

City of Stewart – Codification of Ordinances

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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§ 30.01 CITY COUNCIL MEETINGS.

- (A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless the City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.
- (B) *Special meetings.* The Mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. Ch. 13D, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.
- (C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. Ch. 16D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 16D, as it may be amended from time to time.
- (D) *Initial meeting.* At the first regular City Council meeting in January of each year, the City Council shall:
 - (1) Designate the depositories of city funds;
 - (2) Designate the official newspaper;
 - (3) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
 - (4) Appoint officers and employees and members of departments, boards, commissions

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and committees as may be necessary; and

(5) Establish and appoint Council Members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of city commissions and boards, shall be conducted in accordance with the State Open Meeting Law, M.S. Ch. 16D, as it may be amended from time to time.

§ 30.02 PRESIDING OFFICER.

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

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

§ 30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk-Treasurer or, in the City Clerk-Treasurer's absence, by the Deputy City Clerk-Treasurer. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk-Treasurer and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk-Treasurer, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

§ 30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or by-laws or other procedures adopted by Council resolution:

- (1) Call to order;
- (2) Roll call;
- (3) Approval of minutes;
- (4) Consent agenda;
- (5) Public hearings;

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- (6) Petitions, requests and communications;
- (7) Ordinances and resolutions;
- (8) Reports of officers, boards and committees;
- (9) Unfinished business;
- (10) New business;
- (11) Miscellaneous; and
- (12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Clerk-Treasurer upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk-Treasurer thereof at least 72 hours before new business is to be heard. The City Clerk-Treasurer may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 30.05 VOTING.

The votes of the Council members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council members on any action taken shall be recorded in the minutes. The vote of each Council member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting".

§ 30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk-Treasurer, and filed by the City Clerk-Treasurer in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or division thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or division as it will read with the amendment.

§ 30.07 SUSPENSION OR AMENDMENT OF RULES.

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

§ 30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and the compensation of each Council member shall be established from time to time by City Council ordinance pursuant to M.S. §415.11, as it may be amended from time to time.

§ 30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

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

§ 30.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

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§ 30.11 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

§ 30.12 APPLICATION OF STATE LAWS.

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. §471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of the city and their members.

§ 30.13 BACKGROUND INFORMATION.

(A) *Applicants for City employment.*

- (1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's computerized criminal history information for specified non-criminal purposes of employment background checks for the positions described in division (A)(2) below.
- (2) *Criminal history employment background investigations.* The City Police Department or County Sheriff's Department is hereby required, as the exclusive entity within the city to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:
 - (a) Employment positions. All regular part-time or full-time employees of the city and other positions that work with children or vulnerable adults.
 - (b) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the State Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or County Sheriff's Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the Police Department or County Sheriff's Department to the hiring authority, including the City Council, the City Clerk-Treasurer or other city staff involved in the hiring process.
- (3) Before the investigation is undertaken, the applicant must authorize the Police Department or County Sheriff's Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. §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:
 - (a) The grounds and reasons for the denial;
 - (b) The applicant complaint and grievance procedure set forth in M.S. §364.06;

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(c) The earliest date the applicant may reapply for employment; and

(d) That all competent evidence of rehabilitation will be considered upon reapplication.

(B) *Applicants for city licenses.*

(1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's computerized criminal history information for specified non-criminal purposes of licensing background checks.

(2) *Criminal history license background investigations.* The Police Department or County Sheriff's Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants and their employees for the following licenses or permits within the city: City licenses: liquor licenses, under Chapter 112 of this code, and any applicants under Chapters 113, 114, 116, 118 or 119 of this code.

(3) In conducting the criminal history background investigation in order to screen license or permit applicants, the Police Department or Sheriff Department is authorized to access data maintained in the State Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or Sheriff's Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the Police Department to the licensing authority, including the City Council, the City Clerk-Treasurer or other city staff involved in the license approval process.

(4) Before the investigation is undertaken, the applicant must authorize the Police Department or Sheriff's Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 as it may be amended from time to time regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. §364.09 as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license 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:

(a) The grounds and reasons for the denial;

(b) The applicant complaint and grievance procedure set forth in M.S. §364.06;

(c) The earliest date the applicant may reapply for the license; and

(d) All competent evidence of rehabilitation will be considered upon reapplication.

