

TITLE 3: ADMINISTRATION

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CHAPTER 300: CITY COUNCIL - GENERAL PROVISIONS

Section

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§ 300.01 CITY COUNCIL MEETINGS.

(A) *REGULAR MEETINGS.* Regular meetings of the City Council shall be held on the second and last Monday of each month at 7:00 p.m. A 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.

HISTORY: Amended Ord 2006-01

(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. § 471.705, 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. § 471.705, Subd. 1c(c), as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. § 471.705, Subd. 1c(c), 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 and committees as may be necessary;
- (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, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. § 471.705, as it may be amended from time to time.

§ 300.02 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 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. In all procedural points not covered by this Chapter, the Council proceedings shall be governed by Robert's Rules of 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.

§ 300.03 MINUTES.

(A) *GENERALLY.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. 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 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, 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.

(C) *TAPE RECORDING OF MEETINGS.* Meetings of the City Council may be tape recorded by the City Clerk. Tapes shall be preserved at least one year. However, only the written minutes of the Council shall constitute the official minutes of the City.

§ 300.04 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:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Consent agenda.
- (5) Public hearings.
- (6) Unfinished business.
- (7) Ordinances and resolutions.
- (8) New business.
- (9) Petitions, requests, and communications.
- (10) Reports of officers, boards, and committees.
- (11) Miscellaneous.
- (12) Adjournment.

(B) *PETITIONS AND AGENDA.* Petitions and other papers addressed to the City Council shall be read by the City Clerk 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 thereof by at least 12:00 noon of the third business day before new business is to be heard. For good reason, the City Council may waive this requirement and amend the agenda. The City Clerk shall prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 300.05 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."

§ 300.06 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, and filed by the City Clerk 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 subdivision 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 subdivision as it will read with the amendment.

§ 300.07 SUSPENSION OR AMENDMENT OF RULES.

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

§ 300.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

HISTORY: Ord. 2.02 §8 (9/2000); Amended Ord. 2002-08

A) 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. Compensation shall be reviewed by the Council at least every two (2) years. Increases in compensation must be adopted no later than August 1st in a municipal election year in order to become effective the following year.

B) The salary of the Mayor shall be \$350.00 per month. The salary for City Council Members shall be \$250.00 per month. Salaries shall be paid monthly and include payment for attendance at all meetings and committee assignments throughout the month. The City Council may authorize reimbursement or the payment of per diem to Council members, for attendance at conferences and training seminars on an individual case-by-case basis.

§ 300.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

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

§ 300.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council. 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.

§ 300.11 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.

HISTORY: Ordinance 2.01 (1985) and 2.02 (1985)

CHAPTER 301: PLANNING COMMISSION

HISTORY: Adopted Ordinance 19.01 (1985)

Section

- 301.01 Establishment of the Planning Commission
- 301.02 Composition
- 301.03 Organization, meetings, minutes and expenditures
- 301.04 Powers and duties; comprehensive plan

§ 301.01 ESTABLISHMENT OF THE PLANNING COMMISSION.

A Planning Commission for the city is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. § 462.354(1), as it may be amended from time to time.

§ 301.02 COMPOSITION.

(A) The Planning Commission shall consist of seven (7) voting members.

HISTORY: Amended Ord 2004-03; Ord 2004-07

1. Three (3) members shall be appointed by the Mayor and approved by the City Council who are either residents, owners of property or owners of a business within the City of Dundas.

2. Three (3) members shall be appointed by the Mayor and approved by the City Council who are residents or owners of property within Bridgewater Township.

3. One (1) member shall be a City Council member or the City Clerk, to be appointed by the Mayor with the approval of the City Council. This member shall serve for a one (1) year term, to expire on December 31st of each year.

4. All appointees shall be appointed to serve staggered terms of four (4) years except as noted below, commencing on the 1st day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or until a successor is appointed. Absences from any three (3) meetings in a year, unless excused by the Chair, constitute a vacancy. In the event of any vacancy, the Mayor shall appoint and the City Council shall approve a person to complete the unexpired term.

The members of the Planning Commission to be appointed from Bridgewater Township shall be nominated by the Bridgewater Town Board. Two (2) individuals shall be nominated for each open position.

5. The City Attorney and City Engineer shall serve as ex-officio members of the Planning Commission.

(B) Each of the seven regular Planning Commission members shall have equal voting privileges. Any member may be removed by a four-fifths (4/5) vote of the City Council. A quorum consists of at least five (5) regular members.

