars (\$6,000) per year plus \$25 per special meeting.

Subd. 2 Councilmember. The salaries of each Councilmember shall be Four Thousand dollars (\$4,000) per year plus \$25 per special meeting.

Subd. 3 Payable. All salaries shall be payable either semi-annually or quarterly, at the option of the individual member of the City Council.

(Am. Ord. 2004-4, passed 3-9-04; Am. Ord. 2006-5, passed 8-8-06)

200.04 Meetings. The City Council shall meet at 7:00 pm in City Hall on the second and fourth Tuesday of each month.

(Ord. 2004-4, passed 3-9-04; Am. Ord. 2016-7, passed 9-13-16)

Section 210 Administrative Offices

210.01 Office of Clerk-Administrator Created. The offices of City Clerk and City Treasurer shall be combined into one (1) office to be known as that of Clerk-Administrator. Any reference to “clerk” or “treasurer” shall mean the person appointed by the Council to serve as the “Clerk-Administrator “ Unless otherwise provided in this Code, or by action of the Council, the Clerk-Administrator shall be assigned all statutory duties of the City Clerk and the City Treasurer. Unless otherwise prohibited by this Code, action of the Council, or State law, any duties assigned to the Clerk-Administrator may be performed by his or her authorized designee.

Section 220 Park Board

220.01 Established. A park board consisting of seven (7) members shall be continued for the City.

220.02 Appointment. Each year following the expiration of terms for the initial board, two members of the community shall be appointed to three year terms from the general resident population of the City, and one City Council representative shall be appointed each year. Appointments will be made by the Mayor making recommendation and the City Council approving. The City Council member shall be a full voting member of the board.
(Am. Ord. 2003-9, passed 4-8-03)

220.03 Duties and Power. The duties, powers and functions of the board shall be those enumerated by law.

220.04 Board Members to take Oath of Office. All members of the board shall before entering upon the discharge of their duties, take an oath that they shall faithfully discharge the duties of their office.
(Ord. 2003-9, passed 4-8-03)

220.05 Removal of Board Members. The members of the board who are appointed by the City Council from the public may be removed by a four-fifths vote of the City Council. If a board member misses more than three meetings in a year that board member will be terminated from the board. This maybe overridden depending on the circumstances of the missed meetings.
(Ord. 2003-9, passed 4-8-03)

220.06 Vacancies on Board. Vacancies on the board during a term of office shall be filled by the City Council for the unexpired portion of the term.
(Ord. 2003-9, passed 4-8-03)

220.07 Compensation of Board Members. All members of the commission shall serve without compensation.
(Ord. 2003-9, passed 4-8-03)

220.08 Board Meeting; Authority to Adopt Rules; Records to Be Kept, Made Public.

A. The board shall hold at least twelve (12) meetings each year.

B. It shall adopt the rules for the transaction of business and shall keep a record of its transactions and findings, which record shall be a public record.
(Ord. 2003-9, passed 4-8-03)

220.09 Board to Elect Chair; Authority to Create, Fill Other Offices. The board shall elect a chair and secretary from among its appointed members for a term of one year; and the board may create and fill special project, liaison, and the like. positions such as it may determine. (Ord. 2003-9, passed 4-8-03)

220.10 Board’s Expenditures Restricted. Expenditures of the board shall be within the amounts appropriated for that purpose by the Council. (Ord. 2003-9, passed 4-8-03)

220.11 Year End Report/Annual Budget/Project Plan. The park board shall, at its January meeting proceed with the preparation and adoption of an annual budget and project plan. The plan will include activities proposed to be undertaken in the exercise of its powers and the performance of its duties. The plan shall include:

- A. An outline of data and information to be assembled as a basis for the park board plan;
- B. An outline of subject to be covered by the park board plan;
- C. An outline of types of procedures necessary to make the park board plan effective.

The park board will present all recommendations for Council approval. (Ord. 2003-9, passed 4-8-03)

220.12 Meetings. The park board meeting shall consist of review and approval of previous monthly minutes and discussing monthly agenda items. Agenda items will have a point of contact and an assigned follow-up due date. Additional agenda items throughout the month will be submitted to the Chair to insure preparation prior to the monthly meetings. The Chair will review all minutes and agenda items prior to sending them out. (Ord. 2003-9, passed 4-8-03)

220.13 Reporting. The Chair shall be responsible to present issues to the board for discussion and follow proper reporting channels as issues arise. The proper channel is as follows: any suggestion/complaint will be presented to the Chair. The Chair will then place items on the next month’s agenda. If a decision needs to be made prior to the next meeting, the Chair and one other officer, City Administrator and Public Works Director, will have the authority to make decisions. (Ord. 2003-9, passed 4-8-03)

220.14 Gifts. The park board may from time to time be presented with bequests of donations of money for the use in the parks. The city will accept these bequests on behalf of the park board. (Ord. 2003-9, passed 4-8-03)

220.15 Finance. The park board shall not in any calendar year, create any obligation or spend any monies other than the amount levied and appropriated therefore by the City Council, or otherwise donated or appropriated for such use. In a case of a natural disaster the budget will be reviewed and any projects that are recommended to be delayed must be approved by the City Council. The Chair shall meet with the Finance Director to review quarterly reports.
(Ord. 2003-9, passed 4-8-03)

Section 230 Fire Department

Cross-reference:

Knox Box Requirements, see Chapter 3 - Section 370, Fire Department Repository Unit

230.01 Fire Department Established. There shall be continued in this City a fire department consisting of a Chief, Assistant Chief, Secretary, Treasurer, Emergency Medical Responder Director, and not less than ten (10) nor more than thirty (30) firefighters - (thirty-five (35) total members).
(Ord. 2014-1, passed 3-25-14)

230.02 Appointment of Fire Chief. The fire chief shall be recommended by the members of the fire department, appointed by the Council, and be responsible to the executive committee and the Council. The term of the fire chief shall commence on January 1 following the annual December election and be a two year term. The fire chief shall be removable from the office only by the Council for cause after a public hearing. The fire chief shall be the administrative head of the fire department. In such position, it shall be his or her duty to:

Subd. 1 Establish Management Organization. Recommend the management organization of the fire department, including but not limited to, determining how the fire department shall be organized into companies.

Subd. 2 Control Apparatus. Have control of all firefighting apparatus and equipment.

Subd. 3 Budget. Appoint a budget committee to work with the treasurer to prepare a yearly budget for the fire department. The treasurer shall submit the budget to the Council for its February meeting.

Subd. 4 Prepare Long-Range Plans. Prepare projections describing what the fire department should accomplish during periods of one (1) and five (5) years. These reports should be adjusted as frequently as changing conditions dictate and shall include predicted annual budget requests for firefighters and equipment as well as capital expenditures.

Subd. 5 Reports. Make reports to the Council or to the public as directed by the Council.

Subd. 6 Control Assignments. Control work assignments so as to properly utilize the working forces of the department.

Subd. 7 Training. Insure the proper training of the members of the fire department. At least one (1) meeting of the fire department and at least one (1) drill per month shall be held.

Subd. 8 Ancillary Functions. To perform such other functions as shall be necessary to properly administer the fire department.

Subd. 9 Appointments and Promotion. All appointments to and promotions within the fire department shall be made on the basis of merit and ability, and all members of the fire department shall be qualified to perform their administrative and firefighting duties.

(Ord. 2014-1, passed 3-25-14)

230.03 Appointment of Assistant Fire Chief. The assistant fire chief shall be recommended by the members of the fire department, appointed by the Council, and be responsible to the fire chief. The term of the assistant fire chief shall commence on January 1 following the annual December election and be a one (1) year term. In the absence or disability of the fire chief, the assistant chief shall perform all the functions and exercise all the authority of the chief.

(Ord. 2014-1, passed 3-25-14)

230.04 Appointment of Emergency Medical Responder Director. The emergency medical responder director shall be recommended by the members of the fire department, appointed by the Council, and be responsible to the fire chief. The term of the emergency medical responder director shall commence on January 1 following the annual December election and be a one (1) year term. The emergency medical responder director shall be responsible for the creation and management of the Stewartville Emergency Medical Responder Unit.

(Ord. 2014-1, passed 3-25-14)

230.05 Elected Fire Department Positions. The fire department shall establish elected office for the positions of secretary and treasurer. The term of the secretary and treasurer shall commence on January 1 following the annual December election and be a one (1) year term.

Subd. 1 Secretary. The secretary shall keep all records of the fire department and keep minutes of the regular and special meetings.

Subd. 2 Treasurer. The treasurer shall keep and be responsible for all financial records of the department.

(Ord. 2014-1, passed 3-25-14)

230.06 Fire Department Positions Appointed by the Fire Chief. The responsibilities of the offices noted below shall rest with the fire chief. The fire chief may perform the following duties or delegate them to a subordinate who is responsible to the fire chief.

Subd. 1 Captains. The captains shall carry out all training sessions prepared by the training officer. The captains shall also carry out the chiefs and the assistant chief's commands at emergency scenes. Captains may be required or directed to assume command of emergency scene in the absence of the fire chief or assistant fire chief or at the direction of the fire chief or assistant fire chief.

Subd. 2 Lieutenants. The lieutenants shall manage a crew consisting of engineers and firefighters and shall carry out all training sessions assigned by a captain. The lieutenants also carry out the chiefs and assistant chiefs commands at emergency scenes. Lieutenants may be required or directed to assume command of emergency scene in the absence of the fire chief, assistant fire chief, and captain or at the direction of the fire chief, assistant fire chief, and captain.

Subd. 3 Engineer. The engineers shall be responsible for the maintenance and operation of apparatus within the Stewartville Fire Department fleet. Engineers may also function at emergency scene as firefighters if not required to operate apparatus.

Subd. 4 Fire Marshal. The fire marshal shall be responsible for the enforcement of state and local fire codes, inspection of premises, investigation of fires, and development of required reports.

1. The fire marshal shall enforce ordinances or other laws directed toward fire prevention.
2. Inspect, or cause to be inspected, all premises and cause the abatement or removal of all fire hazards. Pursuant to such duty to cause to be inspected all premises he or she shall have the authority to obtain search warrants if such shall be necessary to accomplish the inspection; provided that the applicable Constitutional requirements relating to this procurement of the search warrant in effect at the time of the inspection shall be met.
3. Investigate, or cause to be investigated, the cause, origin, and circumstances of each fire occurring within the fire protection district by which property has been destroyed or damaged when the destruction or damage exceeds one hundred dollars (\$100.00) except that all fires of unknown origin shall be investigated; and he or she shall especially make investigations as to whether the fire was the result of carelessness, accident or design. All investigations shall begin within at least two (2) days of the occurrence of the fire.
4. Make reports as may be required by the State Fire Marshal or the Council.

