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## CHAPTER 30: CITY ORGANIZATIONS

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### § 30.01 BOARDS AND COMMISSIONS GENERALLY.

Unless otherwise provided by charter, ordinance, or statute, all board and commission appointments shall be made by the Mayor and the appointments confirmed by the Council at the first regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his or her appointment, and terms of present board and commission members may be re-established and changed so as to give effect to this section. No board or commission member other than a member of the Heritage Preservation Commission shall be appointed to more than 3 full consecutive terms. Heritage Preservation Commission members may be appointed to an unlimited number of terms. New appointees shall assume office on January 1, December 31 being the date of expiration of terms. Provided, that the expiration shall not be effective until the new appointees have been confirmed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed board or commission member shall be an employee of the City, unless otherwise provided by ordinance. All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when the expenses are authorized by the Council. The chairperson and secretary shall be chosen from and by the board or commission membership at its first regular meeting in December of each year to serve for the next calendar year, provided, that no chairperson shall be elected who has not completed at least 1 year (by the beginning of his or her term as chairperson) as a member of the board or commission. The chairperson shall be selected from the members retiring on December 31, next following the year for which the selection is made. Any board or commission member may be removed by the Council for misfeasance, malfeasance, or nonfeasance in office and that position filled as any other vacancy. Each board and commission shall hold its

regular meetings at a time established and approved by the Council, and when a member of the Council can be present. The City Administrator shall be an ex officio member of all boards and commissions; provided, that if the Administrator is unable to attend a meeting or act in the capacity of the membership, the Administrator may be represented by his or her assistant or some person duly authorized by him. Section 30.06 shall override any inconsistency with this section. (Prior Code, § 2.01) (Ord. 2008-05, 3rd Series, passed 3-3-2008)

## **§ 30.02 BOARD OF ZONING ADJUSTMENT AND APPEALS.**

(A) *Establishment.* A Board of Adjustment is hereby established. Initially, the Council will act as the Board of Adjustment until the time as it feels it is unable to do so due to the amount of matters before it, at which time it will formally establish a separate Board of Adjustment. At the time as a second Board of Adjustment is established, the Council shall establish it in accordance with Minnesota state statutes.

(B) *Procedure.* So long as the Council is acting as the Board of Adjustment, the Council shall act under the rules established for its meetings. The Board of Adjustment (when established as a separate Board) shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the City Code. Meetings shall be held at the call of the Chairperson and at the other times as the Board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may request the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Administrator.

(C) *Hearings, appeals, notice.* Appeals to the Board of Adjustment concerning interpretation or administration of provisions of the City Code may be taken by any person aggrieved by any decision of the administrative official. The administrative official may refer requests to the Board when the administrative official is in doubt as to granting a request, which shall then be considered an appeal. The appeals shall be taken within a reasonable time, not to exceed 60 days or the lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notice thereof, which need not be published notice, as well as due notice to the parties in interest as required by the provisions of the City Code, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(D) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In those cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is

taken and on due cause shown.

(E) *Powers and duties.* The Board of Adjustment shall have the following powers and duties in addition to other powers if any granted by Minnesota state statute.

(1) *Administrative review.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative official, Public Works Director, or Building Official in the enforcement of Chapter 155.

(2) *Special use permits.*

(a) *Conditions governing applications procedures.* To decide the questions as are involved in determining whether special use permits should be granted, and to grant special use permits with the conditions and safeguards as are appropriate under Chapter 155, or to deny special use permits when not in harmony with the purpose and intent of Chapter 155. The Planning Commission of the City shall hold required public hearings on applications for special use permits, unless the City Council or the Board of Adjustment order that the required public hearings be held by the Council or the Board of Adjustment, in which case the Planning Commission may hold supplemental public hearings in the cases.

(b) *Granting permit.* A special use permit shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special use permit is submitted indicating the section of Chapter 155 under which special use permit is sought and stating the grounds on which it is requested;

2. Published notice shall be given at least 10 days in advance of public hearing. The owner of the property for which special use permit is sought or his or her agent shall be notified by mail as well as all owners of property within 350 feet. Notice of the hearing shall be posted at City Hall at least 10 days prior to the public hearing;

3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

4. Prior to any decision made by the Board of Adjustment, the matter shall be referred to the Planning Commission for review and a report. The Planning Commission shall review and report to the Board of Adjustment. The Planning Commission shall report in a timely manner so the Board of Adjustment can act on the application within 60 days of its receipt. The Board of Adjustment shall find that it is empowered under the section of Chapter 155 described in the application to grant the special use permit and that the granting of a special use permit will not adversely affect the public interest; and

5. Before any special use permit shall be issued, the Board shall make written findings, certifying compliance with the specific rules governing individual special use permit and that satisfactory provision and arrangement has been made concerning the following where applicable:

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenient traffic flow and control, and access in case of fire or catastrophe;
- b. Off-street parking and loading areas where required, with particular attention to division (E)(2)(b)5.a. above, and the economic, noise, glare, or odor effects of the special use on adjoining properties and properties generally in the district;
- c. Refuse and service areas, with particular reference to items divisions (E)(2)(b)5.a. and (E)(2)(b)5.b. above;
- d. Utilities, with reference to locations, availability, and compatibility;
- e. Screening and buffering with reference to type, dimensions, and character;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- g. Required yards and other open space; and
- h. General compatibility with adjacent properties and other property in the district.

(F) *Additional powers and duties; variances.* The Board of Adjustment shall have the following additional powers and duties: to authorize upon appeal in specific cases the variance from the terms of Chapter 155 as will not be contrary to the public interest where owing to special conditions, and where a literal enforcement of the provisions of the City Code would result in practical difficulties. A variance from the terms of Chapter 155 may be granted by the Board of Adjustment when supporting evidence indicates that:

- (1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- (2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one not applicable, generally, to other property with the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located;

(5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; (Prior Code, §11.08)

(6) The variance is in harmony with the purposes and intent of ordinance;

(7) The variance is consistent with the comprehensive plan;

(8) The proposal puts the property to use in a reasonable manner; and

(9) There are practical difficulties in complying with the official control. “Practical difficulties,” as used in connection with the granting of a variance means that;

(a) The property owner proposes to use the property in a reasonable manner not permitted by an official control;

(b) The practical difficulty is caused by the provisions of this chapter and has not been created by any persons presently or formerly having an interest in the parcel of land;

1. A practical difficulty is not present if the proposal could be reasonably accomplished under the current Ordinance requirements,

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(e) Practical difficulties include inadequate access to direct sunlight for solar energy systems.

(10) The Council may impose conditions in the granting of a variance provided the conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

(11) Public hearings need not be held by the Council or Board of Adjustment on applications for variances from Chapter 155 of the City Code. However, the Council or Board of Adjustment may, in its discretion, hold public hearings on a particular application for a variance. After any public hearing held on a variance request, the body holding the public hearing shall forward its recommendation on the application to the Council or Board of Adjustment;

(12) If a public hearing is not to be held by the Planning Commission or the Board of Adjustment or the Council, owners of property within 350 feet of property involved in the request shall be notified of the time and place when the application shall be considered by the Planning Commission or Board of Adjustment or Council, which notification shall advise adjacent property owners that they may be heard at the time and place;

(13) The Board of Adjustment shall make findings that the requirements of division (F)(I) above have been met by the applicant for a variance;

(14) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance are reasonable and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(15) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of Chapter 155, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with provisions of the City Code which directly relate to and must bear a rough proportionality to the impact created by the variance. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of provisions of the City Code and punishable under §10.99. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of Chapter 155 in the district involved, or any use expressly or by implication prohibited by the terms of Chapter 155 in the district. (Ord. No. 2011-14, 3<sup>rd</sup> Series, passed 07-05-11)

(G) *Power of Board of Adjustment and Appeals; reversing decision of administrative official.* In exercising the above mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of the provisions of the City Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make the order, requirement, decision, or determination as ought to be made and to that end shall have the powers of the administrative official from whom the appeal is taken. The concurring vote of 75% of the entire Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under provisions of the City Code including special use permits or to effect any variation in the application of Chapter 155.

(H) *Appeals from the Board of Adjustment.* Any person aggrieved by any decision of the Board of Adjustment may seek review by a court of record of the decision.

(I) *Duties of administrative official, Board of Adjustment, City Council, and courts on matters of appeal.* It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the administrative official, and that the questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law. It is further the intent of this section that the duties of the Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise, unless it so chooses to do so. The procedure for deciding the questions shall be as stated in this section and other provisions of the City Code. Under this section, the Council shall have only the duties:

(1) Of considering and adopting or rejecting proposed amendments or the repeal of Chapter 155, as provided by law; and

(2) Of establishing a schedule of fees and charges as stated in this code. (Prior Code, §2.04)

### § 30.03 BOARD OF DESIGN CONTROL.

(A) *Board of Design Control created.* The Planning Commission shall be, and hereby is, appointed as the Board of Design Control.

(B) *Procedure.* A majority of the Board shall constitute a quorum. The Board shall keep a record of its proceedings, and shall record the vote of each member on its findings and its determinations. In case of absence or disability of the Chairperson, the Board may elect any member as Acting Chairperson, who shall serve during the period of absence or disability. The Board shall meet in the first instance at the call of the Planning Director and thereafter shall meet as often as necessary to perform its duties.

(C) *Referral by Planning Director.* Whenever an application is filed with the City for a zoning or land use permit, building permit, or moving permit for any structure to be built, enlarged, or altered within, or moved in or into the City, and the Planning Director finds the application, plans, and specifications, and the certificate of survey or plot plan submitted therewith, hereinafter termed the application papers, comply with the code of the City except this section, but that the application papers provide for a structure, the exterior design, color, exterior building materials, general appearance, and functional plan of which in the opinion of the Planning Director may be, when erected, so at variance or so dissimilar with the exterior design, appearance, and functional plan of the structures constructed or in the course of construction in the neighborhood of the proposed structure which are in the same zoning district as the proposed structure as to cause a material depreciation generally to property in the neighborhood, then the Planning Director shall within a reasonable time after the receipt of the application papers, file the same and the opinion in writing with the Board of Design Control.

(D) *Call of hearing.* Within 3 days after the receipt of the application papers and opinions the Chairperson shall give notice to each member of the Board of Design Control to the applicant, and to any other persons he or she deems advisable, of a hearing to be held by the Board with respect to the application. The notice shall state the purpose of the hearing and the location of the property. Notice to the applicant shall be mailed at least 3 days in advance of the hearing, provided appearance at the hearing shall constitute a waiver of any defect in the notice thereof. The hearing on the application shall be held not less than 1 week nor more than 2 weeks after receipt of the application by the Secretary of the Board.