HISTORY: Amended Ord 2004-07

(C) Regular Planning Commission members shall be paid a per diem of \$10.00 for each regular meeting of the planning commission attended by that member.

§ 301.03 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

§ 301.04 POWERS AND DUTIES; COMPREHENSIVE PLAN.

(A) *GENERALLY.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the Planning Commission has prepared and adopted the comprehensive plan, it shall periodically, but at least every three years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *MEANS OF EXECUTING PLAN.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *ZONING ORDINANCE.* Pursuant to M.S. § 462.357(3), as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the City Council as may be prescribed by the zoning ordinance.

(D) *SPECIAL PERMITS*. The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(E) *SUBDIVISION REGULATIONS*. The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(F) *VARIANCES*. Applications for variances may be referred to the Planning Commission by the City Council for public hearing, as provided for in M.S. ' 462.357, Subd. 6 , as it may be amended from time to time. After public hearing, the Planning Commission shall forward the application, with or without recommendation directly to the City Council, which shall act as the Board of Appeals and Adjustments, for its decision. Variances may be granted from the literal provisions of the Dundas Zoning Ordinance only where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as authorized by M.S. ' 462.357, Subd. 6 (2), as it may be amended from time to time.

HISTORY: Adopted Ord. 19.01 (1985); Amended Ord. 2003-12

CHAPTER 302: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 302.01 Police Department
- 302.02 Chief of Police
- 302.03 Duties of police
- 302.04 Uniform and badge
- 302.05 Extra police
- 302.06 Police Department policies manual adopted

Volunteer Fire Department

- 302.20 Volunteer Fire Department Authorized

POLICE DEPARTMENT

§ 302.01 POLICE DEPARTMENT.

(A) The Police Department of the city is hereby continued. 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 driver by the city's automobile insurance carrier.

§ 302.02 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 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.

§ 302.03 DUTIES OF POLICE.

Members of the Police Department shall 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 shall 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.

HISTORY: Ordinance 2.03 (1985)

§ 302.04 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.

§ 302.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police and which are permitted by law.

§ 302.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.

The Police Department Manual, as amended, containing the general policies, procedures and rules for operation of the Police Department of the City is hereby adopted as the official departmental policy manual of the Police Department.

VOLUNTEER FIRE DEPARTMENT

§ 302.20 VOLUNTEER FIRE DEPARTMENT AUTHORIZED

The City shall contract for the provision of fire department services with another municipality which is willing to provide fire protection services to all citizens and property of the city.

CHAPTER 303: EMERGENCY MANAGEMENT

Section

- 303.01 Policy and purpose
- 303.02 Definitions
- 303.03 Establishment of emergency management organization
- 303.04 Powers and duties of Director
- 303.05 Local emergencies
- 303.06 Emergency regulations
- 303.07 Emergency management; a government function
- 303.08 Participation in labor disputes or politics

- 303.99 Penalty

§ 303.01 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 this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it 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 disasters.

(B) To provide for the exercise of necessary powers during emergencies and disasters.

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 303.02 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, fire-fighting 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 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 chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating 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.

§ 303.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. 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 Mayor.

§ 303.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director, with the consent of the Council, 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 these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, 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 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 to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, 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 plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute 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.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's 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 those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that 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 the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 303.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor, or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing or terminating a local

emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

(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 inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 303.99

§ 303.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may, by resolution, promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, 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. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every 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 Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these 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 calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids. Penalty, see § 303.99

§ 303.07 EMERGENCY MANAGEMENT; A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or 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.

§ 303.08 PARTICIPATION IN LABOR DISPUTES 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.

§ 303.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

CHAPTER 304: PARK AND RECREATION ADVISORY BOARD

HISTORY: Adopted Ord 2002-03; Amended Ord 2005-02

Section

- 304.01 Establishment of the park board
- 304.02 Composition
- 304.03 Organization, meetings, minutes
- 304.04 Powers and responsibilities
- 304.05 Preparation of program and budget
- 304.06 Finances of the board
- 304.07 Repealer

§304.01 ESTABLISHMENT OF THE PARK BOARD

There is hereby created a Park and Recreation Advisory Board for the City of Dundas, pursuant to the authority granted in Minnesota Statutes §§471.15 *et.seq.*, and 448.56.

§304.02 COMPOSITION

(A) The Park and Recreation Advisory Board shall consist of five or seven (5 or 7) voting members as determined by the City Council.

