

CHAPTER 1

ADMINISTRATION

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SECTION 1

OFFICIAL CITY CODE

Section:

1-1-1	Title
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1-1-1: TITLE: Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Nowthen. This City Code of ordinances shall be known and cited as the NOWTHEN CITY CODE and it is hereby published by authority of the City Council and shall be kept up to date as provided in Section 1-1-4 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause, relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (Ordinance #39, adopted October 12, 2011)

1-1-2: ACCEPTANCE: The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. (Ordinance #39, adopted October 12, 2011)

1-1-3: AMENDMENTS: Any ordinance amending the City Code shall set forth the chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately codified and the ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (Ordinance #39, adopted October 12, 2011)

1-1-4: CODE ALTERATION: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of the City Code shall make every effort to maintain

the Code in an up to date and efficient manner. They shall see to the immediate insertion of new or replacement pages when such are delivered to them or made available to them through the office of the City Clerk. The Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council. (Ordinance #39, adopted October 12, 2011)

1-1-5: SAVING CLAUSE:

- A. **Repeal of General Ordinances.** All general ordinances of the City passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.
- B. **Public Utility Ordinances.** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.
- C. **Severability Clause.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid, or ineffective. (Ordinance #39, adopted October 12, 2011)

SECTION 2

FEE SCHEDULE

Section:

- 1-2-1 Purpose
- 1-2-2 Fee Schedule

1-2-1: Purpose: The purpose of this section is to establish certain fees for the delivery of services and processing of various permits and licenses as established by the Nowthen City Code to equitably allocate administrative costs to those generating the demand or utilizing the service. (Ordinance #39, adopted October 12, 2011)

1-2-2: Fee Schedule: The City Council hereby establishes the following schedule of fees:

A. Administration

- | | | |
|----|---|-------------------------|
| 1. | General Labor (Minimum 15 Min) | \$28.00/per hour |
| 2. | Recording of Deeds | \$46.00/per description |
| 3. | Returned Check | \$25.00/per check |
| 4. | Public Office Filing | \$5.00 |
| 5. | Special Assessment Search | \$15.00 |
| 6. | Copies | |
| | a. All available sized paper | \$0.25/per sheet |
| | b. Subdivision Ordinance | \$10.00 |
| | c. Zoning Ordinance | \$20.00 |
| | d. Platting Package | \$10.00 |
| 7. | Fire Services - The following incidents will be billed out:
(Ord 2018-04, adopted December 11, 2018) | |
| | a. Emergency Medical Response (Non-Motor Vehicle) | No Charge |
| | b. Residential Structure Fire | No Charge |
| | c. Commercial Structure Fires | No Charge |
| | d. Grass Fires within a State Trunk Highway or County Right-Of-Way | Cost Incurred |
| | e. Underground Pipeline Utility Breaks | Cost Incurred |
| | f. Technical Rescue | Cost Incurred |
| | g. Search & Rescue | Cost Incurred |
| | h. Hazardous Materials Released | Cost Incurred |
| | i. Illegal Activities | Cost Incurred |
| | j. Arson | Cost Incurred |
| 8. | Animal Control (Owner Paid Fees) | |
| | a. Pick Up during regular business hours | \$25.00 |
| | b. Minimum Impound (1st 0-24 hours) | \$45.00 |

c.	Boarding (any day or part of day after 24 hours)		\$25.00/day
d.	Second time (repeat) Pick Up		\$120.00
e.	Third time (repeat) Pick Up		\$240.00
f.	Pick Up After Hours		\$35.00
g.	Veterinary Care:		Cost Incurred
h.	Penalty for Non-License		\$6.00
i.	Dangerous Dog Registration		\$500.00
9.	Recycling		
a.	Appliances		
	All Household Appliances		\$10.00/each
		Refrigerators, Washers, Dryers, Water Heaters, Microwaves, Stoves, Dishwashers, Humidifiers	
	Treadmill		\$25.00
	Vacuum Cleaner		\$5.00
	Commercial/Industrial Freezer (Survell)		\$150.00
	Recreational Vehicle (RV) Appliances-Gas/Ammonia		
		Air Conditioner	\$50.00
		Refrigerator 4' & under	\$175.00
		over 4'	\$350.00
b.	Television	(Diagonal Measure)	
	CRT/non-flat screen	13" & Under	\$25.00
		14"-19"	\$30.00
		20"-27"	\$35.00
		28" & larger (include Console)	\$55.00
	Plasma/LCD	20" or less	\$20.00
		21" or more	\$30.00
c.	Computer/Laptop	(Diagonal Measure)	
	Motherboard/Laptop		\$15.00
	Monitor (CRTs)	17" or less	\$30.00
		18" or more	\$35.00
	Modem (External)		\$10.00
	Mouse & Keyboard		No Charge
	Printer		
		Small	\$15.00
		Large/Laser	\$35.00
		Fax Machine	\$20.00
d.	Miscellaneous Electronics		