§ 30.14 INDEMNIFICATION OF OFFICERS AND EMPLOYEES.

(A) The city shall defend, save harmless and indemnify any of its officers and employees, whether elected or appointed, and including its police officers, volunteer firefighters, ambulance crew members, first responders and emergency medical technicians while the personnel is engaged in activities within the scope of his or her employment or official duties, and subject to the limitations as set forth in the M.S. §466.04. The indemnification and defense shall be provided against any claim, demand or suit, whether groundless or otherwise, arising out of the acts.

(B) First responders, emergency medical technicians and ambulance crew members are those individuals qualified by education and training and designated as such by the City Council.

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§ 30.15 COMBINATION OF OFFICES.

- (A) Pursuant to the authority granted by Laws 1961, Ch. 230, the Offices of Clerk and Treasurer in the city are hereby combined in the Office of Clerk-Treasurer.
- (B) Beginning with the year in which this section becomes effective and each year thereafter, there shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.

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CHAPTER 31: CITY ORGANIZATIONS

Section

Police Department

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- 31.26 Compensation
- 31.27 Interference with Volunteer Fire Department
- 31.28 Policies and procedures

POLICE DEPARTMENT

§ 31.01 POLICE DEPARTMENT

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driven by the city's automobile insurance carrier.

§ 31.02 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training and discipline of the members of the Police Department. The Chief of Police shall be responsible for the keeping of adequate records and shall report to the City Council on the needs of the Police department and its work. Every member of the Police department is subordinate to the Chief of Police and shall obey the

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instructions of the Chief of Police and any superior officer. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

§ 31.03 DUTIES OF POLICE.

Members of the Police Department are authorized to enforce the laws applicable to the city, bring violators before the court, and make complaints for offenses coming to their knowledge. Members of the Police Department are authorized to serve processes on behalf of the city and shall serve those notices as may be required by the City Council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All fees shall be paid into the city treasury.

§ 31.04 UNIFORM AND BADGE.

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

§ 31.05 RESERVE OFFICERS.

- (A) The Chief of Police may appoint, for a specified time, as many reserve officers as may be necessary. Reserve officers shall be subordinate to the Chief of Police. Under the provisions of M.S. §626.84(1)(e), as it may be amended from time to time, a **RESERVE OFFICER** is an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties shall not include enforcement of the general criminal laws of the state, and the reserve officer does not have full powers of arrest or authorization to carry a firearm on duty.
- (B) The Chief of Police, or City Council if there is no Police Chief, may appoint, for a specified time, as many parking enforcement officers pursuant to M.S. §169.041(2), as it may be amended from time to time, as may be necessary. The parking enforcement officers shall be subordinate to the Chief of Police, if there is one, or the City Clerk-Treasurer. A **PARKING ENFORCEMENT OFFICER** is an individual whose services are utilized by a law enforcement agency to provide parking enforcement and administrative or clerical assistance. A parking enforcement officer's duties shall not include enforcement of the general criminal laws of the state, and the parking enforcement officer does not have full powers of arrest or authorization to carry a firearm on duty.

VOLUNTEER FIRE DEPARTMENT

§ 31.20 VOLUNTEER FIRE DEPARTMENT; APPOINTMENT OF OFFICERS.

- (A) If, at the time of the adoption of this code, the city has a Volunteer Fire Department, there is continued in this city a Volunteer Fire Department. If the city, at the time of the adoption of this code, does not have a Volunteer Fire Department, the City Council may by resolution create a Volunteer Fire Department subject to the provisions of this code. All Volunteer Fire Departments are established under the authority of state law, M.S. §412.221(17), as it may be amended from time to time.
- (B) All officers of the Volunteer Fire Department shall be appointed by the City Council. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City

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Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than two weeks from the time the position becomes open. The officer so appointed is so appointed for any period of the unexpired term of the vacated office.