1. One (1) member shall be a City Council member, to be appointed by the Mayor with the approval of the City Council. This member shall serve for a one (1) year term, to expire on December 31st of each year.

2. All other members shall be appointed by the Mayor and approved by the City Council who are either residents, owners of property or owners of a business within the City limits of Dundas.

3. All appointees except the City Council member shall be appointed to serve staggered terms of three (3) years, commencing on the 1st day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or until a successor is appointed. Absences from any three (3) meetings in a year, unless excused by the Chair, constitute a vacancy. In the event of any vacancy, the Mayor shall appoint and the City Council shall approve a person to complete the unexpired term.

(B) All members of the Park and Recreation Advisory Board have voting privileges. Any member may be removed by a four-fifths (4/5) vote of the City Council. A majority of the Board constitutes a quorum.

(C) Regular Park and Recreation Advisory Board members shall be paid a per diem of \$10.00 for each regular meeting of the Park and Recreation Advisory Board attended by that member.

§304.03 ORGANIZATION, MEETINGS, MINUTES

(A) At the first regular meeting in January, the Park and Recreation Advisory Board shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Park and Recreation Advisory Board may create and fill other offices as it may determine.

(B) The Park and Recreation Advisory Board shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson. A minimum of three days notice is required for posting purposes.

(C) Written minutes shall be kept and filed with City Administrator prior to the next regularly scheduled City council meeting, but shall be subject to the approval at the next Park and Recreation Advisory Board meeting.

304.04 POWERS AND RESPONSIBILITIES

(A) The Park and Recreation Advisory Board shall have the responsibility to advise the city council and staff in matters pertaining to the program of public recreation and parks in the city of Dundas.

(B) The Board shall be responsible for advising and supporting sound cooperation and coordination with other city departments, and civic or community groups in the advancement of sound recreation and park programming. The City Council shall determine what land is to be acquired for recreational and park purposes; what land the Board shall be permitted to use in carrying on its recreational and park programs; and what buildings or other permanent structures are to be constructed upon such lands.

(C) The Board shall recommend policies governing the use of park facilities in the City of Dundas.

(D) Act in an advisory capacity to the City Council and other governmental departments.

(E) Recommend to the City Administrator the employment of employees necessary to carry on parks and recreation activities within the City.

(F) Recommend policies and procedures pertaining to all recreational programs and city parks, including annual budgets, public awareness, fees and charges, and program policies.

(G) Recommend acceptance of gifts for public park and recreational purposes.

(H) Recommend contracts for the provision of recreational services by the city to other entities and for cooperative recreational services between the City and such other entities.

(I) No expenditures by the Park and Recreation Advisory Board shall be made unless and until authorized for the purpose by the City Council.

304.05 PREPARATION OF PROGRAM AND BUDGET

The Board shall each year, prior to August 15th, recommend a suggested Capital Improvements Plan for public park and recreation activities for the next five (5) calendar years.

' 304.06 FINANCES OF THE BOARD

For the purpose of financing the public recreation and park programs in the City of Dundas, there shall be accounts established in the City Treasury. No disbursements shall be made from these accounts unless approved for payment by the City Council.

' 304.07 REPEALER

Chapter 304 (effective 2005) is repealed as of January 1, 2006, and replaced by section 304.01 - 304.06 as set forth above.

HISTORY: Adopted Ord 2002-03; Amended Ord 2005-02

CHAPTER 305: CITY CLERK-TREASURER

HISTORY: Adopted Ord. 2003-11

Section

- 305.01 Joint position of city clerk-treasurer
- 305.02 Duties of city clerk-treasurer
- 305.03 City clerk-treasurer's salary
- 305.04 Surety bond
- 305.05 Deputy clerk-treasurer

§ 305.01 JOINT POSITION OF CITY CLERK-TREASURER.

Pursuant to M.S. § 412.591, the combined position of City Clerk-Treasurer is hereby established. The City Council shall appoint the City Clerk-Treasurer annually.

§ 305.02 DUTIES OF CITY CLERK-TREASURER.