	VCR/DVD/CD Player		\$5.00
	Radio/Scanner		\$15.00
	Stereo Receiver		\$25.00
	Stereo Console		\$50.00
e.	Propane Tanks	< 3'	\$5.00
		> 3'	\$10.00
f.	Tires (with or without rims)		
		Car/Light	
	Up to 20"	Truck/ATV/Motorcycle	\$2.50
	Semi-Truck/Heavy Duty Truck		\$10.00
	Tractor		\$45.00
	Loader		\$55.00
	Skid Steer		\$12.00
	Skid Steer Tracks		\$150.00
	Snowmobile Tracks		\$100.00
	(all other tires, contact First State Tire for pricing)		
g.	Fluorescent Bulbs*		
	4' or less; Compact; Circular; U-bend		\$0.75
	Over 4'		\$1.00
	High Density		\$5.00
	Bulb Ballast		\$2.00
h.	Mattresses & Box Springs*		\$25.00/item
	*Bring to City Offices for recycling during regular office hours		
	(Applicable sales tax will be added)		
10.	Historic Town Hall Use		
a.	Nowthen Resident		\$50.00
b.	Non-Resident		\$150.00
c.	Cleaning/Damage Key Deposit	(Refunds after 12 PM next business day)	\$50.00 (refundable)
d.	Kitchen Use & Key Deposit	(Refunds after 12 PM next business day)	\$25.00 (refundable)
e.	Chairs		\$0.50/per chair
f.	Chair Deposit	(Refunds after all chairs are returned)	\$25.00
g.	*NO RENTAL CHARGE for Government groups, Nowthen Senior Citizens (62 years or older), Nowthen Resident funerals, Nowthen Lions, and Nowthen Heritage Committee		
	*Damage & Key Deposit will be required.		
		(Applicable sales tax will be added)	\$50.00 (refundable)
11.	Park Shelters		
a.	Twin Lakes Beach Shelter & Nowthen Memorial Park Shelter		
	Damage Deposit - required for all Rentals		\$50.00 (refundable)

	Resident		\$50.00
	Non-Resident		\$100.00
		(Woodland; Eagle; Greenberg; Prairie)	
b.	All other Shelters		
	Damage Deposit - required for all Rentals		\$50.00 (refundable)
	Resident		FREE
	Non-Resident		\$25.00
		(Applicable sales tax will be added)	
12.	Twin Lakes Park Concession		\$25.00
	Damage Deposit - required for all Rentals		\$50.00 (refundable)
		(Applicable sales tax will be added)	
13.	Field Usage		
a.	Softball/Soccer Field	(3 hour minimum)	
	Damage Deposit - required for all Rentals		\$100.00 (refundable)
	Resident and Non-Resident		\$10.00/hour
b.	Baseball Field	(3 hour minimum)	
	Damage Deposit - required for all Rentals		\$100.00 (refundable)
	Resident and Non-Resident		\$10.00/hour
c.	Tournament Field Usage		
	Damage Deposit - required for all Rentals		\$250.00 (refundable)
	Resident and Non-Resident		\$250.00
d.	The City of Nowthen City Council reserves the authority to change or waive fees for non-profit organizations for all field activities.		
e.	Field Maintenance - Field dragged & foul lines marked		\$50.00
14.	Newsletter Advertising		
a.	1/8 of page		\$75.00
b.	1/4 of page		\$150.00
c.	1/2 of page		\$225.00
d.	Full Page		\$350.00
		(Applicable sales tax will be added)	
15.	Maps		
a.	City Base Map		
		22 x 34	\$6.50
		36 x 44	\$10.00
b.	Zoning Map	11 x 17	\$1.00

B. Licenses

1.	Cigarette		\$125.00
2.	Liquor		
a.	Off-Sale Intoxicating (includes Sunday Off-Sale)		\$240.00

This fee is subject to a \$100.00 reduction if the license applicant adopts the programs listed in MN Stat. 340A.408, Subd. 3(c.)

b.	On-Sale Intoxicating	\$2,500.00
c.	On-Sale Club	
	1) Under 200 members	\$300.00
	2) 201-500 members	\$500.00
	3) 501-1,000 members	\$650.00
	4) 1,001-2,000 members	\$800.00
	5) 2,001-4,000 members	\$1,000.00
	6) 4,001-6,000 members	\$2,000.00
	7) Over 6,000 members	\$3,000.00
d.	Sunday On-Sale Intoxicating	\$200.00
e.	Combination On/Off Sale	\$1,740.00
f.	Temporary On-Sale Intoxicating	\$50.00/day
g.	On-Sale Wine	\$750.00
h.	3.2 Beer	\$500.00
i.	Temporary 3.2 Beer	\$50.00/day
j.	One-Day Consumption and Display	\$25.00
k.	Consumption and Display Permit	\$300.00
l.	Background Investigation	\$500.00
m.	Renewal Background	\$100.00
3.	Dog Licenses	
a.	1-Year License	\$3.00/tag
b.	2-Year License	\$5.00/tag
c.	3-Year License	\$8.00/tag
d.	Replacement Tag	\$1.00
e.	Annual Kennel Inspection	\$150.00
f.	Private Kennel License	
	Application	\$25.00
	Annual Renewal (per Residence)	\$5.00
g.	Commercial Kennel License	
	Application	\$25.00
	Public Hearing	\$250.00
	Annual Renewal (per Business)	\$5.00