Subd. 5 Training Officer. The training officer shall be responsible for preparing the annual training calendar and monthly training sessions for the department.

1. The training officer shall work with the squad captains to see that the training sessions are carried out.
2. The training officer shall work with the first response director to see that EMS training sessions are carried out.
3. The training officer shall keep records of the names and the numbers of members present at each drill, what the drill consists of, and any other pertinent information deemed necessary by the fire chief. Such records shall be maintained in designated records management system.

(Ord. 2014-1, passed 3-25-14)

230.07 Executive Committee. The executive committee of the fire department consists of the fire chief, assistant fire chief, emergency medical responder director, treasurer, secretary, and two (2) members at large. The two (2) members are large serve a two (2) year term and have alternating election years. The duties of the executive committee shall consist of:

Subd. 1 The development and administration of all personnel policies and procedures.

Subd. 2 Investigation into internal personnel matters and the application of appropriate disciplinary sanctions. City administration may be notified of any disciplinary sanctions administered.

Subd. 3 Forward investigation documentation and recommendation for the separation of a member from the department to the Council for review and action.

Subd. 4 Prepare recommendations from the department membership to the Council regarding the appointment of the fire chief, assistant fire chief and emergency medical responder director.

Subd. 5 Grant a leave of absence to a member of the fire department. All leave of absence applications shall be approved by the executive committee. A leave of absence can be for no less than three (3) months and no more than (12) months.

(Ord. 2014-1, passed 3-25-14)

230.08 Personnel. All personnel considered for membership to the fire department shall meet the meet the following criteria;

Subd. 1 Qualifications. They shall be able-bodied, not less than eighteen (18) years of age and reside in the fire district of the Stewartville Fire Department.

Subd. 2 Probationary Period. Each candidate shall serve a probationary period of six (6) months before receiving a firefighter's rating.

1. During the probationary period, all probationary members shall attend all company drills.
2. During the probationary period, all probationary members shall submit themselves to and pass all required physical examinations established by departmental policy or statutory mandate.
3. The Executive Committee may extend the probationary period of a candidate by an additional six (6) months if additional time is required to fully evaluate the candidate.
4. The firefighter's rating shall be granted with a recommendation from the training officer by the executive committee at the end of the candidate's probationary period. Candidates who do not receive a firefighter rating shall be separated from the department.

Subd. 3 Present Members. Persons who are members of the fire department at the time of adoption of this Section shall not be required to serve a probationary period.

Subd. 4 Required Physical Exam. Each member shall submit themselves to and pass all required physical examinations established by departmental policy or statutory mandate. The report shall be retained and permanently kept in the files of the fire department indicating members who have passed such examinations.

Subd. 5 Compensation. The members and officers of the fire department shall receive such salaries and compensation for meetings, special meetings, drills and emergency responses as shall be determined by the fire department budget, and approved by the Council. In computing compensation or fires, one (1) hour shall be considered as the minimum to be paid to any officer or firefighter. Payment of compensation shall be computed from December 1 to November 30 and paid to the members in December.

Subd. 6 Loss of Membership. To be in and remain in good standing in the fire department, each officer, member or probationary member shall attend at least two-thirds (2/3) of the monthly drills held in any one (1) year. The failure to so attend or the failure to attend three (3) consecutive meetings or drills shall be deemed sufficient cause for removal of the member from the fire department. Also, the failure to make at least thirty percent (30%) of the annual fire calls each year shall be deemed sufficient cause for removal. The Executive committee has the right to review all personnel not attending the required number of meetings, drills or fires, and make any recommendations for suspension or removal. Firefighters shall continue as members of the fire department during periods of good standing, and may be removed by the Council only for cause and upon recommendation of the Executive Committee; however, the Executive Committee shall have the authority to suspend a member pending and after a public hearing if requested by the involved member. A member shall receive no pay while suspended.

Subd. 7 Assigned Drill. All members shall make their assigned company drill. If unable to do so, the member shall call their officer and inform him or her of this. Failure to do so shall result in receiving no credit for that month's drill.

Subd. 8 Make-up Drills. All members shall have the opportunity to make up a missed drill. A missed drill may only be made up the month before or the month after by attending both company drills in that month. Again, the member shall contact their officer and inform him or her of this.

(Ord. 2014-1, passed 3-25-14)

230.09 Relief Association. The members and officers of the fire department may organize themselves into a relief association. Before any benefits provided from the special fund of the association shall become effective, they shall first be ratified by the Council. Similarly, any bylaw or articles of incorporation changes which affect the original benefits paid from the special fund shall not be binding on the City until ratified by the Council. A yearly financial report shall be given to the members of the fire department at the December meeting.

(Ord. 2014-1, passed 3-25-14)

230.10 Emergency Medical Responder Unit. The City shall maintain a unit of emergency medical responders within the fire department. All members of the fire department shall be emergency medical responders and shall be properly certified by the State of Minnesota Emergency Medical Services Regulatory Board as an EMR, EMT, AEMT, or Paramedic.