The City Clerk-Treasurer shall have all of the duties and obligations established by Minnesota Statute. Before commencing duties of the office, the City Clerk-Treasurer shall provide a bond in favor of the City of Dundas as required by Statute, which shall continue during the term of the City Clerk-Treasurer's office. In addition to such other services which are not inconsistent with statutory duties and obligations, the City Clerk-Treasurer shall:

- 1) Keep a minute book, noting thereon all proceedings of the City Council.
- 2) Maintain the City's Code and record all Ordinances and Amendments to Ordinances adopted by the City Council.
- 3) Maintain an account book in which the Clerk shall enter all money transactions of the City, including the date and reason for receipt or payment of all funds.
- 4) Prepare a detailed statement of the financial affairs of the City showing all monies received, sources from which received, dates and amounts thereof; all monies paid, to whom and for what purpose paid; all outstanding and unpaid orders, to whom issued, and for what purpose; all monies remaining in the treasury; and all other matters necessary to accurately show and reflect the true financial condition of the City.
- 5) The City Clerk-Treasurer shall file all financial statements in his or her office for public inspection and shall publish the same, as required by Minnesota Statutes, each year in the official newspaper of the City.
- 6) The City Clerk-Treasurer shall collect, receipt for and safely keep all monies belonging to the City; shall promptly enter in the treasury records provided for that purpose, an accounting of all monies received and disbursed in the capacity of Treasurer, showing sources and objects thereof, with the date of each transaction.
- 7) The City Clerk-Treasurer must receive and safely keep all City money, must promptly enter all receipts in an account book, showing the date, source, kind and amount of each payment; must immediately deposit all monies in the City's official depository.
- 8) The City Clerk-Treasurer must maintain all books and records available for inspection at any time.
- 9) The City Clerk-Treasurer shall prepare and file a detailed account of that year's receipts and disbursements with the City Council.

10) When leaving office, the City Clerk-Treasurer must deliver all City papers, books, and monies to the new City Clerk-Treasurer as soon as he or she qualifies for office and begins the term. An outgoing City Clerk-Treasurer must close the books completely before passing them on to a subsequent City Clerk-Treasurer.

§ 305.03 CITY CLERK-TREASURER'S SALARY.

The salary of the City Clerk-Treasurer shall be fixed by the City Council from time to time.

The City Clerk-Treasurer shall be considered an "at-will" employee and may be replaced at any time with or without cause, pursuant to the decision of the City Council.

§ 305.04 SURETY BOND

The City Clerk-Treasurer shall furnish a corporation surety bond, in the amount of at least \$100,000.00, or such greater amount as established by the City Council.

§ 305.05 DEPUTY CLERK-TREASURER

The City Clerk-Treasurer may, with the consent of the City Council, appoint a deputy clerk-Treasurer who may perform the functions of the City Clerk-Treasurer, in the absence of the City Clerk-Treasurer. The Deputy Clerk-Treasurer may be discharged by the City Clerk-Treasurer, only upon the approval of the City Council.

CHAPTER 306: ADOPTING THE MINNESOTA STATE BUILDING CODE

HISTORY: Adopted Ord 2003-08; Amended Ord 2004-08

Section

- 306.01 Codes adopted by reference
- 306.02 Application, administration and enforcement
- 306.03 Permits and fees
- 306.04 Violations and penalties
- 306.05 Building code optional chapters
- 306.06 Effective date

§306.01 CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

§306.02 APPLICATION, ADMINISTRATION & ENFORCEMENT.

The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute 16B.62, Subd. 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the Code Enforcement Officers.

This code shall be enforced by the Minnesota Certified Building Official, designated by this municipality to administer the code (Minnesota Statute 16B.65, Subd. 1).

§306.03 PERMITS & FEES.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statute 16B.62, Subd. 1.

Permit fees may be established from time to time by City Council Resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

HISTORY: Amended Ord 2004-08

§306.04 VIOLATIONS & PENALTIES.

A violation of the code is a misdemeanor. Alternatively, the Building Official may issue a civil penalty enforced by civil citation in an amount up to \$500 per violation per day. Enforcement of the civil penalty may be by civil action or by certification to the Rice County Auditor for collection with property taxes with respect to the subject's property. The City of Dundas shall also be entitled to recovery of its costs and attorney fees incurred with respect to any enforcement or collection action.

HISTORY: Amended Ord 2004-08

§306.05 BUILDING CODE OPTIONAL CHAPTERS.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code of this municipality.

1. Minnesota Rules, Chapter 1306, Special Fire Protection Systems.
2. Minnesota Rules, Chapter 1335, Flood Proofing Regulations, Parts 1335.0600 to 1335.1200

§306.06 EFFECTIVE DATE.

This ordinance shall be effective following its adoption, approval, and publication.