(Ord 2020-06; adopted
Dec. 8, 2020)

C. Building Permits and Inspections

1. The valuation determined for a project shall be by legal means and used in determining fees as stipulated by the 1997 Uniform Building Code method. This provides for the fee to be adjusted in accordance with the total cost of the project. The 1997 UBC document is available on the State of Minnesota Website <http://www.doli.state.mn.us/> and offered as an option for jurisdictions to use when calculating fees.

- | | | |
|----|---|-------------------------|
| a. | Plan Check/Document Evaluation
for Residential and Commercial Projects | 65% of Permit Fee |
| b. | Master Plan
When submittal documents for similar plans are approved, plan review fees shall not exceed 25% of the normal building permit fee established and charged for the same structure. Plan review fee for the original plan review is 65% of Permit Fee. | |
| c. | Review of State approved plans
Plan Review required by the adopted fee schedule for orientation to the plans. | 25% of Plan Review |
| d. | Demolition Permit | Based on Valuation |
| e. | Exterior Structures | |
| | 1) Retaining Wall (over 4' in height) | Based on Valuation |
| | 2) Fence (over 7' in height) | Based on Valuation |
| | 3) Sheds (over 200 square feet) | Based on Valuation |
| | 4) Swimming Pools | |
| | Seasonal Residential Swimming Pools | \$50.00 |
| | Over 24" high and 5000 gallons, installed entirely above grade. Allowed to be installed with a single application and approval, provided that the same pool is installed in the same location each year. Once approved, the pool may be put up and taken down any number of times. A site plan is required to be approved as a part of the permit submittal, and must be kept on site for review as needed. | |
| | Permanent and in-ground Swimming Pools | Based on Valuation |
| f. | Pre-moved in single family dwelling
Travel time and mileage from municipality office calculated by Google Maps. | \$150.00+travel/mileage |
| g. | Pre-moved in accessory structure
Travel time and mileage from municipality office calculated by Google Maps. | \$100.00+travel/mileage |
| h. | Connection fee | |
| | 1) Moved in Structure
Does not include foundation/interior remodel | \$200.00 |
| | 2) Plumbing | \$75.00 |
| | 3) Mechanical | \$75.00 |
| i. | Manufactured Home Installation
Does not include foundation | \$250.00 |
| j. | Site work for manufactured, prefab, or moved-in home | Based on Valuation |

	(Foundation, basement, etc.)	
k.	Basement Finish	Based on Valuation
	Separate plumbing & mechanical permits required	
l.	ISTS Permits (Individual Sewage Treatment System)	
	1) New, Replace, or Repair	\$375.00
	(Second soils verification required, to be provided by septic contractor)	
	2) Type I - IV	\$225.00
	3) Type V	Costs Incurred
	4) Operating Permit	\$125.00/year
	(Monitoring Permit; Maintenance Agreement)	
m.	Septic System Pumping Permits	\$10.00/permit
2.	Residential Building Fees	
a.	Maintenance Permits	
	1) Re-Roof	\$95.00
	2) Re-Side	\$95.00
	3) Re-Window	(Replace same size windows) \$95.00
	4) Re-Door/Garage Door	(Same size) \$95.00
b.	Plumbing Permits	
	1) New Fixtures	\$7.50 per fixture with a \$75.00 minimum
	2) Lawn irrigation systems	\$50.00
	3) Fixture Maintenance	\$50.00
	<p>This permit is for replacing a previously existing fixture or appliance where only disconnecting and reconnecting of existing pipes or ducts is to be done. Changing vent systems, running new drain or supply lines, or replacing or installing new ductwork, pipes or vents is <u>not</u> fixture maintenance. (Examples: Sink, Toilet, Water Softener, Hose Bib, or Water Heater replacement)</p>	
c.	Mechanical Permits	
	1) New Appliances	\$37.50 per unit with a \$75.00 minimum
	2) Gas Line (with Mechanical Permit)	\$12.50 per gas line with a \$25.00 minimum
	3) Gas Line Only	\$40.00
	4) Fireplace Insert	(same as New Appliances above)
	5) Fireplace Masonry	(Building Permit required)
	6) Fixture Maintenance	Based on Valuation \$50.00

This permit is for replacing a previously existing appliance where only disconnecting and reconnecting of existing pipes or ducts is to be done. Changing vent systems, running new gas lines, or replacing or installing new ductwork, pipes or vents is not fixture maintenance. (Examples: Furnace, Boiler, A/C or Water Heater replacement) If Furnace and A/C can be inspected at the same time, it can be issued as one Fixture Maintenance Permit.

