

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:

Administration

General Labor (Minimum 15 Minutes)	\$28.00/hour
Recording of Deeds	\$46.00/description
Returned Check	\$25.00/check
Public Office Filing	\$5.00
Special Assessment Search	\$15.00
Copies	
All available sized paper	\$0.25/copy
Subdivision Ordinance	\$10.00
Zoning Ordinance	\$20.00
Platting Package	\$10.00
Fire Services	
Emergency Medical Response (non-motor vehicle)	No Charge
Residential Structure Fire	No Charge
Commercial Structure Fire	No Charge
Grass Fires within a State Truck Highway or County Right-of-Way	Cost Incurred
Underground Pipeline Utility Breaks	Cost Incurred
Technical Rescue	Cost Incurred
Search & Rescue	Cost Incurred
Hazardous Materials Released	Cost Incurred
Illegal Activities	Cost Incurred
Arson	Cost Incurred
Animal Control	
Pick-up during regular business hours	\$25.00
Minimum Impound (1 st 0 – 24 hours)	\$45.00
Boarding	\$25.00/day
Second Time (repeat) Pick-up	\$120.00

Third Time (repeat) Pick-up	\$240.00
Pick-up After Hours	\$35.00
Veterinary Care	Cost Incurred
Penalty for Non-license	\$6.00
Dangerous Dog Registration	\$500.00
Recycling	
Small Appliances: Microwave, toaster ,window a/c, small electrical fireplace, other on-counter items	\$10.00 each
Large Appliances: Refrigerators, Washers, Dryers, Water Heaters, Stoves, Dishwashers, Humidifiers, Large electric fireplace	\$20.00 each
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 Refrigerator (over 4') - \$300.00
CRT/Non-flat Screen Television - Diagonal Measure	13" & Under - \$25.00 14" – 19" - \$30.00 20" – 27" - \$35.00 28" & Larger (including console) - \$55.00
Plasma/LCD Television – Diagonal Measure	20" or Less - \$20.00 21" or More - \$30.00
Motherboard/Laptop Computer	\$15.00
Computer or Laptop Monitor (CRTs) – Diagonal Measure	17" or Less - \$30.00 18" or More - \$35.00
Computer or Laptop Model (External)	\$10.00
Computer Mouse & Keyboard	No Charge
Printer	Small - \$15.00 Larger or Laser - \$35.00 Fax Machine - \$20.00
VCR/DVD/CD Player	\$5.00
Radio or Scanner	\$15.00
Stereo Receiver	\$25.00
Stereo Console	\$50.00
Tires	Car/Light Truck, ATV/Motorcycle up to 20" On or off Rim - \$6.50

All other tires not listed, contact First State Tire for pricing	Semi-Truck/Heavy Duty Truck Off Rim - \$20.00 Semi-Truck/Heavy Duty Truck On Rim - \$25.00 Dump Truck - \$50.00 Tractor Off Rim - \$60.00 Tractor On Rim - \$75.00 Loader - \$55.00 Skid Steer Off Rim - \$17.00 Skid Steer On Rim - \$25.00 Skid Steer or Bobcat Tracks - \$225.00 Snowmobile Tracks - \$100.00
Fluorescent Bulbs	4' or less; Compact; Circular; U-bend - \$0.75 Over 4' - \$1.00 High Density - \$5.00 Bulb Ballast - \$2.00
Mattresses & Box Springs Bring to city offices for recycling during regular office hours	\$50.00/item
Historic Town Hall Use	
Nowthen Resident	Rental - \$50.00 Key, Damage & Cleaning Deposit - \$50.00
Non-Resident	Rental - \$100.00 Key, Damage & Cleaning Deposit - \$50.00
Government Groups Nowthen Senior Citizens (62 years or older) Nowthen Resident funerals Nowthen Lions Nowthen Heritage Committee	Rental – No Charge Key, Damage & Cleaning Deposit - \$50.00
Kitchen Use	Key, Damage, & Cleaning Deposit - \$25.00
Chairs	Rental - \$0.50/chair Damage & Cleaning Deposit - \$25.00
Parks Usage	
Twin Lakes Beach Shelter & Nowthen Memorial Park Shelter	Damage Deposit - \$50.00 Rental Resident - \$50.00 Rental Non-Resident - \$100.00
All Other Park Shelters	Damage Deposit - \$50.00 Rental Resident – Free Rental Non-Resident – \$25.00
Twin Lakes Park Concession	Damage Deposit - \$50.00 Rental Fee - \$25.00
Softball/Soccer Field (3-hour Minimum)	Damage Deposit - \$100.00 Resident & Non-Resident Rental - \$10.00/hour
Baseball Field (3-hour Minimum)	Damage Deposit - \$100.00