CHAPTER 300: CITY COUNCIL - GENERAL PROVISIONS

Section

- 300.01 City Council meetings
- 300.02 Presiding officer
- 300.03 Minutes
- 300.04 Order of business
- 300.05 Voting
- 300.06 Ordinance, resolutions, motions, petitions and communications
- 300.07 Suspension or amendment of rules
- 300.08 Compensation of Mayor and Council Members
- 300.09 Compensation of officers and employees
- 300.10 Quorum for conducting business
- 300.11 Fees and charges

§ 300.01 CITY COUNCIL MEETINGS.

(A) *REGULAR MEETINGS.* Regular meetings of the City Council shall be held on the second and last Monday of each month at 7:00 p.m. A 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.

HISTORY: Amended Ord 2006-01

(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. § 471.705, 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. § 471.705, Subd. 1c(c), as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. § 471.705, Subd. 1c(c), 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 and committees as may be necessary;
- (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, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. § 471.705, as it may be amended from time to time.

§ 300.02 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 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. In all procedural points not covered by this Chapter, the Council proceedings shall be governed by Robert's Rules of 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.

§ 300.03 MINUTES.

(A) *GENERALLY.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. 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 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, 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.

(C) *TAPE RECORDING OF MEETINGS.* Meetings of the City Council may be tape recorded by the City Clerk. Tapes shall be preserved at least one year. However, only the written minutes of the Council shall constitute the official minutes of the City.

§ 300.04 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:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Consent agenda.
- (5) Public hearings.
- (6) Unfinished business.
- (7) Ordinances and resolutions.
- (8) New business.
- (9) Petitions, requests, and communications.
- (10) Reports of officers, boards, and committees.
- (11) Miscellaneous.
- (12) Adjournment.

(B) *PETITIONS AND AGENDA.* Petitions and other papers addressed to the City Council shall be read by the City Clerk 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 thereof by at least 12:00 noon of the third business day before new business is to be heard. For good reason, the City Council may waive this requirement and amend the agenda. The City Clerk shall prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 300.05 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."

§ 300.06 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, and filed by the City Clerk 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 subdivision 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 subdivision as it will read with the amendment.

§ 300.07 SUSPENSION OR AMENDMENT OF RULES.

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

§ 300.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

HISTORY: Ord. 2.02 §8 (9/2000); Amended Ord. 2002-08

A) 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. Compensation shall be reviewed by the Council at least every two (2) years. Increases in compensation must be adopted no later than August 1st in a municipal election year in order to become effective the following year.

B) The salary of the Mayor shall be \$350.00 per month. The salary for City Council Members shall be \$250.00 per month. Salaries shall be paid monthly and include payment for attendance at all meetings and committee assignments throughout the month. The City Council may authorize reimbursement or the payment of per diem to Council members, for attendance at conferences and training seminars on an individual case-by-case basis.

§ 300.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

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

§ 300.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council. 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.

§ 300.11 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.

HISTORY: Ordinance 2.01 (1985) and 2.02 (1985)

CHAPTER 301: PLANNING COMMISSION

HISTORY: Adopted Ordinance 19.01 (1985)

Section

- 301.01 Establishment of the Planning Commission
- 301.02 Composition
- 301.03 Organization, meetings, minutes and expenditures
- 301.04 Powers and duties; comprehensive plan

§ 301.01 ESTABLISHMENT OF THE PLANNING COMMISSION.

A Planning Commission for the city is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. § 462.354(1), as it may be amended from time to time.

§ 301.02 COMPOSITION.

(A) The Planning Commission shall consist of seven (7) voting members.

HISTORY: Amended Ord 2004-03; Ord 2004-07

1. Three (3) members shall be appointed by the Mayor and approved by the City Council who are either residents, owners of property or owners of a business within the City of Dundas.

2. Three (3) members shall be appointed by the Mayor and approved by the City Council who are residents or owners of property within Bridgewater Township.

3. One (1) member shall be a City Council member or the City Clerk, to be appointed by the Mayor with the approval of the City Council. This member shall serve for a one (1) year term, to expire on December 31st of each year.

4. All appointees shall be appointed to serve staggered terms of four (4) years except as noted below, commencing on the 1st day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or until a successor is appointed. Absences from any three (3) meetings in a year, unless excused by the Chair, constitute a vacancy. In the event of any vacancy, the Mayor shall appoint and the City Council shall approve a person to complete the unexpired term.

The members of the Planning Commission to be appointed from Bridgewater Township shall be nominated by the Bridgewater Town Board. Two (2) individuals shall be nominated for each open position.