(Ord. 2014-1, passed 3-25-14)

230.11 Interference with Department. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the fire chief at an emergency scene, or to interfere with the department in the discharge of its duties; and any person guilty of violating this Section shall be punished by fines and/or imprisonment not to exceed the limits set forth by the state fire marshal and/or the county attorney; plus the cost of prosecution in any case.

(Ord. 2014-1, passed 3-25-14)

Section 240 - Planning and Zoning Commission

240.01 Commission Defined. Unless otherwise provided, the word “commission” as used in this Chapter shall mean the City planning and zoning commission.

240.02 Commission Continued. A City Planning and Zoning Commission for the City of Stewartville shall be continued.

240.03 Composition of Commission; Appointment of Members; Terms of Office.

- A. The commission shall consist of seven (7) members.
- B. The Council shall appoint six (6) members from the public and one (1) member from its own membership. The City engineer and the City Attorney shall be ex officio nonvoting members.

C. Except s otherwise provided, members shall be appointed for terms of four (4) years. Appointees shall hold their office until their successors shall be appointed and qualified.

D. The terms of ex officio members and the Council members shall correspond to their respective official tenures.

240.04 Commission Members to Take Oath of Office. All members of the commission shall, before entering upon the discharge of their duties, take an oath that they shall faithfully discharge the duties of their office.

240.05 Removal of Commission Members. The members of the commission who are appointed by the Council from the public may be removed by a four-fifths (4/5) vote of the Council.

240.06 Vacancies in Commission. Vacancies in the commission during a term of office shall, except for the memberships filled by the City engineer and attorney, be filled by the Council for the unexpired portion of the term.

240.07 Compensation of Commission Members. All members of the commission shall serve without compensation.

240.08 Commission Meetings; Authority to Adopt Rules; Records to Be Kept, Made Public.

A. The commission shall hold at least six (6) meetings each year.

B. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record.

240.09 Commission to Elect Chair; Authority to Create, Fill Other Offices. The commission shall elect a chair from among its appointed members for a term of one (1) year; and the commission may create and fill the other offices as it may determine.

240.10 Commission to Submit Report. At the request of the Council, the commission shall submit to the Council a report of its work during the preceding year.

240.11 Commission's Expenditures Restricted. Expenditures of the commission shall be within the amounts appropriated for that purpose by the Council.

240.12 Commission to Adopt Work Program; Contents of Program. Upon the appointment and organization of the commission, it shall proceed with the preparation and adoption by resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. The a program shall include:

A. An outline of data and information to be assembled as a basis for the City plan;

- B. An outline of subjects to be covered by the City plan;
- C. An outline of types of procedures necessary to make the City plan effective;
- D. Administration of the Zoning Ordinance including conduct of hearings and recommendations to the Council for changes of zoning. The commission may, by resolution revise its program of work from time to time.

240.13 Preparation, Adoption of City Plan; Purpose of Plan. It shall be the function and duty of the commission to assist the council in preparing or in having prepared, and adopting a comprehensive City plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds and other similar developments, the use of property, the density of population and other matters relating to the physical development of the City. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as an outline in the commission's program of work.

240.14 Procedure to Adopt, Amend City Plan; Certification Required.

Subd. 1 Hearing. Before the adoption of the City plan, any section of it or any substantial amendment thereof, the commission or the council, or both jointly, shall hold at least one (1) public hearing thereon, notice of the time, place and purpose of which shall be given once by publication in a newspaper of general circulation at least ten (10) days before the day of the hearing. Recommendation for the adoption of the plan or of any section or amendment thereof shall be by resolution of the commission and approved by a majority of all members of the commission.

Subd. 2 Amendment. The commission may, from time to time, recommend that the council amend or add to the plan or any section thereof as provided in this Section for the adoption of the original plan whenever changed conditions or further studies by the commission indicate that the amendment or addition is necessary.

Subd. 3 Council Copy. An attested copy of the plan or of any section, amendment or addition thereto approved by the commission shall be certified to the Council.

240.15 Commission to Recommend Means of Executing City Plan. Upon the recommendation by the commission of the City plan or Sections thereof, the commission shall study and propose to the Council reasonable and practicable means for putting the plan or Section of the plan into effect. The means shall include, but shall not be limited to, zoning regulations, regulations for the subdivision of land, an official map, a program for coordination of the normal public improvements and services of the City, urban renewal and a capital improvements program.

240.16 Commission to Prepare Zoning Plan. The commission upon its own motion may, and upon instructions by the Council shall, prepare a zoning plan for the City. The plan shall only be effective upon adoption by the Council.

240.17 Administrator of Zoning Plan. Upon adoption by the Council of the zoning plan required by this Chapter, the City Clerk-Administrator or his or her authorized appointee shall act as administrator of the plan.

240.18 Public Hearing Prerequisite to Commission's Recommendation of and Other Public Purpose Plans. Before the commission recommends a zoning plan or any plan of proposed rights-of-way for future streets, for future widening of existing streets or for the reservation of lands for other public purposes, it shall hold at least one (1) public hearing thereon after giving notice similar to that required by Subsection 240.14 of this Code.