(E) *Hearing and findings.* Before or during the hearing, each member may view the premises upon which the structure is located or to be located, and at the hearing the Board shall examine the application papers and hear the applicant. It may also hear any members of a citizen's committee and any other persons who request to be heard. The Board may adjourn from time to time, but within 48 hours of the close of the hearing the Board shall, pursuant to a majority vote of all the members of the Board, file written findings of the fact that the exterior design, appearance, and functional plan of the structures constructed or in the course of construction in the neighborhood of the proposed structure(s), which are in the same zoning district as the proposed structure, as to cause material depreciation generally to property in the neighborhood. The Board shall further make a recommendation that the application be accordingly granted or denied. The finding, determination, and recommendation shall be in writing. The Planning Director shall file a copy thereof, with the City Clerk and shall mail a copy



thereof to the applicant. The application papers, the written opinions, and findings, determination and recommendations of the Board shall thereupon be presented by the Planning Director to the Council at its next regular meeting. Further action with respect to the granting or refusing of a permit with respect to the application shall be held in abeyance pending order and direction of the Council. In that case, no permit with respect to the application shall be issued except upon approval of the Board of Design Control and order and direction of the Council.

(F) *Council action.* Upon receipt of the application papers, the written opinion of the Building Official and the Public Works Director and the findings, determinations, and recommendations of the Board of Design Control, the Council shall review all of the same. The Council may upon request of the applicant or any other persons, or in its own discretion, grant and order a rehearing before the Board of Design Control with or without directions, and request other or further findings of fact and determinations by the Board as may be deemed by the Council to be in the best interest of the City. If a rehearing is held, the application papers, the written opinion and the findings, determinations, and recommendations of the Board of Design Control upon the rehearing are then again submitted to the Council. Upon completion of review by the Council, the Council may approve and adopt the findings, determinations, and recommendations of the Board of Design Control in whole or in part, or may reject all of the same. The Council may grant or refuse to grant the permit absolutely or in modified form or may grant it upon conditions. Upon receipt of the order and direction, if any, of the Council, the Planning Director shall make the same a part of the proceedings of the Board and shall transmit an authenticated copy thereof to the Building Official and to the applicant. The Building Official shall thereupon issue or refuse to issue the building permit in accordance with the order and directions, as the case may be. In those cases, no building or structure shall be erected, enlarged, altered, or moved into or within the City without a permit being first so obtained.

(G) *Refusal of permit.* On hearing before the Board of Design Control and on review by the Council, in the absence of proof to the contrary, a refusal to grant the building permit is deemed to be based upon facts supporting the conclusion that the exterior design, appearance, and functional plan of the structure as noted in the application papers is so at variance or so dissimilar with the exterior design, appearance, and functional plan of structures constructed or in the course of construction, in the neighborhood of the proposed structure which are in the same zoning district as the proposed structure as to cause a material depreciation generally to property in the neighborhood. (Prior Code, § 2.05)

### **§ 30.04 FEE SCHEDULE**

#### *Sidewalk Café Application and License*

Initial	\$50
Renewal License	No Charge if site plan is not modified. \$50 if site plan is modified
With Liquor License	
Amendment	\$50 Additional

(Ord. 2015-07, 3<sup>rd</sup> Series, passed 6-1-15)

## § 30.05 PLANNING COMMISSION.

(A) *Establishment and composition.* The Planning Commission of the City is hereby continued. The Commission shall consist of 7 members, all of whom are non-Council members. These persons shall be appointed by the City Council.

(1) *Staff advisor.* The Planning Director shall serve as an advisor to and recorder for the Planning Commission.

(2) *Commission Chairperson.* The Chairperson shall be selected from among the Commission members. Should the Chairperson resign, the vacancy shall be filled by the Commission for the balance of the term. The Chairperson or another representative shall report to the Council at each meeting, either orally or in writing.

(B) *Term.* Members of the Commission appointed by the Council as provided in division (A) above shall serve for a term of 2 years beginning with the month of January of the year of appointment. A person appointed to fill a vacancy due to resignation of a member or otherwise shall complete the term of the person replaced.

(C) *Removal.* The Commission Chairperson shall notify the Council should any member of the Commission be absent from 4 consecutive regularly scheduled meetings. The Council may by majority vote take the action as it deems appropriate. The Council shall appoint a replacement for any member who misses 6 consecutive regularly scheduled meetings in any 1 calendar year. The replacement shall be made pursuant to division (A) above. A member may petition the Council to name a replacement for himself or herself due to his or her unwillingness or inability to continue service on the Commission. The Commission may, by a 2/3 vote of its membership, request the Council to name a replacement for 1 of its members for reasons other than non-attendance, which reasons shall be made known to the Council with the request. The Council may then remove the member by a 2/3 vote of its membership. Replacement shall be made pursuant to division (A) above.

(D) *Meetings and expenses.* The Commission shall hold at least 1 regular meeting each month. It shall adopt rules and keep a record of its resolutions, transactions, and findings along with the vote of each member thereon. This record shall be a public record. Commission members shall serve without pay but may be reimbursed for expenses if authorized by City Council. A majority of members of the Commission shall constitute a quorum. Each member of the Commission shall have 1 vote on each issue.

(E) *Preparation of City plan.* It shall be the function and duty of the Planning Commission to review a comprehensive plan for the development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, subdivision codes and other City codes and matters relating to the development of the City. The plan may be prepared in sections, each of which shall relate to a major subject of a plan, as outlined in the Commission's program of work.

(F) *Procedure for adoption of plan.* The plan or any amendment thereof shall be adopted by the

City Council. Before the Council adopts the plan, any section of it or any amendment thereof, the Commission shall hold at least 1 public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least 10 days before the day of hearing. The adoption of the City plan, or any section or amendment thereof, shall be by resolution of the City Council, approved by the affirmative votes of not less than 2/3 of its total membership. The Council may from time to time amend or add to the City plan or any section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies authorized by the Council indicates that the amendment or addition is necessary.

(G) *Means of executing plan.* Upon the adoption of the City plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the City plan. The means shall consist of a zoning plan, City codes, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long-term program of capital expenditures and the other matters as will accomplish the purposes of this section.

(H) *Zoning plan.* The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a proposed zoning plan for the City. Before recommending the plan to the Council, the Planning Commission may and upon request of the Council shall hold at least 1 public hearing thereon after a notice similar to that required by division (F) above. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

(I) *Official map of street extensions.* The Planning Commission, with the assistance of the City Engineer, may and upon instruction by the Council shall, prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the City within the existing platted and developed territory or across the unplatted territory. After the map has been prepared and a hearing on it has been held as provided in division (H) above, it shall be submitted to the Council, which shall thereupon consider the map and may adopt it or any part of it with the amendments as it deems advisable. Before the adoption by the Council, a public hearing may and upon request of the Council shall be held upon the proposal at least 10 days after a notice thereof has been published in a newspaper published in the City. After the map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the City it shall not be required in the proceedings to pay for after the filing of such a map within the limits of the mapped street, or outside of any buildings line that may have been established upon the existing street, or within any area thus reserved for public purposes.

(J) *Procedure for changes.* No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after the plans or regulations have been adopted by the Council, until the proposed change has been referred to the Planning Commission for report

thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any of the plans or specifications shall be adopted by the Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the Planning Commission so to report within 30 days or the longer period as may be designated by the Council after the reference shall be deemed to be approval of the proposed change.

(K) *List of recommended public works.* Each officer, department, board, or commission of or in the City whose functions include recommending, preparing plans for, or constructing public works shall, at least three months, before the end of each fiscal year, submit to the Planning Commission a list of the proposed public works recommended by the officer, department, board or commission for planning, initiation, or constructing during the ensuing fiscal year. The program shall be recommended by the Commission to the Council and to the other officer, department, board, or public bodies as have jurisdiction over the recommending, planning or construction of the public works. A copy of the recommended program of public works shall be included in the annual report of the Planning Commission provided in division (D) above. (Prior Code, § 2.10)

(L) *Act as Board of Design Control.* The Planning Commission shall serve as the Board of Design pursuant to § 30.03.

## **§ 30.06 PARKS AND RECREATION COMMISSION.**

(A) *Establishment.* The Parks and Recreation Commission is hereby created.

(B) *Powers and duties.* It shall be the duty of the Commission to hold regular meetings to consider the matters pertaining to land acquisition and other open space system programs and to park and public recreation programs in the City as shall be referred to the Commission by the Council or as the members of the Commission deem proper.

(C) *Composition.* The Commission shall consist of 7 members, all of whom shall be non-Council persons, plus one additional advisory youth member who shall be a Junior or Senior in one of the schools serving the Hastings community and who resides within Hastings city limits. They shall be appointed as follows: When a vacancy occurs or is about to occur, applications shall be requested from the residents of the City. All applications shall be submitted to the Parks and Recreation Commission for review and recommendation. The majority choice of this Commission shall be presented to the Council for approval. A member or members of this Commission may present a minority choice to the Council for consideration and approval. If the Council by a majority of its total membership is unable to agree upon a person to fill the vacancy, the matter shall be referred back to the Commission for a different recommendation. This process shall continue until the vacancy or vacancies are filled.

(1) *Staff advisor.* The Director of Parks and Recreation shall serve as an advisor and recorder to the Parks and Recreation Commission.

(2) *Commission Chairperson.* The Chairperson shall be selected from among the membership. Should the Chairperson resign, the vacancy shall be filled by the Commission for the

balance of the term. The Chairperson, or his or her designee, shall report to the Council orally or in writing at each meeting.

(3) *Term.* Members of the Commission appointed by the Council shall serve for a term of 2 years, beginning January following of the year of appointment-except that the advisory youth member shall serve a term of one year, with the opportunity to serve one additional term if desired. A person appointed to fill a vacancy due to resignation of a member or otherwise shall complete the term of the person replaced.

(4) *Meetings and the like.* The Commission shall hold at least 1 regular meeting each month. It shall adopt rules and shall keep a record of its resolutions, transactions, and findings, along with the vote of each member. This record shall be a public record. A majority of regular members of the Commission shall constitute a quorum. The advisory youth member shall not impact the number of members needed to establish a quorum and shall not count toward establishing a quorum. Each regular member of the Commission shall have 1 vote on each issue. The advisory youth member may contribute to Commission discussions and actions but shall not have a vote on issues before the Commission.

(D) *Expenses of members.* The members of the Commission shall serve without pay, but may be reimbursed for actual expenses if authorized by the City Council.  
(Prior Code, § 2.12) (Am. Ord. 2010-06, 3rd Series, passed 4-5-2010)(Ord. 2012-01, 3<sup>rd</sup> Series, passed 2-21-12)

## **§ 30.07 PUBLIC SAFETY ADVISORY COMMISSION.**

(A) *Establishment.* The Public Safety Advisory Commission is hereby established.

(B) *Powers and Duties.* The Commission shall be an advisory commission to the City Council pertaining to public safety programs of the City as shall be referred to the Commission by the Council or as the members of the Commission deem appropriate. In addition, the commission shall:

- (a) Carry out their stated mission to enhance the awareness of police and fire department capabilities and services; provide an opportunity for citizen involvement in police and fire services and to encourage exchange between the police and fire departments and the community.
- (b) Submit to the City Council annually a report of the activities of the commission during the previous year; and
- (c) Perform other functions as needed to carry out these duties and responsibilities as directed by the City Council and to act in an advisory capacity to the City Council.

(C) *Composition.* The commission will consist of up to seven regular members all of whom shall be residents, and non Council members and one youth member 14-18 years old, who shall attend one of the schools serving the Hastings community. All members are appointed by the City Council.