5. The City Attorney and City Engineer shall serve as ex-officio members of the Planning Commission.

(B) Each of the seven regular Planning Commission members shall have equal voting privileges. Any member may be removed by a four-fifths (4/5) vote of the City Council. A quorum consists of at least five (5) regular members.

HISTORY: Amended Ord 2004-07

(C) Regular Planning Commission members shall be paid a per diem of \$10.00 for each regular meeting of the planning commission attended by that member.

§ 301.03 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

§ 301.04 POWERS AND DUTIES; COMPREHENSIVE PLAN.

(A) *GENERALLY.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the Planning Commission has prepared and adopted the comprehensive plan, it shall periodically, but at least every three years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *MEANS OF EXECUTING PLAN.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *ZONING ORDINANCE.* Pursuant to M.S. § 462.357(3), as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the City Council as may be prescribed by the zoning ordinance.

(D) *SPECIAL PERMITS*. The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(E) *SUBDIVISION REGULATIONS*. The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(F) *VARIANCES*. Applications for variances may be referred to the Planning Commission by the City Council for public hearing, as provided for in M.S. ' 462.357, Subd. 6 , as it may be amended from time to time. After public hearing, the Planning Commission shall forward the application, with or without recommendation directly to the City Council, which shall act as the Board of Appeals and Adjustments, for its decision. Variances may be granted from the literal provisions of the Dundas Zoning Ordinance only where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as authorized by M.S. ' 462.357, Subd. 6 (2), as it may be amended from time to time.

HISTORY: Adopted Ord. 19.01 (1985); Amended Ord. 2003-12

CHAPTER 302: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 302.01 Police Department
- 302.02 Chief of Police
- 302.03 Duties of police
- 302.04 Uniform and badge
- 302.05 Extra police
- 302.06 Police Department policies manual adopted

Volunteer Fire Department

- 302.20 Volunteer Fire Department Authorized

POLICE DEPARTMENT

§ 302.01 POLICE DEPARTMENT.

(A) The Police Department of the city is hereby continued. 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 driver by the city's automobile insurance carrier.

§ 302.02 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 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.

§ 302.03 DUTIES OF POLICE.

Members of the Police Department shall 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 shall 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.

HISTORY: Ordinance 2.03 (1985)

§ 302.04 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.

§ 302.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police and which are permitted by law.

§ 302.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.

The Police Department Manual, as amended, containing the general policies, procedures and rules for operation of the Police Department of the City is hereby adopted as the official departmental policy manual of the Police Department.

VOLUNTEER FIRE DEPARTMENT

§ 302.20 VOLUNTEER FIRE DEPARTMENT AUTHORIZED

The City shall contract for the provision of fire department services with another municipality which is willing to provide fire protection services to all citizens and property of the city.

CHAPTER 303: EMERGENCY MANAGEMENT

Section

- 303.01 Policy and purpose
- 303.02 Definitions
- 303.03 Establishment of emergency management organization
- 303.04 Powers and duties of Director
- 303.05 Local emergencies
- 303.06 Emergency regulations
- 303.07 Emergency management; a government function
- 303.08 Participation in labor disputes or politics

- 303.99 Penalty

§ 303.01 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 this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it 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 disasters.

(B) To provide for the exercise of necessary powers during emergencies and disasters.

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 303.02 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, fire-fighting 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 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 chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating 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.

§ 303.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. 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 Mayor.

§ 303.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director, with the consent of the Council, 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 these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, 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 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 to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, 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 plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute 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.

(E) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's 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 those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that 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 the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 303.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor, or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing or terminating a local

emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

(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 inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 303.99

§ 303.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may, by resolution, promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, 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. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every 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 Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these 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 calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids. Penalty, see § 303.99

§ 303.07 EMERGENCY MANAGEMENT; A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or 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.

§ 303.08 PARTICIPATION IN LABOR DISPUTES 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.

§ 303.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

CHAPTER 304: PARK AND RECREATION ADVISORY BOARD

HISTORY: Adopted Ord 2002-03; Amended Ord 2005-02

Section

- 304.01 Establishment of the park board
- 304.02 Composition
- 304.03 Organization, meetings, minutes
- 304.04 Powers and responsibilities
- 304.05 Preparation of program and budget
- 304.06 Finances of the board
- 304.07 Repealer

§304.01 ESTABLISHMENT OF THE PARK BOARD

There is hereby created a Park and Recreation Advisory Board for the City of Dundas, pursuant to the authority granted in Minnesota Statutes §§471.15 *et.seq.*, and 448.56.