240.19 Changes, Exceptions, Variances to Zoning and Other Public Purpose Plans.

Subd. 1 Report. No change, exception or variance to the zoning plan or change in the future streets and public lands plan, or regulations governing the platting of land after the plans or regulations have been adopted by the Council shall be made until the proposed change, exception or variance has been referred to the commission for a report thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any plans or specifications shall be adopted until the ordinance or resolution has been referred to the commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the commission to report as shall be required by this Section within forty (40) days, or such period as may be designated by the Council, after the reference, shall be deemed to be approval of the proposed change, exception or variance.

Subd. 2 Investigation. Investigations and/or public hearings may be conducted by the commission at its discretion to insure that its recommendations or decisions shall be in the public interest and shall be based on available facts and factors that pertain to the change, exception or variance.

Subd. 3 Findings. The commission's findings and recommendations shall be submitted in writing to the Council and to the party initiating the change, exception or variance, and the Council shall function as a board of zoning appeals and shall take final action on the matter.

240.20 Official Map of Street Extensions; Effect of Adoption of Map.

Subd. 1 Preparation. The commission with the assistance of the City engineer may, and upon instruction by the Council shall, prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the City within the existing platted and developed territory or across the unplatted territory.

Subd. 2 Public Hearing. After the map has been prepared and a hearing on it has been held as provided in Section 240.14 of this Code, it shall be submitted to the Council, which shall thereupon consider the map and may adopt it or any part of it with the amendments as it deems advisable. Before the adoption by the Council, a public hearing shall be held upon the proposal at least ten (10) days after a notice thereof has been published in a newspaper published in the City.

Subd. 3 Adoption. After the map has been adopted by the Council and filed with the register of deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the City, it shall not be required in the proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of the a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

240.21 Land Plats.

Subd. 1 Proposed Plats. Every proposed plat of land within the City, or within two (2) miles of the limits of the City and not within a town which itself required the approval of the plats, shall be submitted to the Council before being filed, and no plat of land shall be filed unless and until the same shall first have been approved by the Council.

Subd. 2 Recommendations. Before acting on the plat, the Council shall submit the same to the commission for its recommendations.

Subd. 3 Commission Action. The commission, within forty (40) days after any the plan has been referred to it by the Council, shall act on the plan and shall make its recommendations with respect thereto. The recommendations may consist of:

- A. Recommendations that the Council approve the plat; or
- B. Recommendation that the Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for the recommendations; or
- C. Recommendation that the Council approve the plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the commission, in which case the revised plat shall be so submitted to the commission for its further consideration and recommendations before action thereon by the Council.

240.22 Sale of Land by Reference to Unapproved Plat; Penalty. Any person who violates Section 240.21 of this Code, or who sells or offers land for sale or contracts for the sale of land by reference to, or by other use of, any plat before the plat has been approved by the commission and Council in accordance with the requirements of this Section shall be guilty of a misdemeanor.

240.23 Certain Officers, Boards, Etc., to Recommend Public Works; Commission’s Responsibilities re Recommendations.

Subd. 1 Proposed Works. Each officer, department, board or commission of or in the City whose functions include recommending, preparing plans for, or constructing public works may, and shall at the request of the council, at least three (3) months before the end of each fiscal year, submit to the commission a list of the proposed public works recommended by the officer, department, board or commission for planning, initiating or constructing during the ensuing fiscal year.

Subd. 2 School District. The commission may request from the local school district a similar list of its proposed public works.

Subd. 3 Classification. The commission shall list and classify all the proposed public works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. The program shall be recommended by the commission to the Council and to the other officers, departments, boards or public bodies as have jurisdiction over the recommending, planning or constructing of the public works. A copy of the recommended program of public works shall be included in the annual report of the commission provided for in Section 240.10 of this Code.

Section 250 Property

250.01 Unclaimed property. Except as otherwise specifically provided, all property, other than motor vehicles regulated by Section 250.02 below, lawfully coming into the possession of the City and unclaimed by its owner shall be disposed of as follows:

Subd. 1 Storage. The department of the City into whose possession property comes shall arrange for storage of the property. If municipal facilities for storage are unavailable or inadequate, arrangements for storage of privately owned facilities may be arranged.

Subd. 2 Claim by Owner. The owner of the property may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by the City. A receipt for the property shall be obtained upon release to the owner.

Subd. 3 Auction. In the event that the property remains unclaimed in the possession of the City for a period of three (3) months, the property shall thereafter be sold to the highest bidder at a public auction conducted by the City. The auction shall be held after two (2) weeks published notice setting forth the time and place thereof and the property to be sold.

Subd. 4 Proceeds. Net proceeds from the sale of the property after deduction of storage costs incurred, if any, shall be placed in the Treasury of the City, subject to the right of the former owner to payment of the sale price to him or her from the fund upon application and satisfactory proof of ownership within six (6) months of the sale.

250.02 Abandoned and Junk Motor Vehicles. Notwithstanding Subsection 250.01, the following shall apply to abandoned motor vehicles:

Subd. 1 Impound. The City’s designated law enforcement provider or other authorized City employee shall take into custody and impound any abandoned or junk motor vehicle which is found to be in violation of this Code..

Subd. 2 Notice. When an abandoned or junk motor vehicle is taken into custody, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders of their right to reclaim the vehicle and shall state that failure of the owner or lienholder to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all right, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction.

The notice shall be sent by certified mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders of record. If it is possible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.

Subd. 3. Reclaiming. The owner or any lienholder of an abandoned or junk motor vehicle shall have a right to reclaim the vehicle from the City, upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by subdivision 2.

