

Chapter 2

ADMINISTRATION*

* **State Law References:** Statutory cities, Minn. Stats. ch. 412.

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ARTICLE I.

IN GENERAL

Secs. 2-1--2-18. Reserved.

ARTICLE II.

CITY COUNCIL

Secs. 2-19--2-39. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES

Sec. 2-40. City clerk and city treasurer.

- (a) *City clerk.* The separate office of city clerk is hereby reestablished. The city clerk shall be

responsible for the duties provided by law as well as those duties directed by the city council.

(b) *City treasurer.* The separate office of city treasurer is hereby reestablished. The city treasurer shall be responsible for the duties provided by law as well as those duties directed by the city council.

(c) *Term of office.* The city clerk and the city treasurer shall be appointed by the city council for a term beginning on the first Monday of January in each year until a successor city clerk and city treasurer is sworn in to take the office. The appointment shall be made at the first city council meeting of each year.

(d) *Resignation or termination.* The city council shall appoint a new city clerk or city treasurer upon the resignation, termination or expiration of the term of the city clerk or city treasurer.

(e) *Compensation.* The city council shall determine the compensation to be paid to the city clerk and city treasurer.

(Ord. No. 2005-115, §§ 2--6, 6-7-2005)

State Law References: Authority to combine or uncombine officers of clerk and treasurer, Minn. Stats. § 412.591; duties of clerk, Minn. Stats. § 412.151; duties of treasurer, Minn. Stats. § 412.141.

Secs. 2-41--2-68. Reserved.

ARTICLE IV.

FINANCE*

* **State Law References:** Municipal finance and taxation, Minn. Stats. ch. 426.

Sec. 2-69. Adoption of fee schedule.

The 2009 Master Fee and Escrow Schedule which is attached to Ord. No. 2009-06 is incorporated herein by reference as exhibit A and is hereby adopted.

(Ord. No. 2009-06, § 2, 1-6-2009)

Sec. 2-70. Escrow accounts.

(a) Applicants may be required to escrow money with the city in order to pay for the fees charged to the city by the city attorney, engineer or planner for review of an application or license.

(b) In those cases where an escrow account is required, the applicant shall be required to replenish the escrow account when the balance in the escrow account contains \$1,000.00 or less, unless the city council by formal motion determines that the project is complete or this requirement is waived by formal action of the city council.

(c) Any project, application or request made to the city which has a negative escrow balance will not be further reviewed by the city until the escrow account is current or will be denied for failure to keep the escrow account current.

(Ord. No. 2009-06, § 3, 1-6-2009)

Secs. 2-71--2-98. Reserved.

ARTICLE V.

ORDINANCE VIOLATIONS

Sec. 2-99. Findings and purpose.

(a) The city regulates many types of activities. For many of these activities, the city issues licenses or permits. Licenses or permits are issued for those activities which have the most profound effect (or potential effect) upon the health, safety and welfare of the citizens.

(b) From time to time, the city is also called upon to determine if the holder of a license or a permit has violated the terms of that license or permit. Similarly, there are sometimes allegations that the license or permit holder has violated a statute, ordinance or rule which also regulates the proper operation of that activity.

(c) This article shall delineate what remedies are available to the city to ensure that licenses and permits are properly followed in the future so as to properly protect the health, safety and welfare of the city's residents.

(d) This article is designed to establish a uniform method of determining whether or not violations of any ordinance have occurred. It is the intent of the city council to establish a system which would provide fair and adequate notice of the alleged violation to the permit/license holder or person accused of the violation and a hearing before the city council. The possible penalties which are provided for are designed to protect the public from future violations. Specifically, the sanctions should deter a violator from engaging in future violations and should serve as a warning to other individuals engaged in the same types of activities that the city council will respond appropriately to proven violations.

(Ord. No. 1996-70, § 70.10, 6-4-1996)

Sec. 2-100. General applicability.

The terms of this article shall apply to all licenses and permits of any kind issued by the city and to violations of any ordinance.

(Ord. No. 1996-70, § 70.20, 6-4-1996)

Sec. 2-101. Hearing requirements.

(a) All hearings as envisioned within this article shall take place before the city council at the city hall or at such other place as is convenient and proper, given the nature of the matter under consideration.

(b) None of the civil sanctions authorized herein shall be imposed by the city council until the license/permit holder or accused has been given an opportunity for a hearing before the city council.

(c) Hearings shall be conducted in accordance with the provisions found in Minn. Stats. §§ 14.57--14.69.

(d) This article does not require the city to conduct its hearing before an employee of the office of administrative hearings. Rather, it is intended that hearings will take place before the city council.
(Ord. No. 1996-70, § 70.30, 6-4-1996)

Sec. 2-102. Civil sanctions.

If the city council finds that a license or permit holder has failed to comply with his license or permit, or has failed to comply with any applicable statute, rule or ordinance related to the operation of the activity for which a license or permit has been granted by the city, then the city council may revoke the license or permit, suspend the license or permit for a period of up to 60 days, impose a civil penalty of up to \$2,000.00 for each violation, or impose any combination of these sanctions.
(Ord. No. 1996-70, § 70.40, 6-4-1996)

Sec. 2-103. Payment of fines.

(a) If the council imposes a civil fine, the council shall also allow the license/permit holder a reasonable time to pay the fine. A reasonable time to pay means that all fines shall be paid within 60 days unless the council determines that a longer period of time is justified under the circumstances of the case.

(b) Failure of a license/permit holder to pay a fine within 60 days (or within the time otherwise allowed by the council) shall cause that license or permit to become immediately suspended until full payment is received by the city clerk.
(Ord. No. 1996-70, § 70.50, 6-4-1996)

Sec. 2-104. Revocation or suspension.

Any license/permit holder who has had his license or permit suspended or revoked pursuant to any of the terms of this article shall not be allowed to operate the activity which required the license or permit until the license or permit is reinstated. Any operation during a period of suspension or revocation shall be deemed to be an additional violation of the terms of the permit or license.
(Ord. No. 1996-70, § 70.60, 6-4-1996)