3. Commercial Building Fees

All Commercial Permit applications require plan review, and permit fees are based on valuation. Includes: Re-roof, Re-side, Re-window, Re-door, Mechanical, Plumbing, and Demolition.

a.	Building Permit Minimum		\$75.00
b.	Plumbing		Based on Valuation; \$75.00 Minimum
c.	Mechanical		Based on Valuation; \$75.00 Minimum
d.	Gas Line Minimum		\$50.00
e.	Signs		Based on Valuation
f.	Above Ground Storage Tanks		Based on Valuation
g.	Fuel Tank Removal		Based on Valuation
h.	Fire Sprinkler Systems	(Require regular Building Permit)	Based on Valuation
i.	Fire Alarm Systems	(Require regular Building Permit)	Based on Valuation

4. Other Inspections and Fees

a.	Re-Inspection		\$50.00 per trip
b.	After-Hours and Weekend Inspections		\$60.00/hr., 2 hr. min.
c.	Additional Plan Review		\$60.00/hr., 1 hr. min.
		Required changes, additions or revisions to approved plans	
d.	Special Investigation Fee		100% of Permit Fee
		Work Started without obtaining a building permit	
e.	Lead Certification		\$5.00
f.	Permit Extension within 6 months of expiration		50% of Permit Fee
		New Permit Required	
g.	Permit Renewal after 6 months of expiration		Based on Valuation
		(New Permit Required)	of Remaining Work
h.	Change of Use		\$75.00
i.	Pre-Final Inspection	(New home or structure)	\$65.00
j.	Temporary Certificate of Occupancy-Escrow		\$2,500 + Non-Refundable \$250.00

- k. Refunds
 - 1) Plan Review (if plan review has not started) No Charge
 - 2) Plan Review (if plan review has started) No Refund
 - 3) Permit Fee (if work not started within 6 months of permit issuance by Municipality) 75% Refund
 - 4) Maintenance Permits No Refund
 - 5) State Surcharge No Refund

(Ord 2020-06; adopted Dec. 8, 2020)

D. Development Fees

- 1. Subdivision
 - a. Lot Split or Reconfiguration
 - 1) Application \$200.00
 - 2) Escrow \$1,000.00
 - 3) Recording \$46.00/lot description
 - b. Minor Subdivision (1-3 lots)
 - 1) Application \$200.00 + \$50.00/lot
 - 2) Escrow \$1,000.00
 - 3) Recording \$46.00/lot description
 - c. Platting
 - 1) Application \$200.00 + \$50.00/lot
 - 2) Escrow \$1,500.00
 - 3) Public Hearing \$250.00
 - 4) Security Escrow 150% est. constr. cost
 - 5) Engineering Escrow 7% initial security amt
 - 6) Administration 1% total constr. cost
 - 7) Park Dedication and Administration Fees, Security Escrow, and Engineering Escrow must be paid prior to the mylars or deeds being stamped by the City Clerk
 - d. Park Dedication \$2,000.00/lot
 - e. Trail Fee \$500.00/lot
- 2. Comprehensive Plan/Zoning Ordinance Amendment
 - a. Application \$200.00
 - b. Escrow \$1,000.00
 - c. Public Hearing \$250.00
 - d. Recording \$46.00/lot

3.	Conditional Use Permit/Interim Use Permit/Variance	
	a. Application	\$200.00
	b. Escrow	\$1,000.00
	c. Public Hearing	\$250.00
	d. Recording	\$46.00/lot
4.	Site Plan/Concept Plan	
	a. Application	\$200.00
	b. Escrow	\$1,000.00
5.	Grading Plan Review/Grading Permit	
	a. Application	\$200.00
	b. Escrow	\$1,000.00
	c. Security Amount for All Non-Residential Grading Projects	150%
	Security is equal to 150% of estimated project cost, based upon written bid(s) received from one or more contractors. (Ord. 2019-01, Approved March 12, 2019)	
6.	Excavation and Mining Permit	
	a. Application	\$250.00
	b. Escrow	\$1,500.00
	c. Public Hearing	\$250.00
	d. Material Removal	\$0.07/cubic yard
	e. Annual Renewal	\$100.00
7.	Easement Vacation	
	a. Application	\$200.00
	b. Escrow	\$300.00
	c. Public Hearing	\$250.00
	d. Recording	\$46.00/lot
8.	Wetland Delineation Review	
	a. Engineering Review Escrow	\$2,000.00
9.	Right-of-Way Management	
	a. Registration (One Time Charge)	\$150.00
	b. 0-1,000 linear feet	\$150.00
	c. Each additional 1,000 linear feet	\$30.00
10.	Professional Fees and Escrow Amounts	