§304.02 COMPOSITION

(A) The Park and Recreation Advisory Board shall consist of five or seven (5 or 7) voting members as determined by the City Council.

1. One (1) member shall be a City Council member, to be appointed by the Mayor with the approval of the City Council. This member shall serve for a one (1) year term, to expire on December 31st of each year.

2. All other members shall be appointed by the Mayor and approved by the City Council who are either residents, owners of property or owners of a business within the City limits of Dundas.

3. All appointees except the City Council member shall be appointed to serve staggered terms of three (3) years, commencing on the 1st day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or until a successor is appointed. Absences from any three (3) meetings in a year, unless excused by the Chair, constitute a vacancy. In the event of any vacancy, the Mayor shall appoint and the City Council shall approve a person to complete the unexpired term.

(B) All members of the Park and Recreation Advisory Board have voting privileges. Any member may be removed by a four-fifths (4/5) vote of the City Council. A majority of the Board constitutes a quorum.

(C) Regular Park and Recreation Advisory Board members shall be paid a per diem of \$10.00 for each regular meeting of the Park and Recreation Advisory Board attended by that member.

§304.03 ORGANIZATION, MEETINGS, MINUTES

(A) At the first regular meeting in January, the Park and Recreation Advisory Board shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Park and Recreation Advisory Board may create and fill other offices as it may determine.

(B) The Park and Recreation Advisory Board shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson. A minimum of three days notice is required for posting purposes.

(C) Written minutes shall be kept and filed with City Administrator prior to the next regularly scheduled City council meeting, but shall be subject to the approval at the next Park and Recreation Advisory Board meeting.

304.04 POWERS AND RESPONSIBILITIES

(A) The Park and Recreation Advisory Board shall have the responsibility to advise the city council and staff in matters pertaining to the program of public recreation and parks in the city of Dundas.

(B) The Board shall be responsible for advising and supporting sound cooperation and coordination with other city departments, and civic or community groups in the advancement of sound recreation and park programming. The City Council shall determine what land is to be acquired for recreational and park purposes; what land the Board shall be permitted to use in carrying on its recreational and park programs; and what buildings or other permanent structures are to be constructed upon such lands.

(C) The Board shall recommend policies governing the use of park facilities in the City of Dundas.

(D) Act in an advisory capacity to the City Council and other governmental departments.

(E) Recommend to the City Administrator the employment of employees necessary to carry on parks and recreation activities within the City.

(F) Recommend policies and procedures pertaining to all recreational programs and city parks, including annual budgets, public awareness, fees and charges, and program policies.

(G) Recommend acceptance of gifts for public park and recreational purposes.

(H) Recommend contracts for the provision of recreational services by the city to other entities and for cooperative recreational services between the City and such other entities.

(I) No expenditures by the Park and Recreation Advisory Board shall be made unless and until authorized for the purpose by the City Council.

304.05 PREPARATION OF PROGRAM AND BUDGET

The Board shall each year, prior to August 15th, recommend a suggested Capital Improvements Plan for public park and recreation activities for the next five (5) calendar years.

' 304.06 FINANCES OF THE BOARD

For the purpose of financing the public recreation and park programs in the City of Dundas, there shall be accounts established in the City Treasury. No disbursements shall be made from these accounts unless approved for payment by the City Council.

' 304.07 REPEALER

Chapter 304 (effective 2005) is repealed as of January 1, 2006, and replaced by section 304.01 - 304.06 as set forth above.

HISTORY: Adopted Ord 2002-03; Amended Ord 2005-02

CHAPTER 305: CITY CLERK-TREASURER

HISTORY: Adopted Ord. 2003-11

Section

- 305.01 Joint position of city clerk-treasurer
- 305.02 Duties of city clerk-treasurer
- 305.03 City clerk-treasurer's salary
- 305.04 Surety bond
- 305.05 Deputy clerk-treasurer

§ 305.01 JOINT POSITION OF CITY CLERK-TREASURER.

Pursuant to M.S. § 412.591, the combined position of City Clerk-Treasurer is hereby established. The City Council shall appoint the City Clerk-Treasurer annually.

§ 305.02 DUTIES OF CITY CLERK-TREASURER.