- (C) Firefighters and probationary firefighters shall be appointed by the City Council upon recommendation by the Chief of the Volunteer Fire Department. The process of recruitment, selection, appointment and termination of firefighters and probationary firefighters shall, as required by state law, follow all of the provisions of the Veteran's Preference Act, M.S. §43A.11 and 197.46, as they may be amended from time to time, and, as required by state law, there shall be no discrimination on the basis of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation or disability (except based on a bona fide occupational qualification) as provided by the Minnesota Human Rights Act, M.S. Ch. 363A, as it may be amended from time to time. Firefighters shall continue as members of the Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council for cause after a public hearing.
- (D) As required by state law, M.S. §412.241, as it may be amended from time to time, the City Council shall have full authority over the financial affairs of the Volunteer Fire Department, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. This division does not apply to the funds of any Fire Relief Association.

§ 31.21 DUTIES OF CHIEF.

The Chief shall have control of all firefighting apparatus and shall be responsible for its care and condition. The Chief shall make a report semi-annually to the City Council at its meeting in March and in September as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

§ 31.22 RECORDS.

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Volunteer Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation.

§ 31.23 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of firefighting and fire prevention.

§ 31.24 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

§ 31.25 FIREFIGHTERS.

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of

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the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

§ 31.26 COMPENSATION.

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

§ 31.27 INTERFERENCE WITH VOLUNTEER FIRE DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties.

§ 31.28 POLICIES AND PROCEDURES.

The Volunteer Fire Department may adopt policies and procedures for the operation of the department, which shall be effective upon approval by the City Council. Any provision of these policies and procedures, which may be called a Constitution and Bylaws, which is inconsistent with state and federal law, including the Veterans Preference Act, Minnesota Human Rights Act, and state laws requiring the City Council to control Fire Department Finances, shall be unenforceable and void.

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CHAPTER 32: EMERGENCY MANAGEMENT

Section

- 32.01 Policy and purpose
- 32.02 Definitions
- 32.03 Establishment of an emergency management organization
- 32.04 Powers and duties of the Director
- 32.05 Local emergencies
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§ 32.01 POLICY AND PURPOSE

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of the city will be adequate to deal with the disasters, and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

- (A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disaster;
- (B) To provide for the exercise of necessary powers during emergencies and disasters;
- (C) To provide for the rendering of mutual aid between the city and other political subdivisions of the state and of other states with respect to the carrying out of emergency preparedness functions; and
- (D) To comply with provisions of M.S. Ch. 12, §12.25, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 32.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together

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with all other activities necessary or incidental for carrying out the foregoing functions. **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as **CIVIL DEFENSE** functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from city departments, authorized volunteers and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff element responsible for coordination city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 32.03 ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created with the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, hereinafter called the “Director”. The Director shall be appointed by the City Council/Mayor for a two (2) year term and may be removed by them at any time. The Director shall serve at a salary to be determined by the City Council/Mayor. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the City Council/Mayor.

§ 32.04 POWERS AND DUTIES OF THE DIRECTOR.

- (A) The Director, with the consent of City Council/Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present the agreements to the City Council/Mayor for its action. The arrangements shall be consistent with the State Emergency Plan.
- (B) The Director shall make studies and surveys of the manpower, industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director of Emergency Management shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject of approval of the City Council/Mayor.
- (C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city including municipal and unincorporated areas and shall present the plan to the City Council/Mayor for its approval. When the City Council/Mayor has approved the plan by resolution, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plan of the federal government and the state and correlated with emergency plans of other political subdivisions within the state.
- (D) In accordance with the state and county emergency plan, the Director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the city emergency plan when a disaster occurs.

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- (E) The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the county to the maximum extent practicable. The officers and personnel of all departments and agencies shall be, to the maximum extent practicable. The officers and personnel of all departments and agencies shall be, to the maximum extent practicable, cooperate with and extend the services and facilities to the city emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of the emergency activities as will involve the utilization of the facilities of the Department or agency.
- (F) The Director shall, in cooperation with existing city departments and agencies affected, assist in the organizing, recruiting and training of the emergency management personnel that may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that such emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of said department or agency.
- (G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the county and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (M.S. Ch. 12, §12.25).
- (H) The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.
- (I) The Director shall act as principal aide and advisor to the city official responsible for direction and control of all city emergency operations during an emergency. The coordinator's main responsibility is to assure coordination among the operating departments, non-governmental groups, and with higher and adjacent governments.
- (J) The Director shall prepare and submit such reports on emergency preparedness activities as may be requested by the City Council/Mayor.