(D) *Staff Advisor.* The Chief of Police and Fire and EMS Director shall serve as advisors to the commission.

(E) *Commission Chair.* The Commission shall select a chair from among the membership. Should the chair resign, the vacancy shall be filled by the commission for the balance of the incomplete term.

(F) *Term.* The members of the initial Commission shall serve the following terms: Up to three shall serve one year terms and up to four shall serve two year terms. Thereafter, members of the Commission appointed by the Council shall serve for a term of two years, beginning January following the year of appointment. A person appointed to fill a vacancy due to resignation of a member or otherwise, shall complete the term of the person replaced.

(G) *Meetings.* The Commission will hold at least three meetings per year. It may make rules and guidelines and shall keep a record of its meetings, recommendations, and referrals, along with the vote of each commissioner. This record shall be a public record. A majority of appointed commissioners shall constitute a quorum. Each commissioner shall have one vote on issues before the Commission.

(H) *Expenses.* Commissioners shall serve without pay, but may be reimbursed for actual expenses is authorized by City Council.

### **§ 30.08 INTERIM EMERGENCY SUCCESSION.**

(A) *Purpose.* Due to the existing possibility of a nuclear or terrorist attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to insure the continuity of duly elected and lawful leadership of the City; to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

(B) *Succession to local offices.* In the event of a nuclear or terrorist attack upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, Council and City Administrator shall be forthwith notified by any one of the persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternate place of meeting may be designated. Those gathered shall proceed as follows.

(1) By majority vote of those persons present, regardless of number, they shall elect a Chairperson and Secretary to preside and keep minutes, respectively.

(2) They shall review and record the specific facts relating to the nuclear or terrorist attack or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.

(3) They may, based on the facts, declare a state of emergency.

(4) By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, including the office of Mayor, of those persons upon whom notice could not

be served or who are unable to be present. These persons shall constitute the Interim Emergency Council.

(5) The interim successors shall serve until the time as the duly elected official is again available and returns to his or her position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

(C) *Duties of the Interim Emergency Council.* The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency. (Prior Code, § 2.14)

### **§ 30.09 BUILDING SAFETY DEPARTMENT.**

A Building Department is hereby continued. The Building Department shall be under the administration of the City Administrator. Under the City Administrator, the head of the Building Department shall be the Building Official (referred to in the State Building Code as the Administrative Authority). The Department shall consist of the Building Official, together with the assistants and staff members as may be authorized from time to time by the Council. It shall be the duty and power of the Building Official to carry out the provisions of the State Building Code and the ordinances of the City relating to construction. The Building Official shall submit a periodic report to the Council covering the work of his or her Department for intervals required by the Council. (Prior Code, § 2.16)

### **§ 30.10 HERITAGE PRESERVATION COMMISSION.**

(A) *Public policy and purpose.* The City Council finds that historical, architectural, archaeological, engineering, and cultural heritage of the City is among its important assets. Therefore, the purpose of this chapter is to establish a municipal program of heritage preservation, as authorized by M.S. § 471.193, as it may be amended from time to time, to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens and visitors of Hastings.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALTERATION.*** Refers to changes and works to Heritage Preservation Sites.

***ARCHAEOLOGICAL SIGNIFICANCE.*** An area of land possessing the potential to reveal information important to historic or pre-historic studies.

***ARCHITECTURAL SIGNIFICANCE.*** Possessing distinctive characteristics of a style, place, period, method, or materials of construction, builder, or architect.

***CULTURAL SIGNIFICANCE.*** A landmark or setting of manmade or natural features, or a

combination, possessing meaning primarily by long association or identification with the community and its citizens.

***ENGINEERING SIGNIFICANCE.*** A work demonstrating a technology, design, or method characteristic of a historic period or activity.

***HERITAGE PRESERVATION DISTRICT (DISTRICT).*** When a concentration of properties are linked by significance and located in a contiguous area, they may be defined by a boundary and designated a Heritage Preservation District with the same protection and meaning as a Historic Preservation Site under this section. Land and structures which do not contribute to the significance of the district may be included within the boundaries of the Heritage Preservation District when necessary to protect the significance, integrity and visual unity of the whole.

***HERITAGE PRESERVATION SITE.*** An area, property, building, structure, or object, when designated for preservation for reasons of its significance by the City Council.

***HISTORIC SIGNIFICANCE.*** Associated with activities, processes, events, trends, or persons of importance to the community, state, or nation.

***INTEGRITY.*** The amount and condition of original material and/or design remaining in the site, property, or district.

***SIGNIFICANCE.*** The quality of the information; example, interest or meaning represented by the site for understanding and appreciating the past development or culture.

(C) *Heritage Preservation Commission established.*

(1) *Responsibilities.* This section establishes the Hastings Heritage Preservation Commission (hereinafter HPC or Commission) with the following responsibilities:

(a) To continue to survey and research in order to identify properties which have historic, architectural, archaeological, engineering, or cultural significance to the community;

(b) To recommend properties which meet the criteria of significance stated herein for designation as Heritage Preservation Sites;

(c) To protect Heritage Preservation Sites by public review of all proposed alterations, relocations, demolitions, or new construction within designed site boundaries;

(d) To advise property owners and educate the public in appropriate maintenance, rehabilitation or restoration methods. To encourage continued uses, compatible with their character, of Heritage Preservation Sites;

(e) To hear and decide applications for Certificate of Approval;

(f) To make recommendations to the City Council on proposed amendments to this



chapter; and

(g) To promote public recognition and appreciation for Heritage Preservation Sites.

(2) *Members.* The Hastings Heritage Preservation Commission shall consist of 9 voting members appointed by the Mayor, with the advice and consent of the City Council. Members must reside in the municipality.

(a) At least 1 member will be an architect, or if an architect not be available, an experienced person of the building trades.

(b) At least 1 member will be a professional or experienced person in the areas of history, architectural history, archaeology, planning, real estate, design, building trades, landscape architecture, or law.

(c) The other members shall be drawn from persons with a demonstrated interest and/or expertise in historic preservation.

(d) One Commissioner will be member of and designated as the representative to the County Historical Society.

(3) *Appointment of members.* Members shall be appointed by the Mayor, with the approval of the Council, upon recommendation by the Commission. Initial appointments shall be 2 members for 1 year, 2 members for 2 years, and 3 members for 3 years. Vacancies from resignation or other causes shall be filled by appointment for the remainder of the unexpired term. Near the completion of the last year of an incumbent commission member's third full consecutive term appointment, applications shall be requested from the residents of the City of Hastings. All applications shall be reviewed for recommendation for appointment. Members shall serve without compensation and continue to hold office until their successors have been appointed and qualified.

(4) *Organization.* The Commission, when formed, shall elect from its members, the officers as it may deem necessary. The Commission shall have the power to designate and appoint, from its members, various committees with powers and duties of the Commission. The Commission shall make the rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this section, which are not inconsistent with the laws of the City and the State of Minnesota.

(5) *Annual report.* The Commission shall make an annual report by October 31, containing a statement of its activities and plans to the Mayor, the City Council, the City Administrator, the Building Official, the Chairperson of the Hastings Housing and Redevelopment Authority, the Planning Director, and the State Historic Preservation Officer.

(6) *Meeting.* The Commission shall meet monthly at a regular time and place to conduct its business. In addition, the Commission will meet at its earliest convenience, when called by the Chair, to review the building permits or applications as are referred to it by the City Building Official or

Planning Director.

(7) *City support.* To accomplish the intent and purpose of this section, the City of Hastings shall provide the Commission with facilities, equipment, supplies, and staff support. The HPC will submit budget requests in the same manner as other City departments.

(D) *Designation of Heritage Preservation Sites.*

(1) *Designation study.* The Commission shall continue to survey properties, conduct studies, and gather documentation of properties which has reason to believe are significant to the community. The Commission shall provide procedures for citizens to nominate properties for consideration as Heritage Preservation Sites. A designation study shall be initiated by action of the Commission in a public meeting with 10-days' written notice to the owners of properties considered for designation.

(2) *Proposed designation.* The Commission shall recommend properties to the City Council for designation as Heritage Preservation Sites. In order to be recommended for designation, the Commission must have completed a study which demonstrates that the property being considered possesses historic, architectural, cultural, archaeological, or engineering significance at the local, state, or national level, and in addition that the property possesses integrity.

(3) *Planning Commission review.* The Heritage Preservation Commission shall advise the City Planning Commission of the proposed designation of a Heritage Preservation Site, including boundaries and secure from City Planning Commission its comments or recommendations with respect to:

(a) The relationship of Heritage Preservation Site designation to the comprehensive plan and zoning code of the City of Hastings; and

(b) The consistency of the proposed designation with applicable development plans or development objectives adopted by the City Council. The Planning Commission shall respond to the HPC within 30 days of receiving the proposed designation.

(4) *Preservation Commission findings and recommendation.* The eligibility of a property for designation as a Heritage Preservation Site shall be determined by the Commission in an open meeting, notice of which shall have been sent via US mail to all owners of property considered for designation, with opportunity for public comment. The Commission shall adopt a resolution of recommendation for each site or for a district as a whole.

(5) *State Historic Preservation Office's review.* Prior to making its recommendation to the Council, every proposed designation by the Commission shall be sent to the State Historic Preservation Office for review and comment in writing within 60 days.

(6) *Council designation.* The Commission shall forward its recommendations, together with its findings of significance and integrity and with the comments of the Planning Commission and of the State Historic Preservation Office, to the City Council. The City Council, upon recommendation of the Commission may, by resolution, designate a Heritage Preservation Site or District. Prior to the designation, the City Council shall hold a public hearing, notice of which shall have been published in a

newspaper of general circulation at least 10 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Site and to all property owners within the boundary of the area to be designated a Heritage Preservation District.

(7) *Recording of Heritage Preservation Sites.* The Commission shall record with the Dakota County Recorder, the legal description of all buildings, lands, or areas designated as Heritage Preservation Sites or Heritage Districts by the Council.

(8) *Interim protection.* Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process. The owner shall be notified of the interim protection when a decision has been made about commencing a designation study. A designated study shall be initiated by action of the Commission in a public meeting after 10-days' written notice to the owners of properties considered for designation. Interim protection shall be in effect from the date of the Commission's action to begin a designation study decision regarding the designation of the property until Council action or for 4 months, whichever comes first. Prior to the expiration of the 4-month period, the Commission may request Council approval to extend the interim protection for an additional 4 months, not to exceed a total of 8 months. The Commission shall provide grounds for the request for an extension of time to decide on the designation. The owner must be notified of the recommendation to extend the interim protection prior to the Council meeting to decide on the extension of time. Interim protection means that during the designation process, the provisions of this section apply to the property as if it were designated.

(a) The Commission shall keep current and public a list of all properties designated as Heritage Preservation Sites, or included in the State or the National Register of Historic Places.

(b) The Commission will provide the Building Official and the Planning Director with current lists and maps showing Heritage Preservation Sites and Districts for their use in referring applications to the Commission.

(c) The Commission will conform to the procedures of the Division of Archives and Manuscripts of the Minnesota Historical Society and to M.S. § 138.17, as it may be amended from time to time, on the disposition of records.