Nothing in this Section shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of a lienholder to foreclose. For the purposes of this Section, “garagekeeper” shall mean an operator of a parking facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

Subd. 4 Auction. An abandoned motor vehicle taken into custody and not reclaimed shall be sold to the highest bidder at public auction or sale, following two (2) weeks published notice thereof and held in compliance with the requirements of State law. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

Subd. 5 Proceeds. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in the City Treasury.

Subd. 6 Definitions:

A. Abandoned and Junk Motor Vehicle. “Abandoned” and “Junk” Motor Vehicle” shall mean a motor vehicle as defined in Minnesota Statutes, Section 168B.011, subsds. 2 and 3. Junk and abandoned vehicles may not be kept unless kept in an enclosed garage or storage building. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, and vehicles on the premises of junk yards and auto graveyards maintained and licensed in accordance with applicable State laws and local ordinances shall not be considered abandoned or junk motor vehicles within the meaning of this Section.

b. Vital Component Parts. “Vital Component Parts” shall mean those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

Subd. 7 Unsold Vehicles. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it pursuant to contract under Minnesota Statutes, Section 168B.09

Subd. 8 Violation. Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of the property, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine or by imprisonment or both, not to exceed the maximum penalty authorized by State law.

Section 260 - Civil Defense

260.01 General

Subd. 1 Need. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake or other natural causes, and in order

to insure that preparations of this City shall be adequate to deal with the 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 shall be found and declared to be necessary:

- A. To establish a local civil defense agency;
- B. To provide for the exercise of necessary powers during civil defense emergencies;
- 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 civil defense functions.

Subd. 2 Purpose. It shall be further declared to be the purpose of this Chapter and the policy of the City that all civil defense functions of this City be coordinated to the maximum extent practicable with the comparable functions of the Federal government, of this State, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources and facilities for dealing with any disaster that may occur.

260.02 Definitions. Whenever the following words and phrases are used in this Section, they shall have the meanings ascribed to them in this Subsection:

Subd. 1 Civil Defense. "Civil Defense" shall mean 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 enemy attack, sabotage or other enemy hostile action, or from fire, flood, earthquake or other natural causes. These functions shall include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air-raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Subd. 2 Civil Defense Emergency. "Civil Defense Emergency" shall mean an emergency declared by the governor under Minn. Stat. Section 12.31.

Subd. 3 Civil Defense Forces. "Civil Defense Forces" shall mean any personnel employed by the City and any other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense functions in accordance with the provisions of this Chapter or any rule or order thereunder.

Subd. 4 Committee. “Committee” shall mean the civil defense advisory committee.

Subd. 5 Manager. “Manager” shall mean the Emergency Response Manager.

260.03 Civil Defense a Governmental Function. All functions contained in this Section and all other activities relating to civil defense shall be hereby declared to be governmental functions.

240.04 Disclaimer of City’s Liability.

Subd. 1 General Liability. The City, and, except in cases of wilful misconduct, its officers, agents, employees or representatives engaged in any civil defense activities, while complying with or attempting to comply with the “Minnesota Civil Defense Act of 1951” as amended (Minn. Stat. Sections 12.01 to 12.46) or with this Chapter or any rule, regulation or order made thereunder, shall not be liable for the death of or injury to persons, or damage to property as a result of the activity.

Subd. 2 Rights Preserved. The provisions of this Section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this Chapter 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.

260.05 Federal and State Regulations to Control. The provisions of this Chapter and of all regulations made pursuant thereto shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

260.06. Cooperation with Federal, State Authorities and Other Agencies Required. Every officer and agency of the City shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest extent possible consistent with the performance of their other duties.

260.07 Agency Created under Emergency Response Manager’s Control; Organization.

Subd. 1 Establishment. A civil defense agency, which shall be under the supervision and control of the Emergency Response Manager shall be continued.

Subd. 2 Organization. The civil defense agency shall be organized into divisions and bureaus, consistent with State and local civil defense plans, as the Emergency Response Manager shall deem necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency.

260.08 Functions of Agency Generally. The civil defense agency shall perform civil defense functions within the City and in addition shall conduct the functions outside the City as may be required pursuant to the provisions of the “Minnesota Civil Defense Act of 1951,” as amended, or by this Chapter.

260.09 Certain Individuals Not to Be Employed, Associated with Agency. No person shall be employed or associated in any capacity in the civil defense agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this State or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States.

260.10 Agency Appointees to Take Oath.

Subd. 1 Oath Required. Each person appointed to serve in the civil defense agency shall, before entering upon his or her duties, take an oath in writing before a person authorized to administer oaths in this State, or before any officer of the State department of civil defense, or before the Emergency Response Manager or ground observer corps supervisor.

Subd. 2 Form. The oath shall be substantially in the form prescribed by Minn. Stat. Section 12.43.

260.11 Agency Participation in Politics, Labor Disputes. The civil defense agency 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 legitimate labor dispute.

260.12 Office of Emergency Response Manager. The office of Emergency Response Manager shall be continued.

260.13 Appointment, Removal of Emergency Response Manager. The Emergency Response Manager shall be appointed by the mayor for an indefinite term and may be removed at any time by the mayor.