The City Council shall establish fees by Ordinance as necessary for the administration of land use requests. The City Council may periodically review and revise all or portions of the fee schedule. The acceptance of all land use applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid. Land use applications must be accompanied by a fee and a non-interest-bearing escrow deposit. The escrow deposit is required to cover all costs incurred for staff and consultants; time directly related to processing applications, preparation of studies, and any other cost incurred with processing zoning applications. All fees and expenses are due whether the application is approved or denied.

a. Responsibility for Fees and Costs

The property owner of the property subject to the land use application shall be responsible for all costs incurred by the City in processing said land use application and enforcing the terms of any agreements relating to the land use application including, but not limited to, attorney's fees, engineering or planning fees. The costs generally include, but are not limited to, professional consulting services retained by the City, copying Charges, City staff time to review and process application, hearing notice publications, postage for mailed notices, and any other costs necessary to process the application.

b. Escrow

When a land use application has been submitted, the property owner shall deposit funds in an escrow account with the City (which may from time to time be changed to an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application). The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the city by the Consultants exceeds the fund balance. The City shall refund any amount deposited in the escrow account not expended, within thirty (30) calendar days after final action on the application. The City shall not pay interest on such escrow fund deposits.

c. Certification of Unpaid Costs and Expenses

All unpaid expenses incurred by the City under the City Code not covered by the escrow will be charged against the parcel subject to the land use application and will be the responsibility of the property owner pursuant to MN Statute Chapter 462, MN Statute §462.353, MN Statute §415.01 and MN Statute §366.012 and any other relevant statutes. The property owner shall be invoiced for the City's costs to where property tax statements are sent by the County. The invoice shall be paid within 30 days of the date of the invoice. Invoices not paid within 30 days of request for payment by the City shall accrue interest at the rate of 6% per year. Should property owner not reimburse the City within said time, the City shall be authorized to certify said unreimbursed costs plus interest to the County Auditor for payment with the property owner's property taxes and said certified amounts shall constitute a lien against the property which shall be collected and enforced in the same manner as general property taxes pursuant to MN Statute §366.012. This cost recovery plus interest shall be in addition to any penalty or legal or equitable remedy the City may seek or receive for the violation of the City Code.

d. Special Assessment

The City may approve a special assessment for the installation of required municipal improvements when the property owner specifically agrees to be assessed for 100% of the project costs and waives any and all appeal rights under MN Statutes 429.081 or any other relevant statute. Said special assessment agreement shall be subject to the review and approval of the City Attorney.

11. **Grading, Landscaping and Construction Escrow** (Compliance with MPCA NPDES, National Pollutant Discharge Elimination System in compliance with City Code Section 9-4-5.F and G)

- | | | |
|----|---|--|
| a. | <p>Single Family New Construction
(Low Priority Uses):
NPDES Inspection Fee
NPDES Inspection/Compliance Escrow</p> | <p>\$ 200/lot
\$2,000/lot</p> |
| b. | <p>Single Family Alterations
(Low Priority Uses):
NPDES Inspection Escrow for separate grading permits or any other land disturbing activities which, in whole or in part, encompass 10,000 SF or more, but do not exceed one (1) acre (43, 560 SF).</p> | <p>\$ 200/project
\$1,000/project</p> |
| c. | <p>All Other Uses (High Priority Uses):
NPDES Inspection Escrow for all new non-residential principal or accessory buildings, building additions, platted subdivisions, grading permits, mining permits and all land disturbing activities.</p> | <p>\$2,000/lot minimum or as required by the City Engineer</p> |

E. **Other Fees**

- | | | |
|----|---|---------------------------|
| 1. | Professional Consultant | Cost Incurred |
| 2. | Special Meetings | |
| a. | Public Hearing | \$500.00 |
| b. | City Council | \$500.00 |
| 3. | Public Safety | |
| a. | Littering and Illegal Dumping
Costs Incurred include all disposal fees, administrative and staff time, legal and court costs. (Ordinance 2016-06, adopted December 13, 2016) | \$100.00 + Costs incurred |
| b. | Administrative Enforcement Penalties | |
| 1) | Class A
(Animal Violations outlined in Sections 3 and 4 of the City Code) | \$50.00 |
| 2) | Class B | \$200.00 |

(All other City Code violations)

- c. Administrative Hearing \$100.00
 - 1) The Administrative Hearing Fee and any costs incurred throughout the hearing process shall be paid by the party who does not prevail.