(E) *Additional powers and duties of the Commission.* The Commission shall have the following powers and duties in addition to those otherwise specified in this chapter.

(1) Any application or plan for a proposed City action or approval that would affect the appearance of a Heritage Site or District will be referred by the involved Department to the HPC staff with plans or descriptions for HPC review and comment before final action. Examples of City actions or approvals include, but are not limited to: the Planning Director forwarding applications for land use actions including special use permits, variances, vacations, subdivisions and site plans, street and utility reconstruction plans, building permits, building violations or maintenance orders. Building, fence, and sign permits for Heritage Sites or District properties may not be released without a Certificate of Approval from the HPC.

(2) The Commission may request, as needed, that the Department of Building Safety, Public Works Department, Fire Department, Planning Commission, the Housing and Redevelopment Authority, or the City Council adopt measures required or appropriate for the preservation, protection or maintenance of Heritage Preservation Sites such as variances, amendments, enforcement or alternatives to the City code, building code and fire code governing construction, demolition, alteration, maintenance, use, or condemnation.

(3) The Commission shall provide general preservation information and guidelines to owners of Heritage Preservation Sites regarding maintenance, restoration, or renovation of historic properties.

(4) The Commission shall promote public recognition and appreciation for Heritage Preservation Sites. It shall periodically publish and provide to property owners a registry of designated and potential Heritage Preservation Sites and Districts, along with design guidelines and preservation programs available at that time.

(5) With the prior approval of the City Council, the Commission may contract the services, on a regular or part-time basis, of technical experts or professional consultants as may be required to perform its duties.

(6) With the prior approval of the City Council, the Commission may make application for and accept gifts, grants, and contributions made to the City for the purpose of Heritage Preservation.

(7) With the approval of the City Council, the Commission may nominate properties to the National Register of Historic Places or to the State of Minnesota for the designation of a Historic Site or District.

(F) *Certificate of approval.*

(1) *Purpose.* Certificates of approval are established to protect sites, properties in districts, and nominated properties under interim protection by providing the Commission with authority to review and approve or deny proposed exterior alterations, new construction, additions, removals, demolition, or relocation from or into designated sites and districts.

(2) *Certificate of approval required.* The alteration of a site or property in a district shall be prohibited except where authorized by a certificate of approval approved by the Commission. Any City permits and approvals for designated sites and properties within districts will not be released by City staff without a certificate of approval or by direction of City Council.

(3) *Application for certificate of approval.* Application shall be made by the owner of the designated property on a form provided by the Commission and accompanied by all required supporting information before review. A complete application shall be accompanied by the following information, and other information as staff determines necessary:

- (a) Accurate scaled and dimensioned site plan of existing conditions;
- (b) Photos of existing conditions;
- (c) Photos or plans of building elevations;
- (d) Photos or plans of proposed alterations and replacement material;
- (e) Plans, illustrations, and samples of building materials, windows, roof, doors, siding, trim, and the like;
- (f) Samples of paint colors, when required;
- (g) Plan and description of changes to architectural details;
- (h) Samples and illustrations of proposed replacement materials;
- (i) Description of area proposed to be cleaned and methods, companies, or chemicals to be used;
- (j) Details of signs or awning including lettering, design, size, color, and materials; and
- (k) Statement of how the proposal relates to historic significance of site.

(4) *Review of application.* The Commission may approve, approve with conditions, or deny an application. All findings and decisions of the Commission shall be recorded in Commission minutes, or on the application itself when a Commission meeting is not required. Decisions are final, subject to appeal to the City Council. The Commission shall designate types of alterations, such as maintenance activities or minor alterations which can be approved by the Preservation Staff or referred to a Committee or the whole Commission at a public meeting. The Commission shall designate types of alterations which can be approved by a Committee of 3 Commissioners or referred to a whole Commission at a public meeting. Alterations not designated above will be considered by the whole Commission at a public meeting. The Commission may call a public hearing for types of alterations that are for, but not limited to demolition, relocation, major addition or remodeling and infill construction on a property designated as a Heritage site or within a Heritage Preservation District. Notice of the public hearing at a meeting during which an application will be reviewed shall be mailed to the applicant and property owners within 200 feet of the property, at least 10 days prior to the meeting.

(5) *Required findings.*

(a) *Alteration within a site or district.* Before approving a certificate of approval, the Commission shall make written findings that the alteration will not materially impair the integrity of the site or district and is consistent with the applicable design guidelines adopted by the Commission, if design guidelines do not apply, is consistent with the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation.

(b) *Guidance.* The Commission will be guided by the Secretary of the Interior's Standards for Rehabilitation, as well as by the Design Guidelines adopted by the Commission for the review of proposed changes within Heritage Preservation Sites and Heritage Preservation Districts. In all cases, the Commission will give consideration to the significance and integrity of original material and design remaining in the building when applying criteria, guidelines, and standards.

(c) *Destruction, demolition, or removal.* Before approving a certificate that involves destruction or removal, in whole or in part, of any site or property within a district or nominated property, the Commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the Commission shall consider the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

(d) *New construction or relocation.* Before approving a certificate that involves new construction on, or the relocation of a building into a site or a district or nominated property, the Commission shall make findings that the new construction or relocated building will be compatible with the visual qualities of the historic architecture of the site, the streetscape or the district, and is consistent with the applicable design guidelines adopted by the Commission or if the guidelines do not apply, with the Secretary of the Interior Standards for Rehabilitation.

(6) *Certificate of approval conditions.* In general, following Commission approval of an application, the applicant shall receive a signed certificate of approval and stamped plans or descriptions of the proposed alteration from the preservation staff. The applicant shall provide the certificate of approval and plans to the Department of Building Safety before a building, demolition or moving permit may be issued or to the Planning Department before a sign or fence permit may be issued. Alterations approved as part of the certificate of approval must be completed within 1 year from the date of approval or a request for extension submitted for a further 12-month period prior to the expiration of the first 12 months.

(7) *Limitations.* If, within 40 days from the filing of a complete application, the Commission has neither approved, denied, nor called a public hearing on the proposed changes, the certificate of approval shall be deemed to have been approved by the Commission, and if all other requirements of the City have been met, the appropriate City department may issue a permit for the proposed work. By vote of the Commission and notification of the appropriate City department, the first 40-day period may be extended by an additional 40 days in cases where further information and research is required to make a determination and the initial 40-day period is not sufficient to do the work. No permit shall be issued nor work commenced in the event the Commission disapproves the application in accordance with this section.

(8) *Emergency repair.* In emergency situations where immediate repair is needed to protect the safety of the structure or its inhabitants, the Building Official may approve temporary or limited repair without the consent of the Heritage Preservation Commission. In cases of a permit issued pursuant to this section, the Building Official shall immediately notify the Heritage Preservation

Commission of its action and specify the facts or conditions constituting the emergency situation.

(9) *Denial of certificate of approval.* The Commission shall provide written findings of facts for the grounds of denial of the application for certificate of approval. The applicant shall be provided with a written statement of the grounds of denial and be provided with the procedures for appealing the decision to deny the certificate of approval. The applicant or any party aggrieved by the decision of the Heritage Preservation Commission shall, within 10 business days of the date of the Heritage Preservation Commission's order and decision, have a right to appeal the order and decision to the City Council. The request for an appeal shall be made by delivering to the City Clerk a notice of appeal and statement of reasons setting forth the grounds for the appeal. The City Clerk shall transmit the notice of appeal and statement to the City Council and the Heritage Preservation Commission. The Heritage Preservation Commission, in any written order denying a permit application, shall advise the applicant of this right to appeal to the City Council and include this section in all the orders. Appeals on the grounds of economic hardship will be considered by City Council under the procedures and guidelines adopted by City Council.

(G) *Violations.* An owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site or protected by an Interim Protection Order who violates the provision of this chapter shall be guilty of a misdemeanor. Any architect, builder, contractor, agent, person, or corporation who assists in the commission of a violation of this section shall be guilty of a misdemeanor for each day an owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site or protected by an Interim Protection Order allows any work to be performed on any area, place, building, structure, or other object in violation of division (F) above, it shall constitute a separate violation of this section, and it shall be punishable as such. A Heritage Preservation Site on which there exists any remodeling, repairing, construction, or a building moved in violation of this section, is hereby declared a nuisance, and the imposition of the penalties herein prescribed shall not prevent the City of Hastings from instituting an appropriate action or proceeding to prevent an unlawful remodeling, repair, construction, building, building moving or demolition, or to restrain, correct, or abate a violation.

(1) The City Council authorizes the Heritage Preservation staff and the Building Official or designee to enforce this section. These officials may make inspections and take the action as may be required to enforce the provisions of this section.

(2) Whenever the official has reasonable cause to believe that there may exist in any building or on any property any condition that is in violation of this chapter, the official may enter the area, place, building, structure, or other object within a duly designated site or protected by an Interim Protection Order at reasonable times to make inspections or to perform any duty required to administer this section. The official shall first present proper credentials and request entry. If the property is unoccupied, the official shall mail notice to the owner of record by certified mail 7 days prior to inspection. If entry is refused, official shall have recourse to every remedy provided by law to secure entry, including the right to secure a proper inspection warrant.

(3) When an area, place, building, structure, or other object within a duly designated site or protected by an Interim Protection Order is in violation of this section, in addition to any criminal citation, the property owner of record shall be issued a "Stop Work Order" in writing to include the

following information:

- (a) A description of the property sufficient for identification;
- (b) Description of the violation(s) and the action required to remedy the violations(s);
- (c) Provision of reasonable time to perform any remedy to be completed;
- (d) Notice of any action that may be taken by the City if required action has not been made within a reasonable time period; and
- (e) Notice of any right of appeal.

(4) Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint. The complaints shall state fully the causes and basis thereof and shall be filed with the Heritage Preservation Commission or designated staff. The Commission shall record properly the complaint, and immediately direct the official to investigate, and take action thereon as provided by this section.

(5) Any person aggrieved by a violation notice and order to take action as required by the City shall have the right to appeal. The City Council may uphold the violation, void all violations, or change any described violation by adding violations, removing violations or changing the order to take required action.

(6) Any property owner or owner's agent that has been served with a violation notice and an order to take required action shall have the right to appeal the order to the City Council within 30 calendar days after receiving the compliance order. All appeals shall be made to the Heritage Preservation Commission in writing with any information to substantiate the appeal. The appeal shall be considered by the City Council under § 30.02.

(H) *Repository for documents.* The HPC shall retain at least 1 copy of all Commission minutes, forms, studies, reports, recommendations, and correspondence required under divisions (D), (E) and (F) above. All minutes and records will be available for public inspection during normal business hours. Originals shall be kept in the City's official records.  
(Ord. 533, passed 5-16-2005; Am. Ord. 2008-05, 3rd Series, passed 3-3-2008) Penalty, see § 10.99

## **§ 30.11 PUBLIC WORKS DEPARTMENT.**

(A) *Establishment of Department.* There is established in the City of Hastings a Public Works Department.

(B) *Departments included.* The following departments shall be included in the Public Works Department: Engineering, Utilities, and Streets.