§ 32.05 LOCAL EMERGENCIES.

- (A) (1) A local emergency may be declared only by the Mayor of a municipality or his or her legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision.
- (2) Any order, or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the chief of the local records-keeping agency of the subdivision.
- (B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans and may authorize aid and assistance thereunder.
- (C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

§ 32.06 EMERGENCY REGULATIONS.

- (A) Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council/Mayor, the City Council/Mayor may, by resolution, promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of

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persons and the use of property during emergencies, the repair, maintenance and safeguarding of essential public services, emergency health, fire, and safety regulation, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health and welfare in declared emergencies.

- (B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Clerk-Treasurer, which a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of the regulation and its availability for inspection at the City Clerk-Treasurer's office shall be conspicuously posted at the front of the City Community Hall or other headquarters of the city or at other places in the affected area as the City Council/Mayor shall designate in the resolution. By like resolution, the City Council/Mayor may modify or rescind any regulation.
- (C) The City Council/Mayor may rescind any regulation by resolution at any time. If not sooner rescinded every the regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the City Council/Mayor shall be suspended during the period of time and to the extent the conflict exists.
- (D) During a declared emergency, the city is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of person and property and providing emergency assistance to the victims of such disaster. The city may exercise the powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids and requirement for budgets.

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION.

All functions thereunder and all other activities relating to emergency management are hereby declared to a governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution of under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 32.08 PARTICIPATION IN LABOR DISPUTE OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

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CHAPTER 33: FEE SCHEDULE

Section

33.01 Fee Schedule

§ 33.01 FEE SCHEDULE.

(A) Fees.

(1) Utilities.

Garbage - billed by city	Per the contract	
Infrastructure repair (INFR)	\$5.00 per water and/or sewer connection	Residential/nonresidential
Sewer (SEWR)	\$30.57 for the first 2783 gallons/.0016 for each additional gallon	Residential/nonresidential
Stormwater(STWR) – business –large lot	\$25.00 per regular sized lot, plus \$17.00 supplemental fee per additional acre	For all land owners within city limits
Stormwater(STWR) – business – regular lot	\$25.00 per regular sized lot, plus \$17.00 supplemental fee for a total of \$42.00	For all land owners within city limits
Storm water (STWR) – residential - large lot	\$33.50 - \$25.00 for regular lot, plus \$8.50 for extra lot	For all land owners within city limits
Storm water (STWR) – residential – regular lot	\$25.00 per regular sized lot	For all land owners within city limits
Water (COMW)	\$16.50 per first 2,000 gallons/.01 for each additional gallon	Nonresidential
Water (WATR)	\$16.50 per first 2,000 gallons/.01 for each additional gallon	Residential
Water / Sewer Debt Service (WSDS)	\$10.36 per connection	Residential/nonresidential
Water debt service (WDTSV)	\$14.00 per water connection	Residential/nonresidential
Water testing fee(WTF)	\$0.53 per connection	Residential/nonresidential

(2) Utility hook-up.

Late fee on utility billing	\$5.00 flat rate penalty/monthly	Late fee billed per month for each month of delinquency
Sewer hook-up	\$1,250.00	New connection
Water hook-up	\$1,490.00	New connection
Water meter replacement/repair fee	Cost of new meter, parts and labor	Due to negligence of home owner
Water meter testing	Actual cost of having it tested	No charge if meter is found to be in error over 5%
Sewer hook-up/water hook-up	Residents responsibility to replace all streets and designated public sidewalks	Repair