260.14 Emergency Response Manager's General Responsibility. The Emergency Response Manager shall have the direct responsibility for the organization, administration and operation of the civil defense agency, subject however to the direction and control of the mayor.

260.15 Specific Powers and Duties of Emergency Response Manager Enumerated. The Emergency Response Manager shall have the following powers and duties:

Subd. 1 Direct, Coordinate Operations of Local Forces. He or she shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of State civil defense authorities.

Subd. 2 Utilize All Resources. He or she shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable.

Subd. 3 Coordinate Activities. He or she shall coordinate the civil defense activities of the City to the end that they shall be consistent and fully integrated with the civil defense plan of the Federal government and the State and correlated with the civil defense plans of other political subdivisions within the State.

Subd. 4 Make Studies, Surveys; Prepare Plan for Use of Resources. He or she shall make such studies and surveys of the manpower, industries, resources and facilities of the City as he or she shall deem necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency.

Subd. 5 Prepare, Submit Comprehensive Plan. He or she shall prepare a comprehensive general plan for the civil defense of the City and shall present the plan to the Council for its approval.

Subd. 6 Establish and Regulate Control and Auxiliary Control Centers. He or she shall, consistent with the civil defense plan, provide and equip at some suitable place in the City a control center, and, if required by the State civil defense plan, an auxiliary control center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. He or she shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He or she shall arrange for the installation at the control center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense and for communication with other communities and control centers within the surrounding area and with the Federal and State agencies concerned.

Subd. 7 Require Services, Use of Property. He or she may, when necessary to save life or property during the first thirty (30) days of a civil defense emergency, if the legislature is in session or the governor has coupled his or her declaration of the emergency with a call for a special session of the legislature, require any person, except members of the Federal or State military forces and officers of the State or any political subdivision, to perform services for civil defense purposes as he or she directs, and he or she may commandeer, for the time being, any motor vehicle, tools, appliances or any other property subject to the owner's just right to just compensation as provided by law.

Subd. 8 Institute Training, Informative Programs; Conduct Exercises. He or she shall, in accordance with the State and City civil defense plan, institute the training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City civil defense plan in time of a civil defense emergency. He or she may, from time to time, conduct the practice air raid alerts or other civil defense exercises as he or she shall deem necessary.

Subd. 9 Recruit, Train, Dismiss Volunteers. He or she shall, in cooperation with existing City departments and agencies affected, organize, recruit and train air raid wardens, auxiliary police, auxiliary firefighters, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the City and the State. He or she may dismiss any civil defense volunteer at any time and require him or her to surrender any equipment and identification furnished by the City.

Subd. 10 Provide, Equip Emergency Facilities and Conveyances. He or she shall, consistent with the civil defense plan, provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers, and other facilities or conveyances for the care of injured or homeless persons.

Subd. 11 Carry out Governor’s Orders, Rules, Regulations. He or she shall carry out all orders, rules and regulations issued by the governor with reference to civil defense.

Subd. 12 Represent City. He or she shall, with the consent of the mayor, represent the City on any regional or State organization for civil defense.

Subd. 13 Develop Mutual Aid Agreements. He or she shall develop proposed aid agreements with other political subdivisions within or outside the State for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he or she shall present the agreements to the Council for its action.

Subd. 14 Submit Annual Report. He or she shall, as soon as possible after the end of each fiscal year, prepare and present to the Council for the information of the Council and the public, a comprehensive report of the activities of the civil defense agency during the year.

260.16 Emergency Response Manager’s Compensation. The Emergency Response Manager shall serve without salary, but shall be paid his or her necessary expenses.

260.17 Volunteer Insignia, Identification.

Subd. 1 Insignia Provided. Each civil defense volunteer shall be provided with the suitable insignia or other identification as may be required by the Emergency Response Manager.

Subd. 2 Form. The identification shall be in a form and style approved by the Federal government.

Subd. 3 Required. No volunteer shall exercise any authority over the persons or property of others without his or her identification.

Subd. 4 Unauthorized Use. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself or herself to be an authorized volunteer.

260.18 When Volunteers May Be Called into Service. Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for the emergencies.

260.19 When Volunteers May Carry Firearms. No civil defense volunteer shall carry any firearm while on duty except on written order of the chief of the City's designated law enforcement provider .

260.20 Compensation of Volunteers. All civil defense volunteers shall serve without compensation.

260.21 Applicability of Personnel Procedures to Volunteers. Personnel procedures of the City applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the civil defense agency.

260.22 Special Deputy Officers.

Subd. 1 Appointment. The Council may appoint any qualified person holding a position in any agency created under Federal or State authority for civil defense purposes as a special deputy officer of the City.

Subd. 2 Powers and Duties. A special deputy officer shall have the powers and duties within the City incident to the functions of his or her position as may be prescribed in his or her appointment; however the powers and duties may not exceed those of a regular law enforcement officer for the City.

Subd. 3 Supervision. Every special deputy officer shall be subject to the supervision and control of the chief of the City's designated law enforcement provider and any peace officer of that provider as the chief may designate,

260.23 City Department, Agency Heads to Be Governed by Emergency Response Manager. The heads of City departments and agencies shall be governed by the Emergency Response Manager's orders in respect to local civil defense emergencies.