(C) *Establishment of Public Works Director position and duties.* There is created the position of



Public Works Director who shall be responsible for the Public Works Department. The Public Works Director shall report directly to the City Administrator. The Public Works Director shall be responsible for supervising the Engineering Department, Street Department, and Utility Department.

(D) *Appointment and removal.* The Public Works Director may be appointed or removed by the City Administrator only after receiving Council approval. The City Administrator shall make recommendations for the suspension and termination of the Public Works Director and may suspend any Public Works Director until the next Council meeting when the Council shall affirm, modify, or rescind the suspension. (Prior Code, § 2.22)

### **§ 30.12 ENGINEERING DEPARTMENT.**

An Engineering Department is hereby established and shall be composed of the City Engineer and such (under his or her direct supervision) employees as he or she may be given supervision of. (Prior Code, § 2.54)

### **§ 30.13 ABSENTEE BALLOT BOARD.**

Pursuant to the provisions of M.S. § 203B.13, as it may be amended from time to time, the City Council of the City of Hastings hereby establishes an Absentee Ballot Board in the City of Hastings. The Absentee Ballot Board will encompass the entire City of Hastings for the purpose of receiving all absentee ballots for any primary or general election or special referendum held within the municipality. The Absentee Ballot Board shall be under the direct charge and supervision of the City Clerk; and the place for receiving, tabulating, and counting of absentee ballots shall be at the office of the City Clerk in the City Hall. (Prior Code, § 2.57)

## **CHAPTER 31: CITY COUNCIL AND OFFICIALS**

Section

### ***City Council and Mayor***

- 31.01 Council reorganization
- 31.02 Council meetings
- 31.03 Council procedure
- 31.04 Salaries of Mayor and Councilmembers

### ***City Officials***

- 31.15 City Attorney
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### ***Code of Ethics***

- 31.30 Definition
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- 31.32 Responsibilities of public office
- 31.33 Dedicated service
- 31.34 Fair and equal treatment
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## ***CITY COUNCIL AND MAYOR***

### **§ 31.01 COUNCIL REORGANIZATION.**

The Council shall at its first regular meeting in January in the order herein stated and prior to commencing its regular order of business, reorganize by:

- (A) Having all new officers and officials take and subscribe their oath of office;
- (B) Seat all new members of the Council;
- (C) Select an Acting Mayor Pro Tem;
- (D) Select a Secretary of the Council; and

(E) Perform the other organizational acts or functions as may be permitted or required.  
(Prior Code, § 2.50)

## **§ 31.02 COUNCIL MEETINGS.**

Regular meetings of the Council shall be held on the first and third Mondays of each month at 7:00 p.m. in the City Hall unless a different time is scheduled by the Council. Provided that if any regular meeting shall fall on a holiday or if it appears that a quorum of the Council will not be able to be present for a scheduled meeting, the meeting shall be held on an evening as close as possible to the regular scheduled meeting date.

(Prior Code, § 2.51)

## **§ 31.03 COUNCIL PROCEDURE.**

(A) *Meetings.* For any item to be considered at a regular Council Meeting, it must be submitted to the City Clerk at least 5 days before the regular Council Meeting. No item shall be considered at a Council Meeting unless it has been submitted as required herein or unless all Councilmembers present agree to consider it immediately. The City Administrator shall, at least 3 days prior to each regular meeting of the Council, prepare the following items: an agenda for the forthcoming meeting and a copy of all minutes to be considered. The City Administrator shall include the additional items as may be required by the Mayor and Council from time to time. The City Administrator shall forthwith cause to be delivered or mailed to the Mayor and each Councilmember, copies of all the documents. *Robert's Rules of Order* (revised) shall govern all Council meetings as to procedural matters not set forth below unless varied by the Mayor, without objection by the majority of the Council:

- (1) Call to order;
- (2) Roll call;
- (3) Determination of quorum;
- (4) Reading of minutes (actual reading shall be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth);
- (5) Opening of bids, and hearing, if applicable;
- (6) Reports from City Administrator, Planning Director, Public Works Director, and other City staff members;
- (7) Comments and suggestions from citizens present, not on the agenda;
- (8) Unfinished business;

- (9) New business;
- (10) Reports from City committees, officers, and the like;
- (11) Communications and miscellaneous business;
- (12) Payment of claims; and
- (13) Adjournment.

(B) *Committees.*

(1) The Mayor shall, at a regular Council meeting in January of each year, present to the Council in writing a list of proposed committee members, for the following committees, which committees shall have the responsibility indicated.

- (a)
  - 1. Committee name: Finance;
  - 2. Reported to by: Finance Director; and
  - 3. Committee responsibility: Operations and control of the Finance Department; provides guidance for communication with the City Council on Finance Department activities, including budget, purchasing, accounting, audit, financial statement, and other aspects of the City's financial operations.
- (b)
  - 1. Committee name: Administration;
  - 2. Reported to by: City Clerk/City Administrator; and
  - 3. Committee responsibility: Administrative functions related to general City administration.
- (c)
  - 1. Committee name: Parks and Recreation/Joint Powers;
  - 2. Reported to by: Parks and Recreation Director; and
  - 3. Committee responsibility: Operations and control of the Parks and Recreation Department; provides guidance for communication with the Natural Resources and Recreation Commission, Joint Powers Board, and other parks and recreation activities and programs.
- (d)
  - 1. Committee name: Operations;
  - 2. Reported to by: Public Works Director; and

3. Committee responsibility: Operation and control of the Public Works Department, building permits and street openings; maintenance and repair of City structures and facilities; preparation of assessments.
- (e)
1. Committee name: Planning;
  2. Reported to by: Planning Director; and
  3. Committee responsibility: Provide guidance for and communications with the Planning Commission.
- (f)
1. Committee name: Public Safety;
  2. Reported to by: Fire Chief and Police Chief; and
  3. Committee responsibility: Operation and control of the Public Safety Services.
- (g)
1. Committee name: Utility;
  2. Reported to by: Public Works Director/City Administrator; and
  3. Committee responsibility: Policies, operations, and budgeting relating to the hydroelectric plant; oversees operation of the City's franchises; address solid waste and recycling and telecommunication issues that may impact the City.
- (h)
1. Committee name: Historic Preservation, property maintenance, building and fire codes;
  2. Reported to by: Housing and Redevelopment Authority Director; and
  3. Committee responsibility: Provides guidance for and communications with the Heritage Preservation Commission; considers issues and makes recommendation to council related to historic preservation.
- (i)
1. Committee name: Tourism Committee.
  2. Reported to by: City Administrator.
  3. Committee responsibility: Work with Chamber of Commerce and other appropriate groups on tourism matters.
- (j)
1. Committee name: Economic Development Committee.
  2. Reported to by: Planning Director/City Administrator.
  3. Committee responsibility: Provides guidance for and communication with

Economic Development Commission.

(2) The Council shall at the next regular meeting thereof, consider the proposed committee members and shall have the authority to ratify the committee appointments, by a majority vote of those present and constituting a quorum. Should the Council not so ratify the appointments at this meeting, the Mayor shall further study and reconstitute the committees and present the reconstituted list of proposed committee members at the next regular Council meeting at which meeting the Council may ratify the reconstituted committee appointments by majority vote of those present and constituting a quorum. Should the Council not so ratify the reconstituted committee appointments at this meeting, the Council may, at its next regular Council meeting, by majority vote of those present and constituting a quorum, make the committee appointments as it deems appropriate.

(3) Each appointee shall serve as appointed unless excused by a majority of the members of the Council. Vacancies in committees shall be filled by the Mayor.

(4) The Mayor shall designate the Chairperson and the Vice-Chairperson of each committee.

(5) Each committee shall consist of 3 Councilmembers.

(6) The committees are encouraged, at their own discretion, to consult with citizens regarding the activities of the committee, and to obtain expert advice.

(C) *Ordinances, resolutions, and the like.* All ordinances, resolutions, communications and other matters submitted to the Council shall be read by title. A majority of the Council may direct that the same be referred to an appropriate committee. A member of the Council may require the reading in full of the ordinance, resolution, or communication referred to. Financial claims against the City may upon receipt thereof be referred by the City Administrator to the appropriate committee. No ordinance or resolution shall be considered by the Council unless presented by 1 of the members. Every ordinance shall be in writing.

(D) *Council deliberation.* The deliberations of the Council shall be conducted in the following manner.

(1) No member shall address the Council until he or she has been recognized by the presiding officer. He or she shall thereupon address himself or herself to the Mayor and confine his or her remarks to the question under discussion and avoid all personalities.

(2) When 2 or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(3) No person other than a member shall address the Council except by consent of a majority of the members present.

(4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit 1 member to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.

(5) When a question is under discussion no action shall be in order, except to adjourn, to lay on the table, to refer previous questions, to postpone to a certain day, to refer to a committee, to amend, or to postpone indefinitely. These motions shall have precedence in the order listed.

(6) Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Council to a direct vote, first upon any pending amendments, and then upon the main question.

(7) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.

(E) *Reconsideration of vote.* It shall be in order for any member voting in the majority to move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A member may not change his or her vote on any question after the result has been announced. A motion to reconsider being put and lost shall not be renewed.

(F) *Temporary suspension of rules.* These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of members present. (Prior Code, § 2.52)

#### **§ 31.04 SALARIES OF MAYOR AND COUNCILMEMBERS.**

(A) The salaries of the Mayor and City Councilmembers shall be set from time to time by the City Council.

(B) The compensation paid to the Mayor for service to the City as Mayor shall be \$9,400 per year, to be paid in 12 equal monthly installments during the person serving as Mayor is in office.

(C) The compensation paid to councilmembers for service as Councilmembers shall be \$7,200 per year, to be paid in 12 equal montly installments during the time the person serving as Councilmember is in office.

(D) Any Mayor or Councilmmember who serves less than a full month sahll receive a pro-rated portion of the montly installment.

(E) The salaries in effect on the date this ordinance was adopted shall remin in place until after the regular Council meetin held on January 5, 2015, at which time the new salaries shall become effective. (Ord. No.

#### ***CITY OFFICIALS***

2014-17, 2rd Series, passed 10-20-14)

#### **§ 31.15 CITY ATTORNEY.**

The Council shall appoint a City Attorney, together with the assistants as may be necessary, who shall serve at the pleasure of the Council. The City Attorney shall perform the duties as are required of

him or her by law or referred to him or her by the Council or its agent. It shall be the official duty of the City Attorney to act as Revisor of Ordinances. (Prior Code, § 2.53)

### **§ 31.16 CITY ADMINISTRATOR.**

(A) *Office created.* The Office of City Administrator is hereby created. The City Administrator shall be appointed by the Council on the basis of his or her training, experience, and administrative qualifications.

(B) *Duties.* The duties of the City Administrator shall be as follows:

(1) Exercise control and supervision over all departments of the City and coordinate the activities of consultants and advisory bodies.