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Turn water on – delinquent billing disconnection of water service – Occupied Property	\$125.00	Due to delinquent billing– full delinquent billing plus turn on charge must be paid prior to service reinstatement – only water and sewer charges will be removed from the billing – the property owner will be responsible for Garbage Fees and Taxes, INFR, STWR, WSDS, WDTSV and WTF. This charge will be assessed as soon as the service is disconnected
Turn water on – delinquent billing disconnection of water service – Foreclosure or vacated property	\$125.00	Due to delinquent billing– full delinquent billing plus turn on charge must be paid prior to service reinstatement – only water and sewer charges will be removed from the billing – the property owner will be responsible for Garbage Fees and Taxes, INFR, STWR, WSDS, WDTSV and WTF. This charge will be assessed as soon as the service is disconnected
Delinquent utility billing notice posted on property	\$25.00	Due to property owner not paying the requested amount due by the timeframe set on the mailed delinquent billing notice
Snowbird disconnection of water service	\$10.00	Due to property owner request– only water and sewer charges will be removed from the billing - the property owner will be responsible for INFR, STWR, WSDS, WDTSV and WTF
Snowbird reconnection of water service	\$10.00	Due to property owner request
Turn connection on/off for inspection of service, or snowbird request if the curb stop is covered with snow or ice	Labor Charges – Water/Sewer Personnel, Regular hours - \$40.00 per hour with a minimum of ½ hour increments	Due to property owner, realtor or plumber request
Turn connection on/off for inspection of service, or snowbird request if the curb stop is covered with snow or ice	Labor Charges – Water/Sewer Personnel, Overtime hours - \$60.00 per hour with a minimum of ½ hour increments	Due to property owner, realtor or plumber request
Surcharge for non-compliance with Sump Pump Discharge Inspection and Compliance	\$100.00	Per month will be added to every sewer bill mailed, until compliance is completed

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Additional fee for additional sewer service for permission to temporarily pump sump pump water directly into the sanitary sewer system between the dates of October 15 th and April 1 st	\$25.00	Payable with the September billing prior to October 1st
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(3) Businesses.

Liquor - off-sale license	\$100.00	Yearly
Liquor - on-sale license	\$1200.00	Yearly
Sunday liquor license	\$200.00	Yearly
Special event - outside premises – 1-day	\$5.00	Per event/per site
Special event – hard liquor – 1-day – City Celebration off premises	\$5.00	Per event/per site
Special event - 3.2% liquor - 1-, 2- or 3-day events	\$5.00	Per event/per site
Bi-Annual Rental License Application Fee	\$ 25.00	One Building – Due prior to inspection for Bi-Annual License
Bi-Annual Rental License Application Fee	\$ 20.00	Additional Buildings (owned by the same landlord) – Due prior to inspection for Bi-Annual License
Discount of Rental License Application Fee for properties that are rental only the last 6 months of bi-annual rental cycle (Application Fee Only)	50% of the Bi-Annual License Application Fee	Applicable to properties that become rental, or existing rental properties that transfer ownership (and remain rental), after July 1 st of odd years.
Rental Property Inspection Fee	\$ 55.00 per unit	1 st Inspection (each for 1 – 4 units)
Rental Property Inspection Fee	\$30.00 per unit	1 st Inspection (each for 5 or more units)
Rental Property Inspection Fee	\$ 30.00 per unit	Re-inspection
Rental Property Inspection Fee	\$ 50.00 per unit	Complaint Inspections
Rental Property Advisory Inspection Fee	\$55.00 per unit	Upon request of owner or manager
Rental Property Suspended licenses reinstatement	50% of the applicable fee and all inspection fees	Council approval required for reinstatement after recommendation from inspector