	Resident & Non-Resident Rental - \$10.00/hour
Tournament Field Usage	Damage Deposit - \$100.00 Resident & Non-Resident Rental - \$250.00
The City of Nowthen City Council reserves the authority to change or waive fees for non-profit organizations for all field activities.	
Field Maintenance – Field dragged & foul lines marked	\$50.00
Newsletter Advertising	
1/8 Page	\$100.00
1/4 Page	\$175.00
1/2 Page	\$250.00
Full Page	\$375.00
Maps	
City Base Map	22" x 34" - \$6.50 36" x 44" - \$10.00
Zoning Map	11" x 17" - \$1.00
Cigarette & Liquor Licenses	
Cigarette	\$125.00
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 Minnesota Statute 340A.408, Subd. 3(c)
On-Sale Intoxicating	\$2,500.00
On-Sale Club	Under 200 Members - \$300.00 201 – 500 Members - \$500.00 501 – 1,000 Members - \$650.00 1,001 – 2,000 Members - \$800 2,001 – 4,000 Members - \$1,000.00 4,001 – 6,000 Members - \$2,000.00 Over 6,000 Members - \$3,000.00
Sunday On-Sale Intoxicating	\$200.00
Combination On/Off Sale	\$1,740.00
Temporary On-Sale Intoxicating	\$50.00/day
On-Sale Wine	\$750.00
3.2 Beer	\$50.00/day
One-Day Consumption and Display	\$25.00
Consumption and Display	\$300.00
Background Investigation	\$500.00
Renewal Background	\$100.00
Dog Licenses	
1-Year License	\$3.00/tag
2-Year License	\$5.00/tag
3-Year License	\$8.00/tag
Replacement Tag	\$1.00
Annual Kennel Inspection	\$150.00

Private Kennel License	Application - \$25.00 Annual Renewal (per residence) - \$5.00
Commercial Kennel License	Application - \$25.00 Public Hearing - \$250.00 Annual Renewal (per business) - \$5.00

Building Inspection & Permit Fees

The administration and issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, Chapter 326B, Minnesota Administrative Rules 1300.0120 and 1300.0160, and as provided by this fee schedule. Fees are to be commensurate with the service provided. Permit fees not specifically identified within this fee schedule are based on the valuation determined by Subdivision 2.

Subd. 1. Permit and Inspection Fees for Residential Building, Commercial Building, Fire Suppression, Fire Alarm, Commercial Mechanical, and Commercial Plumbing. The minimum fee for processing these permits is \$100.00.

Total Valuation	Permit Fee
\$1.00 to \$2,000.00	\$100.00 Minimum
\$2,001.00 to \$25,000.00	\$83.50 for the first \$2,000.00 plus \$16.55 for each additional \$1,000.00 or fraction thereof, to and including \$25,000
\$25,001.00 to \$50,000.00	\$464.15 for the first \$25,000.00 plus \$12.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000
\$50,001.00 to \$100,000.00	\$764.15 for the first \$50,000.00 plus \$8.45 for each additional \$1,000.00 or fraction thereof, to and including \$100,000
\$100,001.00 to \$500,000.00	\$1,186.65 for the first \$100,000.00 plus \$6.75 for each additional \$1,000.00 or fraction thereof, to and including \$500,000
\$500,001.00 to \$1,000,000.00	\$3,886.65 for the first \$500,000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000; and
\$1,000,001.00 and up	\$6,636.65 for the first \$1,000,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof

Subd. 2. Project Valuation Determination. The Designated Building Official has the authority and responsibility to determine project valuation for the purposes of establishing applicable plan review and permit fees. Valuation data may be referenced from the State of Minnesota and/or the International Code Council. For square foot valuations not referenced by the State of Minnesota or the International Code Council, the Designated Building Official's valuation calculator will be used as a reference which is based on average local valuations.

Subd. 3. Plan Review Fees. Where a plan review fee is performed and charged, the minimum plan review fee for all permits is \$50.00. Plan review fees for building, fire suppression, and fire alarm permits shall be sixty-five percent (65%) of the building permit fees as set forth in Subdivision 1 of this Section. Plan review fees for similar plans are set forth in Minnesota Rules 1300.0160.

Plan review fees for all commercial mechanical permits shall be ten percent (10%) of the permit fee when a project job valuation is determined to exceed \$30,000.00.