(2) Exercise control over all departments of the City; appoint and remove all employees of the City, except department heads, upon the basis of merit and/or fitness alone. Department heads may be appointed or removed by the City Administrator only after receiving Council approval. The City Administrator shall make recommendations for the suspension and termination of department heads, and may suspend any department heads, until the next Council meeting when the Council shall affirm, modify, or rescind the suspension. The City Administrator shall act as the personnel officer and shall be responsible for the implementation of the City's personnel policy;

(3) Secure the enforcement of all laws, provisions of the City code and resolutions of the City and of the state as they apply to the City, and make recommendations for changes or additions to ordinances when necessary;

(4) Attend all special and regular meetings of the Council and actively participate in the meetings in all respects, except voting;

(5) Prepare and submit to the Council the proposed annual budget, and enforce and administer all provisions of the adopted budget;

(6) Submit reports to the Council on City finances, budget status, and administrative activities on a regular basis, as well as submit to the Council and make available to the public a complete report on a financial and administrative activities of the City at the end of each fiscal year;

(7) Supervise the preparation and coordination of and submit to the Council the annual and long-range work programs of the department of the City;

(8) Keep the Council advised as to the future needs of the City, and make recommendations on long-range promotion of community welfare;

(9) Familiarize himself or herself with alternate and supplemental sources of revenue, including but not limited to federal and state aids, loans, grants, and other sources of revenue, and prepare and submit proposals to the Council and other appropriate agencies of the City



recommendations for actions necessary to fully take advantage of the sources;

(10) Personally maintain amicable relations with City employees and the public and promote the relations between the Council and its employees and constituents and adjoining and overlapping governmental entities;

(11) Recommend to the Council any other measures required for the efficient administration of City affairs and promotion of community welfare; and

(12) Any other and further duties and responsibilities as may be assigned to him or her by the Council, including some of those delegated to the City Clerk under City code provisions.

(Prior Code, § 2.80)

## ***CODE OF ETHICS***

### **§ 31.30 DEFINITION.**

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

***PUBLIC OFFICIALS.*** The following persons:

(1) All persons elected to serve in any public office, or appointed to serve in any public office for the unexpired term of any person vacating the office;

(2) All appointed Commissioners serving on City commissions;

(3) City Administrator;

(4) City Attorney and Assistant City Attorneys;

(5) All City department heads; and

(6) City Clerk.

(Prior Code, § 2.81)

### **§ 31.31 DECLARATION OF POLICY.**

The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby

established by this subchapter, a code of ethics. The purpose of this code is to establish ethical standards of conduct. The provisions and purpose of this code are hereby declared to be in the best interest of the City of Hastings, Minnesota. (Prior Code, § 2.81)

### **§ 31.32 RESPONSIBILITIES OF PUBLIC OFFICE.**

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States, the Constitution of Minnesota, and to impartially carry out the laws of the nation, state, and the City of Hastings and thus foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

(Prior Code, § 2.81)

### **§ 31.33 DEDICATED SERVICE.**

(A) All public officials of the City of Hastings should be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

(B) Public officials should not exceed their authority or break the law, or ask others to do so. They should work in full cooperation with other public officials unless prohibited from doing so by law.

(Prior Code, § 2.81)

### **§ 31.34 FAIR AND EQUAL TREATMENT.**

(A) No public official shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when the services are available to the public generally or provided by municipal policy for the use of the public official in the conduct of official business.

(B) No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. (Prior Code, § 2.81)

### **§ 31.35 CONFLICT OF INTEREST.**

(A) No public official shall engage in any business or transaction or shall have a financial or other personal interest direct or indirect, which is incompatible with the proper discharge of their duties in the public interest or which impairs their independence of judgment or action in the performance of their official duties. This includes an interest arising from blood or marriage relationships, close business, or

political association.

(B) The following acts, although not intended to be all inclusive, shall be deemed to be a conflict of interest:

- (1) Incompatible employment as provided by Minnesota Statutes;
- (2) Use of confidential information, obtained as a result of public position, for personal gain;
- (3) Soliciting of personal gifts and favors by a public official;
- (4) Use of official position for personal gain;
- (5) Representation by a public official of private interests before City governmental agencies and participation in the profits from the representation; and

(6) Contracting with the City by a business in which a public official has a substantial or controlling interest. (Prior Code, § 2.81)

### **§ 31.36 PUBLIC DISCLOSURE.**

(A) Each public official of the City of Hastings shall file for public record in the office of the City Clerk, a sworn statement in a form approved by the City Council and which must contain, at a minimum, the following information:

- (1) The names of all businesses, corporations, companies, firms, partnerships, or other business enterprises, doing business with or in the City of Hastings, in which the public official is connected thereto as an employee, owner, director, officer, adviser, or consultant, or in which the public official has a continuing financial interest, through ownership of stock or as a beneficiary of any pension or retirement plan;
- (2) A description of all parcels of real property, other than property occupied by the public official as a personal residence, in which the public official has any interest, including the right to occupy any such property; and
- (3) The interest of a spouse, or minor child or other member of the immediate household of any public official shall be considered an interest of the public official for purposes of filing the statement required.

(B) Each person who becomes a public official shall, within 30 days after assuming the office or position, file a public disclosure required by this section.

(1) Following an initial filing, the information on that filing shall remain in effect and all public officials will continue to attest to its truth. Within 30 days of any change to the information on the initial filing and following any reappointment or reelection, all public officials shall file a new

sworn statement with the City Clerk. City staff members covered under this provision shall fill out an initial filing and shall thereafter complete any amended filings within 30 days of any change to the information on the initial filing or at least every 4 years, in the years in which the Mayor and at large Councilmember seats are up for election, whichever comes first. (Am. Ord. 511, passed 4-5-2004)

(2) This subchapter shall not be construed to require the filing of any information relating to any person's connection with any professional society or any charitable, religious, social, fraternal, recreational, civil or political organization or any similar organization not conducted as a business enterprise.

(3) The City Administrator shall inform each person who is required to file a statement, the time and place for filing, and shall furnish each such person with a copy of this subchapter and the required statement form. The City Administrator shall inform the City Council when any person, who is required to file a statement, fails to file the statement in a timely manner. (Prior Code, § 2.81)

## CHAPTER 32: CITY POLICIES

### Section

#### *General Provisions*

- 32.01 Facsimile signatures
- 32.02 Disbursement of funds and allowance of accounts
- 32.03 Uniform purchasing procedures
- 32.04 Disposal of abandoned motor vehicles, unclaimed property, and excess property
- 32.05 Commercial building rehabilitation program
- 32.06 Emergency management

#### *Franchises*

- 32.20 Definition
- 32.21 Franchise ordinances
- 32.22 Power of regulation reserved
- 32.23 Conditions in every franchise
- 32.24 Further provisions of franchises

### **GENERAL PROVISIONS**

#### **§ 32.01 FACSIMILE SIGNATURES.**

The signers are hereby authorized to request a depository of City funds to honor an order for payment when the instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature. The authority is granted only for the purpose of permitting the officers an economy of time and effort. (Prior Code, § 2.60)

#### **§ 32.02 DISBURSEMENT OF FUNDS AND ALLOWANCE OF ACCOUNTS.**

(A) All disbursements shall be made by either; a check signed by the Mayor, or in the Mayor's absence the Acting Mayor, and the City Administrator or City Clerk duly authorized by the Council; or by an electronic funds transfer authorized by the officials listed above, provided that all electronic transfers are made using special codes (changed periodically to provide maximum security). Every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund, and specifically contain the following language "for deposit to the City of Hastings only." A written confirmation of every electronic funds transfer shall be made no later than 1 business day after the transaction. No check shall be issued or electronic funds transfer made until

there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon the fund.

(B) No claim against the City shall be allowed, except as otherwise provided in this chapter unless accompanied by an itemized account and voucher, payroll or time sheet signed by a responsible officer who has personal knowledge of the facts in the case and certified to the correctness and reasonableness of the claim and that it is a proper claim against the City; provided, however, that the Council may provide for a regular payment without specific individual authorization or filing of an itemized account and voucher, payroll or time sheet of the salaries and wages of regular employees or laborers and any other fixed charges which have been previously duly and regularly authorized. Filing of separate account verification may be dispensed with by the Council if appropriately similar wording is printed near the endorsement space on the order for payment form. (Prior Code, § 2.61)

### **§ 32.03 UNIFORM PURCHASING PROCEDURES.**

It is unlawful for any agent or employee of the City to order the purchase of any supplies or materials or contract for any services except in accordance with forms and procedures duly adopted therefore and all purchase orders shall be approved by the department for which the purchase is being made.

(Prior Code, § 2.62)

### **§ 32.04 DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY, AND EXCESS PROPERTY.**

(A) *Disposal of abandoned motor vehicles.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ABANDONED MOTOR VEHICLE.*** A motor vehicle as defined in M.S. Chapter 169, as it may be amended from time to time, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of the property, or in an inoperable condition such that it has no substantial possible further use consistent with its function, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City. A classic car or pioneer car, shall not be considered an abandoned motor vehicle. Vehicles on the premises of junkyards or automobile graveyards, which are licensed and maintained in accordance with the City code, shall not be considered abandoned motor vehicles within the meaning of this section.

***VITAL COMPONENT PARTS.*** Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

(2) *Custody.* The City may take into custody and impound any abandoned motor vehicle.

(3) *Immediate sale.* When an abandoned motor vehicle is more than 7 model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provision of this division (A).

(4) *Notice.*

(a) When an abandoned motor vehicle does not fall within the provisions of division (A)(3) above, the City shall give notice of the taking within 10 days. The notice shall set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle, if the information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under division (A)(5) below, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents be deemed a waiver by them of all rights, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to division (A)(6) below.

(b) The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders or record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

(5) *Right to reclaim.*

(a) The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim the vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by this division (A)(4).

(b) Nothing in this division (A) shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of the lien holder to foreclose. For the purposes of this division (A)(5), **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

(6) *Public sale.*

(a) An abandoned motor vehicle and contents taken into custody and not reclaimed under division (A)(5) above shall be sold to the highest bidder at public auction or sale, following 1 published notice published at least 7 days prior to the auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(b) From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this division (A). Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the 0General Fund of the City.

(7) *Disposal of vehicles not sold.* Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this division (A).

(8) *Contracts and disposal.*

(a) The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(b) When the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where the City enters into a contract with a person duly authorized by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal for the purpose of obtaining reimbursement.

(c) If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

(B) *Disposal of unclaimed property.*

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED PROPERTY.** Tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least 60 days and has been declared such by a resolution of the Council.

(2) *Preliminary notice.* If the City Administrator knows the identity and whereabouts of the owner, he or she shall serve written notice upon him or her at least 30 days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator notice shall also be served upon him or her. The notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of the notice.



(3) *Notice and sale.* Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of the property. The text of the notice shall also state the time, place, and manner of sale of all the property, except cash and negotiables. The notice shall be published once at least 3 weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.

(4) *Fund and claims thereon.* All proceeds from the sale shall be paid into the General Fund of the City and expenses thereof paid therefrom. The former owner, if he or she makes claim within 8 months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash and negotiables or, in the case of property sold, the amount received therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expense, but without interest. The payment shall also be made from the General Fund.

(C) *Disposal of excess property.*

(1) *Declaration of surplus and authorizing sale of property.* The City Administrator may, from time to time, recommend to the Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, the property shall be declared surplus, the value estimated and the City Administrator authorized to dispose of the property in the manner stated herein.