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Rental Property Revocation licenses reinstatement	Full amount of all applicable fees and all inspection fees	Council approval required for reinstatement after recommendation from inspector
Rental Property Inoperable Smoke or Carbon Monoxide detector during inspection	\$25.00 per day	Begins from the first day of the inspection unless it is repaired during the inspection timeframe, assessments begins when the inspector leaves the premises
Rental property penalties when violations are not corrected and verified by the Code Official within the time period allowed	\$50.00 fine and an additional \$5.00 per day	Commencing on the day the alleged violation or violations continue after the expiration of the specified reasonable consideration period
Adult oriented business license	\$3,500	Annual
Building Inspection Fee	95% of the building permit	Residential
Building Inspection Fee	95% of the building permit	Commercial
Plan Review Fee	65% of the building permit	Residential
Plan Review Fee	65% of the building permit	Commercial
Plan Review Fee (Inspector Fee)	95% of the Plan Review Fee	Residential
Plan Review Fee (Inspector Fee)	95% of the Plan Review Fee	Commercial
Inspector Fee for Pre-Construction Site Inspection Fee	\$45.00 for each Pre-Construction site inspection completed	Residential
Inspector Fee for Pre-Construction Site Inspection Fee	\$90.00 for each Pre-Construction site inspection completed	Commercial
Additional Services as listed in the Contract	Shall be billed according to the fee schedule	Inspector shall make every attempt to recover fees from applicant
Services performed at the request of the City not listed in the contract	\$60.00 per hour for time spent	Excluding City Council Meetings
Fire Inspections	\$60.00 per hours for annual fire inspections	
Fire Inspections Clerical Services	\$50.00	
Sediment & Erosion Control (S.E.C) Services	\$60.00 per hour (100% Inspector)	During normal business hours
Sediment & Erosion Control (S.E.C) Services	\$90.00 per hour (100% Inspector)	Work requested outside of normal business hours
Plumbing Plan Review	100% of the Plan Review Fee	

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(4) *Land use.*

Annexation application	\$135.00 and resident processes county filing fees	Each
Conditional use permit	\$135.00 and resident processes county filing fees	Each
Land use permit	\$2.00 for first \$10,000 and resident processes county filing fees	\$1.00 for each additional \$10,000
Re-zone application	\$135.00 and resident processes county filing fees	Each
Street or alley vacation application	\$135.00 and resident processes county filing fees	Each
Subdivision application	\$135.00 and resident processes county filing fees	Each
Variance application	\$135.00 and resident processes County filing fees	Each
Road Right-of-Way Excavation Permit	\$30.00	Each
Road Right-of-Way Obstruction Permit	\$30.00	Each
Road Right-of-Way Excavation extension of time Permit	\$30.00	Each
Road Right-of-Way Delay Penalty	\$150.00	Each

(5) *Miscellaneous.*

Dangerous dog appeal hearing	\$100.00	
Dog and cat license	\$5.00	Yearly
Dog or cat variance fee	\$25.00 – per dog or cat over the allowable number of three (3) per household – Maximum number of variances per property is 2	Per dog or cat for the life of the dog or cat, or until it is sold or given away. After council approval of the variance for each new dog or cat over the allowable number of three (3) per household
Election filing fee	\$2.00	Election filing fee
Mowing personal property due to blight conditions	\$75.00 per hour - minimum of one hour	Charged each time the City mows the property due to blight factors not being taken care of by the property owner
Snow & ice removal from designated public sidewalks	\$75.00 per hour - minimum of one hour	Charged each time the City removes the snow or ice from the property due to the factors not being taken care of by the property owner
NSF checks	\$30.00 per check	

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Golf cart and ATV permits	\$10.00 per unit	
Open Burning permit	\$10.00	Per time
Snow Removal from designated sidewalk route	\$50.00 per hour - minimum of one hour	Per time
Special Event Permit	\$0.00 to \$100.00 to be determined by the City Council at the time of approval of the application	Per event
Poultry and Fowl Permit	\$5.00	Annually

(6) *Copies; Mailing; Faxing.*

Certified and return receipt mailing fees	Cost per the postal service at time of mailing	<ol style="list-style-type: none"> 1. Blight notifications 2. Abandoned property notifications 3. Delinquent billings applied to property taxes notifications 4. Building permit/zoning permit notifications 5. NSF check notifications 6. Rental Non-Compliance Letters
Coping a DVD	\$10.00 per copy/per DVD	
Coping an audio tape	\$5.00 per copy/per tape	
Copies	\$0.20 per sheet over four sheets	
Faxes received	\$0.20 per sheet over four sheets	
Faxes to send	\$3.00 and \$0.20 per sheet	