In the event a permit applicant submits an application that requires plan review and decides not to proceed with the building project after the plan review has been completed, the plan review fee will be billed by the jurisdiction to the permit applicant.

Subd. 4. State Surcharge on Building, Mechanical, and Plumbing Permits. In addition to the permit fees established in this fee schedule, a surcharge fee shall be collected on all permits issued for work governed by the Minnesota State Building Code in accordance with Minnesota Statutes, Section 326B.148.

Subd. 5. Refunds. The jurisdiction may refund up to 80% of the permit fees in which no work has been done and no inspections have been made. Requests for refunds must be made by the permit applicant in writing within 180 days of issuance. Within 10 business days of receipt, the Building Official must review the refund request and determine the amount to be refunded or deny the refund request for cause.

No refunds will be approved or granted for the following: plan review fees, state surcharge fees, re-inspection fees, or any other services that have previously been rendered.

Subd. 6. Work Without a Permit. Work commenced without a permit may result in additional fees as specified in MN Rules 1300.0160, Subpart 8. The investigation fee established by the municipality is determined by the cost of time and resources expended during the course of investigation not to exceed the cost of the permit.

Subd. 7. Validity, Expiration and Suspension or Revocation of Permits. The validity, expiration, and suspension or revocation of permits shall be as provided by MN Rules 1300.0120, Subparts 10, 11, and 12.

Subd. 8. Residential Mechanical Permit Fees for Structures Regulated under the Minnesota Residential Code.

New construction mechanical (includes HVAC system, mechanical ventilation system, and gas lines)	\$150.00 per dwelling unit
Addition, alteration, remodel, or replacement in conjunction with an active building permit	\$100.00
Basement finish mechanical	\$100.00, if the owner is performing the work, and the property is not operated as a rental property, the plumbing permit fee is included with their building permit fee
Fireplace	\$100.00
Garage heater	\$100.00
Gas lines	\$100.00
Miscellaneous mechanical appliance	\$100.00
All other minor mechanical work	\$100.00
Furnace and air conditioner units installed and inspected simultaneously	\$185.00

Subd. 9. Residential Plumbing Permit Fees for Structures Regulated Under the Minnesota Residential Code.

New construction plumbing	\$150.00 per dwelling unit
Addition, alteration, remodel, or replacement in conjunction with an active building permit	\$100.00
Basement finish	\$100.00, if the owner is performing the work, and the property is not operated as a rental property, the plumbing permit fee is included with their building permit fee
Water heater	\$100.00
Water conditioning system	\$100.00
Miscellaneous plumbing fixtures when reconfiguring or installing water lines, or drain waste and vent	\$100.00
Municipal sewer connection	\$100.00
Municipal water connection	\$100.00
Water heater and water conditioning system units installed and inspected simultaneously	\$185.00

Subd. 10. Other Permits and Fees.

Accessory structure permits required by the Minnesota State Building Code	Refer to Subd. 1 table. A 65% plan review may apply, maximum permit fee - \$850.00 which includes plan review
Structure additions, alterations	Refer to Subd. 1 table. A 65% plan review may apply
Structure remodel	Refer to Subd. 1 table. A 65% plan review may apply
Basement finishes	Refer to Subd. 1 table. A 65% plan review may apply, maximum permit fee - \$500.00 which includes plan review
Deck	Refer to Subd. 1 table. A 65% plan review may apply
Fence over 7 feet high	Refer to Subd. 1 table. A 65% plan review may apply
Residential structure moving (additional fees incurred exceeding 60 miles from the jurisdiction)	\$250.00
Residential roofing	\$100.00
Residential siding	\$100.00
Residential window replacement (same size)	\$100.00
Commercial demolition	Refer to Subd. 1 table. 65% plan review may apply
Residential demolition	\$200.00
Manufactured home set-up (foundation and connections only)	\$175.00
Solar/Photovoltaic Systems (up to 3.5kW)	\$175.00
Solar/Photovoltaic Systems (over 3.5kW)	Refer to Subd. 1 table. 65% plan review may apply
Residential irrigation system, including backflow prevention	\$100.00
Association, commercial, industrial, multi-family irrigation system	Refer to Subd. 1 table. 65% plan review may apply
Miscellaneous commercial or residential building permits for which no fee is specifically indicated	Refer to Subd. 1 table, 65% plan review may apply
Non-Residential Temporary Heating Equipment	\$150.00