(Ordinance #39, adopted October 12, 2011; Ordinance 2013-05, adopted April 9, 2013; Ordinance 2014-02, adopted February 11, 2014; Ordinance 2016-06, adopted December 13, 2016; Ordinance 2017-02, adopted June 13, 2017; Ordinance 2018-05, adopted November 13, 2018; Ordinance 2019-01, adopted March 12, 2019; Ordinance 2021-02, adopted July 13, 2021)

SECTION 3

CITY COUNCIL SALARIES

Section:

- 1-3-1 Purpose and Intent
- 1-3-2 Per Diem Salaries
- 1-3-3 Other Compensation

1-3-1: PURPOSE AND INTENT:

- A. Minnesota Statutes, Section 412.021, Subdivision 5 provides authority for the City Council to fix salaries of the Mayor and Council Members by ordinance; and,
- B. The City Council desires to establish a reasonable per diem reimbursement for attendance at public meeting while members are conducting official business on behalf of the City. (Ord. #21, adopted June 18, 2008)

1-3-2: PER DIEM SALARIES: The City Council salaries shall be set on a per diem basis. The per diem shall cover the City Council Meeting, City Council Workshop, Council Liaison, other meetings, mileage and meals:

- A. City Council Members: \$400 per month
- B. Mayor: \$500 per month

(Ord. #21, adopted June 18, 2008; Ord. 2012-01, adopted March 13, 2012; Ord. 2016-02, adopted July 12, 2016)

SECTION 4

CRIMINAL BACKGROUND CHECKS

Section:

- 1-4-1: Purpose
- 1-4-2: Applicants for City Employment
- 1-4-3: Applicants for City Appointments
- 1-4-4: Applicants for City Licenses
- 1-4-5: Process
- 1-4-6: Denial

1-4-1: PURPOSE: The purpose and intent of this Section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in this Section and licensing background checks.

1-4-2: APPLICANTS FOR CITY EMPLOYMENT: The Anoka County Sheriff's Office is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for all full and part-time employment positions with the City, unless the City Council concludes that a background investigation is not needed.

1-4-3: APPLICANTS FOR CITY APPOINTMENTS: The Anoka County Sheriff's Office is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following appointed positions within the City, unless the City Council concludes that a background investigation is not needed:

- A. Planning and Zoning Commission.
- B. Parks and Recreation Committee
- C. Road and Bridge Committee

1-4-4: APPLICANTS FOR CITY LICENSES: The Anoka County Sheriff's Office is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the City:

- A. Intoxicating and 3.2 percent malt liquor.
- B. Tobacco products

C. Adult entertainment uses.

1-4-5: PROCESS.

- A. The applicant must authorize the Anoka County Sheriff's Office by written consent to the investigation before the investigation is undertaken with such consent fully compliant with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information.
- B. The Anoka County Sheriff's Office is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions (BCA) Computerized Criminal History information system in accordance with BCA policy in conducting the criminal history background investigation required by this Section.
- C. Any data that is accessed and acquired shall be maintained at the Anoka County Sheriff's Office under the care and custody of the Anoka County Sheriff or their designee.
- D. A summary of the results of the Computerized Criminal History data may be released by the Anoka County Sheriff's Office to the City Council, the City Clerk or City Attorney.

1-4-6: DENIAL OF APPLICATION.

- A. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
 - 1. The grounds and reasons for the denial.
 - 2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
 - 3. The earliest date the applicant may reapply for employment or issuance of a license.
 - 4. That all competent evidence of rehabilitation will be considered upon reapplication. (Ord. 2013-01, adopted February 12, 2013)

SECTION 5

ADMINISTRATIVE ENFORCEMENT

Section:

1-5-1	Purpose and Intent
1-5-2	Definitions
1-5-3	Procedure
1-5-4	Appeal to Hearing Officer
1-5-5	Appeal Hearing Officer Decision
1-5-6	Failure to Pay
1-5-7	Subsequent Violations

1-5-1: PURPOSE AND INTENT:

- A. The administrative enforcement procedures established within this Section are intended to provide the City of Nowthen with an informal, cost-effective and more efficient alternative to criminal prosecution or administrative enforcement litigation for certain violations of the adopted City Code.
- B. The City of Nowthen retains the right, at its sole discretion, to enforce provisions of its City Code by bringing criminal charges or commencing administrative enforcement litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that such a process is a legitimate and necessary alternative method of enforcing City Code violations.

1-5-2: DEFINITIONS:

Action Plan. A list which outlines the specific infractions (after the Code Compliance Officer has verified the suspected violations), defines how they will be resolved and specifies an agreed-upon completion date.

City Code Violation Letter. A letter advising the property owner of a violation and outlining the means to avoid formal enforcement action.

Code Compliance Officer. Is any officer of the Anoka County Sheriff's Department, City Clerk, Building Official, or City Zoning Administrator. There may be more than one person designated as Code Compliance Officer at any given time.

Code Violation or Offense. A breach of law or infraction as it pertains to violation of any section, subdivision, paragraph or provision of the Nowthen City Code or any Nowthen City Ordinance and is subject to an administrative enforcement penalty determined

according to a schedule adopted by Resolution of the Nowthen City Council from time to time and payable directly to the City. Each seven (7)-day period the violation exists constitutes a separate Code Offense.

Owner. Is an individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other properties.

Person. Means a natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.