The City Clerk-Treasurer shall have all of the duties and obligations established by Minnesota Statute. Before commencing duties of the office, the City Clerk-Treasurer shall provide a bond in favor of the City of Dundas as required by Statute, which shall continue during the term of the City Clerk-Treasurer's office. In addition to such other services which are not inconsistent with statutory duties and obligations, the City Clerk-Treasurer shall:

- 1) Keep a minute book, noting thereon all proceedings of the City Council.
- 2) Maintain the City's Code and record all Ordinances and Amendments to Ordinances adopted by the City Council.
- 3) Maintain an account book in which the Clerk shall enter all money transactions of the City, including the date and reason for receipt or payment of all funds.
- 4) Prepare a detailed statement of the financial affairs of the City showing all monies received, sources from which received, dates and amounts thereof; all monies paid, to whom and for what purpose paid; all outstanding and unpaid orders, to whom issued, and for what purpose; all monies remaining in the treasury; and all other matters necessary to accurately show and reflect the true financial condition of the City.
- 5) The City Clerk-Treasurer shall file all financial statements in his or her office for public inspection and shall publish the same, as required by Minnesota Statutes, each year in the official newspaper of the City.
- 6) The City Clerk-Treasurer shall collect, receipt for and safely keep all monies belonging to the City; shall promptly enter in the treasury records provided for that purpose, an accounting of all monies received and disbursed in the capacity of Treasurer, showing sources and objects thereof, with the date of each transaction.
- 7) The City Clerk-Treasurer must receive and safely keep all City money, must promptly enter all receipts in an account book, showing the date, source, kind and amount of each payment; must immediately deposit all monies in the City's official depository.
- 8) The City Clerk-Treasurer must maintain all books and records available for inspection at any time.
- 9) The City Clerk-Treasurer shall prepare and file a detailed account of that year's receipts and disbursements with the City Council.

10) When leaving office, the City Clerk-Treasurer must deliver all City papers, books, and monies to the new City Clerk-Treasurer as soon as he or she qualifies for office and begins the term. An outgoing City Clerk-Treasurer must close the books completely before passing them on to a subsequent City Clerk-Treasurer.

§ 305.03 CITY CLERK-TREASURER'S SALARY.

The salary of the City Clerk-Treasurer shall be fixed by the City Council from time to time.

The City Clerk-Treasurer shall be considered an "at-will" employee and may be replaced at any time with or without cause, pursuant to the decision of the City Council.

§ 305.04 SURETY BOND

The City Clerk-Treasurer shall furnish a corporation surety bond, in the amount of at least \$100,000.00, or such greater amount as established by the City Council.

§ 305.05 DEPUTY CLERK-TREASURER

The City Clerk-Treasurer may, with the consent of the City Council, appoint a deputy clerk-Treasurer who may perform the functions of the City Clerk-Treasurer, in the absence of the City Clerk-Treasurer. The Deputy Clerk-Treasurer may be discharged by the City Clerk-Treasurer, only upon the approval of the City Council.

CHAPTER 306: ADOPTING THE MINNESOTA STATE BUILDING CODE

HISTORY: Adopted Ord 2003-08; Amended Ord 2004-08

Section

- 306.01 Codes adopted by reference
- 306.02 Application, administration and enforcement
- 306.03 Permits and fees
- 306.04 Violations and penalties
- 306.05 Building code optional chapters
- 306.06 Effective date

§306.01 CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

§306.02 APPLICATION, ADMINISTRATION & ENFORCEMENT.

The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute 16B.62, Subd. 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the Code Enforcement Officers.

This code shall be enforced by the Minnesota Certified Building Official, designated by this municipality to administer the code (Minnesota Statute 16B.65, Subd. 1).

§306.03 PERMITS & FEES.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statute 16B.62, Subd. 1.

Permit fees may be established from time to time by City Council Resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

HISTORY: Amended Ord 2004-08

§306.04 VIOLATIONS & PENALTIES.

A violation of the code is a misdemeanor. Alternatively, the Building Official may issue a civil penalty enforced by civil citation in an amount up to \$500 per violation per day. Enforcement of the civil penalty may be by civil action or by certification to the Rice County Auditor for collection with property taxes with respect to the subject's property. The City of Dundas shall also be entitled to recovery of its costs and attorney fees incurred with respect to any enforcement or collection action.

HISTORY: Amended Ord 2004-08

§306.05 BUILDING CODE OPTIONAL CHAPTERS.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code of this municipality.

1. Minnesota Rules, Chapter 1306, Special Fire Protection Systems.
2. Minnesota Rules, Chapter 1335, Flood Proofing Regulations, Parts 1335.0600 to 1335.1200

§306.06 EFFECTIVE DATE.

This ordinance shall be effective following its adoption, approval, and publication.