260.24 Responsibility for Administration, Command of Emergency Personnel. Where emergency personnel is recruited to augment a regular City department or agency for civil defense emergencies as authorized by this Section, the department or agency affected shall be responsible for the administration and command of the personnel.

260.25 City Department, Agency Heads Responsible for Planning, Programming. The head of each department and agency in the City, in cooperation with and under the direction of the Emergency Response Manager, shall be responsible for the planning and programming of the civil defense activities as shall involve the utilization of the facilities of his or her department or agency.

260.26 City Department, Agency Personnel and Officers to Cooperate, Render Services, Facilities. The officers and personnel of all departments and agencies of the City shall, to the maximum extent practicable, cooperate with and extend their services and facilities to the local civil defense agency and to the governor upon request.

260.27 Performance of Comprehensive Plan Required; Modification of Plan.

Subd. 1 Performance. When the Council has approved the Emergency Response Manager's comprehensive general plan for the civil defense of the City by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the City to perform the duties and functions assigned by the plan.

Subd. 2 Modification. The plan may be modified by resolution from time to time.

260.28 Mutual Aid Agreements Generally.

Subd. 1 Relation with State Plan. Mutual aid agreements with other political subdivisions within or outside the State for reciprocal civil defense aid and assistance in civil defense emergencies shall be consistent with the State civil defense plan, and during a civil defense emergency, it shall be the duty of the civil defense agency and civil defense forces to render assistance in accordance with the provisions of the mutual aid arrangements.

Subd. 2 Approval of Governor. Any mutual aid arrangement with a political subdivision or another State shall be subject to the approval of the governor.

260.29 Emergency Regulations.

Subd. 1 Mayor's Authority. Whenever necessary to meet a civil defense emergency or to prepare for the an emergency for which adequate regulations have not been adopted by the governor or the City Council, the mayor may by proclamation promulgate regulations consistent with applicable Federal or State laws or regulations respecting: Protection against air raids; the sounding of air raid alarms; the conduct of persons and the use of property during alarms; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms or illumination during air attacks shall be adopted or take effect unless approved by the State director of civil defense.

Subd. 2 Written Proclamations. Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the Clerk-Administrator's office where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of the regulation and its availability for inspection at the Clerk-Administrator's office shall be conspicuously posted at the front of the City Hall or at other headquarters of the City and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon the regulation shall take effect immediately or at the later time as may be specified in the proclamation. By similar proclamation, the mayor may modify or rescind any such regulation.

Subd. 3 Rescinding. The City Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of thirty (30) days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first.

Subd. 4 Suspension of Inconsistent Rules. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that the conflict exists.

260.30 Authority to Enter into Contracts, Incur Indebtedness in Emergencies; Procedure. During a civil defense emergency the City shall be notwithstanding any statutory or charter provision to the contrary, empowered, through its City Council acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of the disaster. The City may exercise powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids and requirements for budgets.

260.31 Funds and Financial Procedures.

Subd. 1 Fund Established. There shall be continued in the City treasury a special fund to be known as the "Civil Defense Fund."

Subd. 2 Deposits and Expenditures. The proceeds of taxes levied for civil defense, moneys transferred from other funds, gifts and other revenues of the civil defense agency shall be placed into the fund. Expenditures from the fund shall be made for the operation and maintenance of the civil defense agency and other expenditures for civil defense.

Subd. 3 Financial Procedures. Regular accounting, disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the civil defense fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund during 1951 or in any case when their application shall prevent compliance with terms and conditions of a Federal or State grant of money or property for civil defense purposes.

260.32 Prohibited Illumination a Nuisance; Abatement Authorized.

Subd. 1 Nuisance Declared. Any illumination within the City contrary to the provisions of this Section or any other Code provision or ordinance pertaining to civil defense or of any regulation adopted thereunder or of any Federal or State law, regulation or order shall be deemed a public nuisance.

Subd. 2 Abatement. Any officer of the City’s designated law enforcement provider, and any other city employee designated by the Council, may abate the nuisance summarily or may take any other action necessary to enforce the provisions, including entry on private property and the use of whatever reasonable force shall be necessary.

260.33 Civil Defense Advisory Committee

Subd. 1 Created. A civil defense advisory committee shall be continued.

Subd. 2 Appointment of Members; Terms of Office. Members of the committee shall be appointed by the mayor and shall hold office at the pleasure of the mayor.

Subd. 3 Compensation of Members. Members of the committee shall serve without compensation.

Subd. 4 Mayor to Be Chair and Emergency Response Manager to be Secretary. The mayor shall be the chair and the Emergency Response Manager shall be the secretary of the committee.

Subd. 5 Responsibilities Enumerated. The committee shall have the responsibility to:

- A. Represent City departments and other groups concerned with civil defense.
- B. Advise the Emergency Response Manager and the City Council on all matters pertaining to civil defense.

Section 270 Excessive Force Prohibition

270.01 Excessive Force Prohibited. The City, being a recipient of Community Development Block Grant Funds through the Economic Recovery Fund Program administered by the Minnesota Department of Trade and Economic Development hereby adopts and shall enforce a policy prohibiting the use of excessive force by any law enforcement agencies performing any duties within the city's jurisdiction and against any individuals engaged in any non-violent civil rights demonstration. This policy is adopted pursuant to Section 519 of the Department of Veteran Affairs and Housing and Urban Development, and the Independent Agencies Appropriation Act of 1990.