(2) *Surplus property worth a total estimated value of less than \$100.* The City Administrator may sell surplus property with a total value of less than \$100 through negotiated sale.

(3) *Surplus property with a total estimated value between \$100 and \$500.* The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100 to \$500. Notice of the public sale shall be given stating time and place of sale and generally describing the property to be sold at least 10 days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the City Administrator's option. The sale shall be by auction.

(4) *Surplus property with a total estimated value over \$500.* The City Administrator shall offer for public sale, to the highest bidder, surplus property worth a total estimated value over \$500. Notice of the public sale shall be given stating time and place of sale and generally describing property to be sold at least 10 days prior to the date of sale by publication once in the official newspaper. The sale shall be to publication once in the official newspaper. The sale shall be to the person submitting the highest sealed bid.

(5) *Receipts from sales of surplus property.* All receipts from sales of surplus property under this section shall be placed in the General Fund, unless the property sold is dedicated park property, in which event the funds received shall be placed in the Park Fund.

D) *Persons who may not purchase.*

(1) No full time, part time, paid on-call firefighter or seasonal employee of the city, including any person who is a member of the administrative staff, department head, a member of the Council, or an adviser serving the city in a professional capacity, may be a purchaser of property under this section. (Ord. 2012-02, 3<sup>rd</sup> Series, passed 2-21-12)

(2) It is unlawful for any person to be a purchaser of property under this section if the purchase is prohibited by the terms of this section. (Prior Code, § 2.63)

**§ 32.05 COMMERCIAL BUILDING REHABILITATION PROGRAM.**

(A) *General provisions.*

(1) *Authority.* Pursuant to M.S. § 469.184 (1995), the City has been authorized to establish a program to provide rehabilitation loans to owners of small and medium sized commercial buildings. In establishing a commercial building rehabilitation program, the City Council is acting in all respects for the benefit of the citizens of the City to serve a public purpose in improving and otherwise promoting their health, welfare and prosperity.

(2) *Findings.* The City Council finds that many commercial buildings in the City are physically deteriorating, underused, economically inefficient, or functionally obsolete and in need of rehabilitation to meet applicable building codes; that there is a need for a comprehensive program for the rehabilitation of the commercial buildings to prevent economic and physical blight and deterioration, to increase the tax base of the City, and to assist in the implementation of the comprehensive plan for the City; that some owners of small- and medium-sized commercial buildings are unable to afford rehabilitation loans on terms available in the private mortgage market or to obtain rehabilitation loans on any terms because the private mortgage market is severely restricted; and that the health, safety and general welfare and the preservation of the quality of life of the residents of the City is dependent upon the preservation and rehabilitation of the commercial buildings.

(3) *Definitions.* The following terms when used in this subchapter shall have the following respective meanings:

**ACT.** M.S. § 469.184 (1995), as now in effect and as from time to time amended.

**AGENCY.** The Housing and Redevelopment Authority in and for the City.

**PROGRAM.** The commercial rehabilitation loan program authorized by the act and set forth in division (A)(2).

**REGULATIONS.** Regulations drafted or approved by the agency for the program.

**SMALL- OR MEDIUM-SIZED COMMERCIAL BUILDING.** A structure having a total floor area not exceeding 40,000 square feet, the primary ground floor function of which is

commercial in nature, such as retail, service, or office. Noncommercial usage on other floors of such a structure shall not affect the structure qualifying as a small- or medium-sized commercial building.

(4) *Administration.* The agency is hereby authorized to administer the program in accordance with the act and the regulations and resolutions adopted by the City for the issuance of bonds, loans, or other obligations for the program.

(B) *Program requirements.*

(1) *Regulations and forms.* The agency shall adopt regulations setting forth uniform procedures by which applications for loans shall be submitted and processed, and for determining eligibility of borrowers, and other procedures necessary or desirable in carrying out the program. The agency may, in the agency's discretion and from time to time, prescribe and amend forms to be used by an applicant in applying for financing under the program.

(2) *Authorization of loans.* Under the program, no loan shall be made or purchased until the agency or its designee has reviewed the application relating to the loan and has approved such loan. In approving applications for loans under the program, the agency or its designee, in addition to other requirements and regulations, shall consider the following factors:

- (a) The availability and affordability of private mortgage credit;
- (b) The availability and affordability of other government programs;
- (c) Whether the building is required, pursuant to any court order, statute or ordinance, to be repaired, improved or rehabilitated;
- (d) Whether the proposed improvements will result in conformance with the building and zoning codes and any design guidelines approved by the agency for commercial areas.

(3) *General limitations.* The following limitations shall apply to all loans under the program:

- (a) No loan shall be made for a period exceeding 20 years.
- (b) No loan shall exceed 80% of the estimated market value of the property to be rehabilitated upon completion of the rehabilitation, less the principal balance of any prior mortgage or contract for deed existing on the property at the time the loan is made, or \$200,000, whichever is less.
- (c) All monies loaned under this program shall be used only on property located within a redevelopment area designated by the City Council.

(4) *Interest reduction program.* The agency may develop and administer an interest reduction

program, pursuant to M.S. § 469.012, Subdivision 7-9, as now in effect and from time to time amended, to assist in the rehabilitation or preservation of small-or medium-sized commercial buildings.

(5) *Expiration date.* The agency’s ability to authorize payment of interest reduction assistance pursuant to this subchapter shall expire on December 31, 2011. Interest reduction assistance payments authorized prior to December 31, 2011 may be paid after December 31, 2011. (Ord. 560, passed 12-4-2006)

## **§ 32.06 EMERGENCY MANAGEMENT ORDINANCE.**

### *(A) 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 ensure that preparations of the City of Hastings will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the City of Hastings, it is hereby found and declared to be necessary:

(1) To establish a City of Hastings emergency management organization responsible for the City of Hastings planning and preparation for emergency government operations in time of disasters;

(2) To provide for the exercise of necessary powers during emergencies and disasters;

(3) To provide for the rendering of mutual aid between the City of Hastings and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness functions; and

(4) To comply with provisions of M.S. Ch. 12, § 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

### *(B) Definitions*

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

with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency Management includes those activities sometimes referred to as "Civil Defense" functions.

**“DISASTER”** means 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”** means an unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

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

**“EMERGENCY MANAGEMENT ORGANIZATION”** means the staff element responsible for coordinating county-level/City-level planning and preparation for disaster response. This organization provides City of Hastings liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

(C) *Establishment of an emergency management organization.*

(1) There is hereby created, within the City government, an emergency management organization that shall be under the supervision and control of the City emergency management team, hereinafter called the Emergency Management Team. The Emergency Management Team shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the City Council.

(2) The Emergency Management Team shall prepare a comprehensive emergency plan for the emergency preparedness of the City of Hastings including municipal and unincorporated areas and shall present such plan to the Council and Mayor for its approval. When the Council and Mayor have approved the plan by ordinance, it shall be the duty of all City agencies and all emergency preparedness forces of the City of Hastings 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 Emergency Management Team shall coordinate the emergency management activities of the City of Hastings to the end that they shall be consistent and fully integrated with the emergency plan of the State/Federal Government and the State and correlated with emergency plans of other political subdivisions within the State.

(3) The Emergency Management Team shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperate with and extend such services and facilities to the City Emergency Management Team and to the Governor upon request. The head of each department or agency in cooperation with the Emergency Management Team shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(4) The Emergency Management Team shall, in cooperation with existing City of Hastings departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel that may be required on a volunteer basis to carry out the emergency plans of the City of Hastings and state. To the extent that such emergency personnel are recruited to augment a regular City of Hastings department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of the department or agency.

(5) Consistent with the state emergency services law, the Emergency Management Team shall coordinate the activity of municipal emergency management organizations within the county and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (M.S. Ch. 12, § 12.25, as it may be amended from time to time).

(6) The Emergency Management Team shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(7) The Emergency Management Team shall act as principal aide and advisor to the City official responsible for direction and control of all City of Hastings emergency operations during an emergency. The coordinator's main responsibility is to assure coordination among the operating departments, non-governmental groups and with higher and adjacent governments.

(D) *Local emergencies.*

(1) A local emergency may be declared only by the Mayor or his or her legal successors. It shall not be continued for a period in excess of 3 days except by or with the consent of the City Council. Any order, or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the City Clerk.

(2) 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.

(3) 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.

(E) *Emergency Management a Governmental Function.*

All functions thereunder and all other 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/she would otherwise be entitled under this resolution, or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress. (Ord. 2009-1, 3rd Series, passed 1-20-2009)

## ***FRANCHISES***

### **§ 32.20 DEFINITION.**

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

***FRANCHISE.*** Any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether the privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Prior Code, § 2.65)

### **32.21 FRANCHISE ORDINANCES.**

The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make the use of the streets or public places or before proceeding to place the fixtures in the places. (Prior Code, § 2.65)

### **§ 32.22 POWER OF REGULATION RESERVED.**

The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether the franchise has been heretofore granted by it or by the State of Minnesota. (Prior Code, § 2.65)

### **§ 32.23 CONDITIONS IN EVERY FRANCHISE.**

All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise:

(A) That the grantee shall be subject to and will perform on its part all the terms of this section and will comply with all pertinent provisions of any City charter and City code, as the same may from time to time be amended;

(B) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that the fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the State of Minnesota, in the manner following:

(1) A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested;

(2) If possible maximum rates and charges shall be arrived at by direct negotiation with the Council; and

(3) If direct negotiations fail to produce agreement, the Council shall, not less than 30 days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the 2 of them shall appoint a third person, preferably an expert, and the 3 of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of 1 of the parties.

(C) That the Council shall have the right to require reasonable extensions of any public service system from time to time and to make the rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public;

(D) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the City to acquire the public utility exercising the franchise, any return on account of the franchise or its value;

(E) That no sale or lease of the franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of the sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder;

(F) That every grant in the franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used;

(G) Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute; and



(H) That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City. (Prior Code, § 2.65)

#### **§ 32.24 FURTHER PROVISIONS OF FRANCHISES.**

The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this subchapter limit any right or power possessed by the City over existing franchises. (Prior Code, § 2.65)

## CHAPTER 33: CRIMINAL HISTORY BACKGROUND INVESTIGATIONS

### Section

#### 33.01 General provisions

### **§ 33.01 GENERAL PROVISIONS.**

Criminal History Background Investigations. The Police Department is required to conduct criminal history background investigations on applicants for licenses and positions with the City as employees or volunteers. For employment positions, this section applies only to applicants who are finalists for all regular full or part-time, seasonal, or temporary status positions. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, the City Administrator, and other appropriate City staff to conduct and review the criminal history investigation. Except in the case of exceptions set forth in M.S. § 364.09, as may be amended from time to time, if the City rejects an application for employment due partly or solely to the applicant's prior conviction of a crime, the City will notify the applicant in writing of the following:

- (1) the grounds and reasons for denial;
- (2) the applicant complaint and grievance procedures set forth in M.S. § 364.06, as may be amended from time to time;
- (3) the earliest date the applicant may reapply for employment; and
- (4) that all competent evidence of rehabilitation will be considered upon re-application.