1-5-3: PROCEDURE:

A. Notification of Potential City Code Violation

1. Upon receipt of a written complaint by the City offices, a Code Compliance Officer may issue, either in person or by United States first class mail, Notification of Potential City Code Violation to a person suspected or known to have committed a Code Violation and/or to be the owner of property upon which a Code Violation is being committed.
 - a. The letter shall request a site inspection and require a response from the property owner and meeting time to be set by a specified date, up to fifteen (15) calendar days from the date of the letter.
 - b. The Letter shall contain a copy of the City's Administrative Citation Program Brochure.
 - c. At the site visit, a site inspection will be conducted to identify or validate any specific City Code violations and the infractions shall be discussed. An action plan shall be created with an agreed-upon completion date, which outlines specific infractions and how they will be resolved.

B. Administrative Notice

1. A Code Compliance Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected or known to have committed a Code Violation and/or to be the owner of property upon which a Code Violation is being committed.

- a. The action plan will become part of the Administrative Notice. The Administrative Notice shall contain a copy of the City's Administrative Citation Program Brochure.
 - b. In cases where the Code Violation may affect public health/safety concerns or at the discretion of the Code Compliance Officer, an Administrative Notice may be issued without first having issued a letter regarding a Potential City Code Violation.
2. The Administrative Notice shall identify the Code Violation, the location upon which the Code Violation occurred or is occurring, and the recommended corrective action for the Code Violation including any action plan that may have been created previously. The Administrative Notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, up to fifteen (15) calendar days to correct or abate the Code Violation.
3. If the alleged violator and/or owner of property upon which a Code Violation is being committed is unable to correct or abate the Code Violation within the prescribed time, that person may request in writing an extension from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration.
4. If the Code Violation is not corrected or abated, as outlined in the Administrative Notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided below.

C. Citation.

1. A Code Compliance Officer is authorized to issue a citation upon the belief that a Code Violation has occurred, provided an Administrative Notice has first been issued in regard to said Code Violation.
2. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail.
3. Said citation shall state the nature of the Code Violation, the time and date said Code Violation was observed, the administrative enforcement penalty applicable to that Code Violation as set forth in the City's Fee Schedule in Section 1-2-2 of this Chapter, and the manner for paying the administrative enforcement penalty or requesting a hearing before a Hearing Officer to contest the citation.

D. Responding to a Citation / Payment.

1. Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall, within fifteen (15) calendar days of the time of issuance of the citation, either pay the administrative enforcement penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this.
2. The administrative enforcement penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) calendar days.
3. Payment of the administrative enforcement penalty shall be deemed to be an admission of the Code Violation. (Amended February 13, 2018, Ordinance 2018-02)

1-5-4: APPEAL TO HEARING OFFICER:

A. Requesting a Hearing.

1. Any person contesting a citation issued pursuant to this Chapter may, within fifteen (15) calendar days of the time of issuance of the citation, request a hearing before a Hearing Officer.
2. Any request for a hearing before a Hearing Officer shall be made in writing on a form provided by the City for such a request and either delivered personally to the City at City Hall or mailed to the City by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) calendar days.
3. The hearing shall be held at City Hall within thirty (30) calendar days of the date the City received written notice that a hearing had been requested.
4. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. A determination of good cause shall be made by the Hearing Officer, but does not include forgetfulness or intentional delay.

B. Hearing Officer.

1. The City Council shall by Resolution from time to time appoint a list of persons authorized to act as a Hearing Officer.

2. The Hearing Officer is authorized to conduct an informal hearing to determine if a Code Offense has occurred.
 3. The Hearing officer shall be compensated by the City for such hearings and related findings.
 4. The Hearing Officer shall have the authority to uphold or dismiss the citation or reduce, stay or waive the administrative enforcement penalty imposed upon such terms and conditions as the Hearing Officer shall determine.
 5. The Hearing Officer's decision shall be made in writing addressed to the City and a copy shall be served by United States first class mail upon the person requesting the hearing.
 6. The Hearing Officer's decision is final, except for appeal of the Hearing Officer's decision in limited cases to the City Council, as set forth below.
- C. **Conduct of Hearing.** At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The Hearing Officer shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply. The Hearing Officer must receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- D. **Payment for Cost of Hearing.** The cost of the hearing, including but not limited to the Administrative Hearing Fee and Hearing Officer compensation, shall be borne by the non-prevailing party in an amount not to exceed \$300. In all cases, where the party requesting the hearing is unable to attend and fails to request a continuance of the hearing at least forty-eight (48) hours in advance of the scheduled hearing, all costs incurred by the City attributable to the hearing shall be charged to the requesting party.