(7) *Services.*

Cemetery plots - double	\$400.00	75% perpetual service
Cemetery plots - single	\$200.00	75% perpetual service
Filling swimming pools	Cost of water and a donation to the Firefighter's Relief Association	All pools must follow the swimming pool ordinance
Fire calls	\$500.00 per fire/auto accident call plus chemicals and \$8.00 per man/ per hour after the first hour	<ol style="list-style-type: none"> 1. Fire calls 2. Auto accident calls
Emergency Medical Responder call	Donation	
Hourly charge for employee to be away from their regular jobs	Reimbursed at their regular jobs hourly wage. City will reimburse the employee the mileage at IRS rate	Court ordered appearance for a case involving the City Emergency situations – Mutual Aid Employee. Proof of paycheck and letter from supervisor indicating amount of time from work
Labor Charges – Water/Sewer Personnel, Regular hours	\$40.00 per hour	

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Labor Charges – Water/Sewer Personnel, Overtime hours	\$60.00 per hour	
General Administrative fees	\$25.00 an hour if over a half hour of work	

(8) Rentals.

Community Hall	\$40.00 per day/\$50.00 damage deposit	
Community Hall	Free	City of Stewart Organizations and Churches
Sykes Pump	\$40.00 per hour	Minimum of ½ hour increments including drive time to and from site
662 Portable Pump	\$20.00 per hour	Minimum of ½ hour increments including drive time to and from site
Katolight Generator	\$100.00 per hour	Minimum of ½ hour increments including drive time to and from site
Smaller Generator	\$50.00 per hour	Minimum of ½ hour increments including drive time to and from site
Backhoe/Loader	\$80.00 per hour	Minimum of ½ hour increments including drive time to and from site
Backhoe/Loader w/Operator	\$100.00 per hour	Minimum of ½ hour increments including drive time to and from site
Pay Loader	\$125.00 per hour	Minimum of ½ hour increments including drive time to and from site
Pay Loader w/Operator	\$145.00 per hour	Minimum of ½ hour increments including drive time to and from site
Grader	\$150.00 per hour	Minimum of ½ hour increments including drive time to and from site
Grader w/Operator	\$170.00 per hour	Minimum of ½ hour increments including drive time to and from site
Snow Plow: Truck Mounted	\$80.00 per hour	Minimum of ½ hour increments including drive time to and from site
Snow Plow: Truck Mounted w/Operator	\$100.00 per hour	Minimum of ½ hour increments including drive time to and from site
Jetter w/Operator	\$175.00 per hour	Minimum of one hour increments including drive time to and from site
Tractor/Loader/Forks/ Basket	\$60.00 per hour	Minimum of ½ hour increments including drive time to and from site
Tractor/Loader/Forks/ Basket w/Operator	\$80.00 per hour	Minimum of ½ hour increments including drive time to and from site
Elgin Street Sweeper	\$80.00 per hour	Minimum of ½ hour increments including drive time to and from site
Elgin Street Sweeper w/Operator	\$100.00 per hour	Minimum of ½ hour increments including drive time to and from site

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Truck	\$80.00 per hour	Minimum of ½ hour increments including drive time to and from site
Truck w/Operator	\$100.00 per hour	Minimum of ½ hour increments including drive time to and from site

(B) *Annual fee schedule.* Fees for various service and permits provided by the city shall be as set forth in the fee schedule contained above, and as subsequently set forth in the annual fee schedule resolution adopted by the City Council as its meeting in January of each year.

(C) *Availability.* The fee schedule shall be available in the City Clerk-Treasurers office.

(D) *Amendment.* The city service and permit fee schedule shall be subject to amendment by resolution or ordinance as deemed necessary from time to time by the City Council.

(Ord. No. 71, passed 10-10-1983; Ord. No. 72, passed 2-28-1984; Ord. No. 113, passed 4-11-2005; Ord. No. 135, passed 12-29-2011; Ord. No. 120- all Revs; Res. No. 2013-20, passed 3-11-2013; Res. No. 2013-30, passed 4-8-2013; Res. No. 2013-37, passed 5-13-2013, Ord. No. 146, passed 12-9-13, Ord. No. 148, passed 2-10-14, Ord. No. 120 Rev N, passed 3-9-15, Ord. No. 120 Rev O, passed 1-11-16, Res. No. 64 (Rev P), passed 06.12.17, Ord. No. 120 Rev Q, passed 2-11-19; Ord. No. 175, passed 04-08-2019)

Penalty, see §10.99