Inspections which no fee is specifically indicated	\$90.00 per hour
Additional plan review required by changes, additions, or revisions to previously approved plans	\$90.00 per hour
Re-inspection fees	\$90.00 per hour/inspection – whichever is greater (minimum charge of 1 hour)
Inspections outside of normal business hours	\$125.00 per hour (minimum charge of 2 hours)
Change of Occupancy	Refer to Subd. 1 table. 65% plan review may apply (minimum fee of \$300.00, separate building permit may be required)
Septic System - Residential New or Replacement	\$350.00
Septic System - Commercial New or Replacement	Refer to Subd. 1 table. 65% plan review may apply
Septic System - Tank Replacement/Holding Tank	\$175.00
Operating Permit	\$200.00 Annually
Maintenance/Pumping Permit	\$10.00 Triennial
Landscaping Escrow (when applicable)	\$2,500.00 + \$250.00 Non-refundable Administrative Fee

Planning, Zoning, & Development Fees

<i>Development Fees</i>	
Subdivision Lot Split or Reconfiguration	Application - \$250.00 Escrow - * see note below
Minor Subdivision (1 – 3 lots)	Application - \$250.00 + \$50.00/lot Escrow - \$ * see note below
Platting Park Dedication & Administration Fees, Security Escrow, and Engineering Escrow must be paid prior to the mylars, or deeds being stamped by the City Clerk	Application - \$200.00 + \$50.00/lot Escrow - * see note below Security Escrow - 150% of the estimated construction cost Engineering Escrow – 7% Initial Security Amount Administration – 1% Total Construction Cost
Comprehensive Plan/Zoning Ordinance Amendment	Application - \$200.00 Escrow - * see note below
Conditional Use Permit, Interim Use Permit, or Variance	Application - \$250.00 Escrow - * see note below
Site Plan or Concept Plan	Application - \$200.00 Escrow - * see note below
Grading Plan Review and/or Grading Permit	Application - \$200.00 Escrow - * see note below Security Escrow - 150% of the estimated construction cost
Excavation & Mining Permit	Application - \$250.00 Escrow - * see note below

	Annual Review - \$100.00
Easement Vacation	Application - \$200.00 Escrow - * see note below
Wetland Delineation Review	Engineering Review Escrow - \$2,000.00
Right-of-Way Management	Registration - \$150.00 (one-time charge) 0 – 1,000 linear feet - \$30.00
<p>Professional Fees & Escrow Amounts: Refer to Section 1-2-3 of the City Code. Posted escrows shall be used as financial security to cover City expenses associated with the review of applications and pre-application expenses associated with specific properties as well as the administration of development agreements or other agreements related to those applications, including direct costs such as recording fees and third party consultants (Attorney, Engineer, Planner, septic, or others). Escrow amounts for applications addressed in Section 1-2-3 E.1. shall be \$1,500. 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.. All fees and expenses are due whether the application is approved or denied.</p>	
<p>Responsibility for Fees & Costs: All applications and escrow agreements shall be signed by the applicant(s) and all owners of the property to which the escrow applies. The applicant(s) and owner(s) shall be deemed jointly and severally liable for the payment of all fees and escrows required by the City Code. In the event that the City 's administrative expenses, operating expense, and out of pocket expenses incurred in processing the applicants' and owners' request exceed the escrow amount, the applicant(s) and owner(s) shall remain liable for the amount of such costs incurred by the City regardless of whether the application is granted or denied.</p>	
<p>Certification of Unpaid Costs & 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.</p>	
<p>Special Assessment: The City may approve a special assessment for the installation of required municipal improvements which the property owner specifically agrees to be assessed for 100% of the project costs and waives 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.</p>	

Grading, Landscaping, and Construction Escrows (Compliance with MPCA, NPDES, National Pollutant Discharge Elimination System in Compliance with City Code Section 9-4-5 F, & G)	
Single Family New Construction (Low Priority Uses):	NPDES Inspection Fee - \$200.00/lot NPDES Inspection/Compliance Escrow - \$2,000.00/lot
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 square feet or more, but do not exceed one (1) acre (43,560 square feet)	NPDES Inspection Fee - \$200.00/project NPDES Inspection/Compliance Escrow - \$1,000.00/project
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	\$2,000/lot minimum or as required by the City Engineer

Other Fees

Professional Consultant	Costs Incurred
Special Meetings	Public Hearing - \$500.00 City Council - \$500.00
Public Safety	Littering & Illegal Dumping - \$100.00 + Costs Incurred
Administrative Enforcement Penalties	Class A - \$50.00 Class B - \$200.00
Administrative Hearing The administrative hearing fee and any costs incurred throughout the hearing process shall be paid by the party who does not prevail	\$100.00

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 waiving 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)