1-5-5: APPEAL OF HEARING OFFICER DECISION:

- A. The Hearing Officer's decision shall be appealable to the City Council only for the following matters:
1. An alleged failure to obtain a required permit, license, or other approval from the City Council as required by the City Code;
 2. An alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the City Council; or

3. An alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
- B. An appeal to the City Council of the Hearing Officer's decision must be made in writing and must be served on the City Clerk by United States first class mail, within ten (10) calendar days after the date of the Hearing Officer's decision.
- C. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Officer's decision.
- D. The City Council shall consider the record, the Hearing Officer's decision, and any additional arguments before making a determination. The City Council is not bound by the Hearing Officer's decision, but may adopt all or part of the Hearing Officer's decision.
- E. The City Council's decision may be voted upon and given at the hearing or may be given in writing within fifteen (15) calendar days of the hearing.
- F. The failure of the appellant to appear in front of the City Council or participate in the appeal constitutes a waiver of the violator's right of appeal and an admission of the violation. The Council may waive the result upon good cause shown. The determination of a showing of good cause shown shall be made solely at the discretion of the City Council but does not include forgetfulness and intentional delay.

1-5-6: FAILURE TO PAY:

- A. In the event a person charged with a Code Violation fails to pay the administrative enforcement penalty and correct or abate the Code Violation for which a citation was issued within the prescribed time, a late charge of fifteen percent (15%) shall be imposed thereon for each seven (7) calendar days the administrative enforcement penalty remains unpaid and the Code Violation remains uncorrected or unabated beyond the due date.
- B. An unpaid administrative enforcement penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued and the City shall have the right to collect such unpaid administrative enforcement penalty and accrued late charges, together with the City's costs and reasonable consultant's fees, in criminal or administrative enforcement proceedings.
- C. Pursuant to Minn. Stat. Chapter 429.101., Minn. Stat. Chapter 514.67 and other applicable law, a lien in the amount of the administrative enforcement penalty and any accrued late charges may be assessed against the property where the Code Violation occurred and collected in the same manner as taxes. Any such

assessment shall not preclude the City from issuing additional citations for a continuing Code Violation, nor shall it preclude the City from making additional assessments against the same property resulting from a continuing or new Code Violation.

- D. The City may suspend or revoke a license or permit or other approval associated with the Code Violation if the administrative enforcement penalty and accrued late charges are not timely paid. (Amended February 2018-02, Ordinance 2018-02)

1-5-7: SUBSEQUENT VIOLATIONS: Each seven (7)-day period that a violation continues to exist on a property shall constitute a separate offense subject to enforcement as provided for by this Section including the issuance of additional citations. (Ordinance 2013-07, adopted April 9, 2013)

SECTION 6

RULES OF CONDUCT AT CITY MEETINGS

Section:

- 1-6-1 Presiding Officer
- 1-6-2 Preservation of Order
- 1-6-3 Appeal
- 1-6-4 Failure to Comply

1-6-1 PRESIDING OFFICER: 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 Clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their members to act temporarily as presiding officer.

1-6-2 PRESERVATION OF ORDER: The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

1-6-3 APPEAL: A member may appeal to the City Council from 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 councilmember shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

1-6-4 FAILURE TO COMPLY: Whoever fails to comply with the City's adopted "Rules of Conduct at City Meetings" for public meetings or assemblies shall, after verbal notice by the presiding officer, be ordered by the presiding officer to leave and depart the premises and, upon failure to timely do so, shall be guilty of trespass. (Added April 10, 2018, Ordinance 2018-03)

**CITY OF NOWTHEN
ANOKA COUNTY
STATE OF MINNESOTA**

RULES OF CONDUCT FOR CITY MEETINGS

Conduct at City Council and Committee meetings shall be governed by the following rules:

1. It is requested that any persons wishing to speak to the Council or Committee shall state their name, address, and the subject matter upon which they wish to speak for the record. No person shall address the Council or a Committee until being recognized by the presiding officer. Persons addressing the body shall be limited to three minutes unless such time is extended by the presiding officer for good cause.
2. Unless addressing the Council or Committee, or entering or leaving the meeting place, persons in the audience shall be seated and remain seated during the meeting. Unless necessary for medical or other reasons, persons shall not stand or sit in the aisles or along the walls, unless permitted by the presiding officer. No person shall block doorways.
3. Demonstrations, including cheering, yelling, whistling, handclapping and foot stomping which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting are prohibited.
4. Members of the audience and speakers shall not wear or display signs, placards, banners, hats, costumes or similar items that obstruct the view of other audience members.
5. Members of the audience shall respect the rights of others and shall not engage in conduct that disrupts the orderly conduct of the meeting. Examples of prohibited disruptions include, but are not limited to, the utterance of loud, threatening or abusive language, whistling, clapping, stamping of feet, repeatedly waving of arms or other disruptive acts.

The presiding officer, with the assistance of the local law enforcement, shall be responsible for maintaining the order of the meeting. These rules shall be enforced as follows:

The presiding officer has the authority to issue a warning to a person violating the rules. If the person continues to violate the rules and disrupt the meeting, the presiding officer will direct the person to depart the premises or be ejected from the

premises.

The ejection from a meeting shall remain effective for the remainder of the meeting session at which the rules violation occurred. (Added April 10, 2018, Ordinance 2018-03)