(Ord. 2008-12, 3rd Series, passed 10-6-2008)

## CHAPTER 34: FEES

Section

- 34.01 Fees authorized and defined
- 34.02 Priority of application
- 34.03 Fee schedule
- 34.04 Special or Non-Routine Services by City Departments: fees

### § 34.01 FEES AUTHORIZED AND DEFINED.

The fees for licenses, permits, rentals, leases and municipal services are in the amounts established in this section. Reference in other portions of this code or in other City ordinances to terms including, but not limited to, “annual license fee”, “fee established by ordinance”, “required license fee”, “license fee”, or “appropriate fee” means the fees specified in this section.

(Ord. 2009-4, 3rd Series, passed 2-17-2009; Am. Ord. 2009-10, 3rd Series, passed 9-8-2009; Am. Ord 2010-05, 3rd Series, passed 3-15-2010)

### § 34.02 PRIORITY OF APPLICATION.

If fees are specified in other parts of this code or in other City ordinances but not in this section, then the fees specified shall be effective for all purposes. If there are amounts specified in this section as well as other chapters or ordinances, then the amounts appearing in this section supersede the others.

(Ord. 2009-4, 3rd Series, passed 2-17-2009; Am. Ord. 2009-10, 3rd Series, passed 9-8-2009; Am. Ord. 2010-05, 3rd Series, passed 3-15-2010)

### § 34.03 FEE SCHEDULE.

The fees for licenses, permits, municipal services, rentals and leases are set forth below.

<i>LICENSE</i>	<i>FEE</i>
<i>City Clerk</i>	
<i>Sidewalk Cafes</i>	
Initial License fee	\$50.00
Renewal Fee	No charge site plan is not modified. Additional \$50.00 if site plan is modified.

With Liquor License Amendment	Additional \$50.00
<b>LICENSE</b>	<b>FEE</b>
<b>City Building Rental</b>	
During non-business hours	\$40.00/hour (2 hour minimum)
<b>Copying</b>	\$\$.25/page for black and white
	\$.50/page for colored
<b>Dog License</b>	
Neutered/spayed	\$12.00/two year license
Not neutered/spayed	\$20.00/two year license
<b>Faxing</b>	\$1.00/page local; \$1.50/page long distance
<b>Filming</b>	
Commercial filming permit	\$150.00/day
Permit application fee	\$50.00
<b>Fireworks</b>	
Selling fireworks only	\$350.00/year
Selling fireworks and merchandise	\$100.00
<b>Gambling</b>	
Exempt gambling	\$25.00/day
Investigation fee	\$150.00/two years
Temporary	\$25.00/day
<b>Late Payment Charge-Licenses</b>	10% of bill
<b>Liquor License (per year unless otherwise noted)</b>	
Bottle club	\$75.00
<b>Mailing</b>	Cost of copying plus postage

<b><i>Community Development</i></b>	
Keeping of chickens	\$100.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<b><i>Club</i></b>	
Less than 200	\$300.00
201-500	\$500.00
501-1,000	\$650.00
1,001-2,000	\$800.00
Investigation fee	\$500 (up to \$10,000)
Off-sale 3.2%	\$75.00
On-sale 3.2%	\$300.00
Off-sale Intoxicating Liquor	\$200.00
On-sale Intoxicating liquor	\$4,200.00
Sunday On-sale	\$200.00
Temporary On-sale Intoxicating	\$25.00/day
Temporary On-Sale 3.2% Malt Liquor	\$25.00/day
Wine On-sale	\$275.00
Brew Pub and Brewery Taproom On-Sale	\$300.00
Cocktail Room On-Sale	\$4,200.00
Sunday On-Sale Licenses Fees (includes Brew Pub, Brewery Taproom, Cocktail Room)	\$200.00
Off-Sale Liquor Fees (includes Brew Pub, Brewery Taproom, Microdistillery)	\$200.00

<b><i>Massage</i></b>	
Background investigation	\$100.00
Establishment	\$100.00/three year license
Therapist	\$100.00/year
<b><i>Pawn Broker</i></b>	
Investigation fee	\$500 (up to \$10,000)
Reporting fee	\$1.35 per transaction
License	\$2,000.00/year
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<b><i>Temporary Merchant/Peddler</i></b>	
Investigation fee	\$25.00 each license + \$10.00 for each additional employee
1 day permit	\$30.00
30 day permit	\$100.00
365 day permit	\$225.00
<b><i>Special Events</i></b>	
Rivertown (Levee Park)	\$15.00
Rivertown (Jaycee Park)	\$25.00
All Other Special Events	\$25.00
<b><i>Tobacco</i></b>	
License	\$150.00/year
<b><i>Waste Hauler</i></b>	
Commercial	\$350.00/two years
Residential	\$200.00/year

**Department of Building Safety**

***The minimum state surcharge fee for a “fixed fee” permit will go from \$.50 to \$5.00 as required by Minnesota Statutes 326B.14B beginning July 1, 2010 through June 30, 2011. This applies to all “fixed fee” permits listed on the Building Safety Department fee schedule.***

Refunds for permit fees (no refunds for plan review)	75% of permit fee	
<b>Basic Permit Fee</b>	\$50.00	\$1.00
Work commencing before permit issuance	Two times the building permit fee	
Staff costs		
Additional inspections	\$50.00 per hour	
Special inspections outside of normal business hours	\$50.00 with a two hour minimum	
<b>LICENSE</b>	<b>Fee</b>	<b>Surcharge</b>
Fees for City Staff Corrective Action and/or Abatement of City Code Violations (lawn mowing, snow removal, etc.)	\$200 minimum plus \$50.00 per hour after two hours	
Clearance Letter	\$5.00	
Mobile home installation (park only)	\$100.00	\$1.00
In-ground swimming pool	\$200.00	\$1.00
Decks	\$100.00	\$1.00
Retaining walls (over 4 feet high)	\$50.00	\$1.00

Window replacement (total replacement of window)	\$65.00	\$1.00
Commercial building windows	\$100.00 base fee or \$1.25% x valuation	\$1.00 .0005 x value
Replace patio door only	\$25.00	\$1.00
New business occupancy permit	\$75.00	
<b><i>Re-Roof</i></b>		
Residential (new tear off and repairs)	\$100.00	\$1.00
Commercial	\$100.00 or 1.25% of valuation (whichever is higher)	\$1.00 or 0.005 x value
<b><i>Residing</i></b>		
Residential (reside or repairs)	\$100.00	\$1.00
Commercial	\$100.00 or 1.25% of valuation (whichever is higher)	\$1.00 or .005 x value
<b><i>Plumbing</i></b>		
<b><i>Single Family Residential</i></b>		
Basic fee	\$75.00	\$1.00
Each fixture	\$3.00/fixture	
<b><i>LICENSE</i></b>	<b><i>Fee</i></b>	<b><i>Surcharge</i></b>
<b><i>Plumbing</i></b>		
<b><i>Single Family Residential</i></b>		
Residential basic plumbing permit fee	\$75.00	\$1.00
Commercial	\$100.00 or 1.25% of valuation (whichever is higher)	\$1.00 or .005 x value
<b><i>Electrical</i></b>	Same as State Board of Electricity Fee Schedule plus \$10 Administrative Fee	\$1.00



Installation or replacement of single fixture (water heater, water softener and the like)	\$50.00	\$1.00
<b><i>Mechanical</i></b>		
<b><i>Single Family Residential</i></b>		
New and replacement furnace installations (including gas piping)	\$75.00	\$1.00
Gas fireplace or other single gas appliance	\$50.00	\$1.00
Central cooling or ductwork	\$75.00	\$1.00
Mechanical ventilation system (air to air)	\$50.00	\$1.00
New gas piping with air test only	\$35.00	\$1.00
In floor heat	\$50.00	\$1.00
Garage furnace	\$50.00	\$1.00
Commercial	\$100.00 or 1.25% of valuation (whichever is higher)	\$1.00 or .005 x value
<b><i>LICENSE</i></b>	<b><i>Fee</i></b>	<b><i>Surcharge</i></b>
<b><i>Irrigation System Installation</i></b>		
Systems originating from a 1 inch water service or smaller	\$75.00	\$1.00
Systems originating from a water service larger than 1 inch	\$150.00	\$1.00
<b><i>Zoning Permits</i></b>		
Above ground swimming pools	\$50.00	
Fences	\$50.00	

Decks/platforms less than 30 inches above grade and not attached to the structure with frost footings	\$50.00	
Accessory structures-floor area does not exceed 120 square feet	\$50.00	
<b>Utilities</b>		
Sewer connection inspection	\$50.00	\$1.00
Water connection inspection	\$50.00	\$1.00
Simultaneous sewer and water connection inspection	\$100.00	\$1.00
<b>On-Site Septic Systems</b>		
Single family residential or commercial	\$200.00	\$1.00
Commercial 750 GPD to 2,000 GPD or reconstruction of existing system (with approval from City Council)	+ \$40.00 county as-built fee	
<b>Required Other Permits</b>		
Basement finish/remodel	\$150.00	\$1.00
Relocation of structures:		
Single family dwellings	\$100.00	
Accessory structures < 120 square feet	See planning/zoning	
Accessory structures > 120 square feet	\$50.00	
<b>Building Demolition</b>		
<b>License</b>	<b>Fee</b>	<b>Surcharge</b>
Accessory structures	\$50.00	\$1.00
Single family residential	\$150.00	\$1.00
Commercial	\$200.00	\$1.00
<b>Fire Sprinkler and Fire Alarm Systems</b>		
Commercial	Based on valuation:	

	If total valuation of work is:	Fee is (plus \$1.00 surcharge)
	\$1.00 to \$500.00	\$25.00
	\$501.00 to \$1,000.00	\$50.00
	\$1,001.00 to \$2,000.00	\$75.00
	\$2,001.00 and up	\$100 base fee or 1.25% x valuation
Residential	Same as commercial above	
Third compliance check (fire)	\$200.00	
Fire suppression/hood installation	\$75.00	\$1.00
<i>City Contractor License</i>	\$50.00	
<i>State Contractor Verification Fee</i>	\$5.00	
<i>Rental Housing License</i>		
Single unit	\$50.00/two years	
Duplex	\$75.00/two years	
Duplex owner occupied	\$50.00/two years	
Triplex	\$95.00/two years	
Fourplex	\$115.00/two years	
<b>LICENSE</b>		<b>FEE</b>
Over 4 units	\$75.00/building plus \$10.00/unit	
<i>Plan Review Fee</i>	65% of building permit fee	
<i>Engineering</i>		
<i>Engineering Related Fees on Building Permits (charged upon issuance of building permit; see department for specifics relating to when fees are charged)</i>		
Additional re-inspections for final grade	\$130.00 per hour	
Erosion control	\$250.00 per schedule unit	

Residential lot review of certificate of survey	\$185.00 per schedule unit
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Residential lot re-review of certificate of survey	\$90.00 per schedule unit
Residential lot review of certificate of survey	\$390.00 per schedule unit
Residential lot foundation top of block	
Verification	\$100.00 per visit
Residential lot final grading verification	\$185.00 per visit
Residential lot final grading re-inspection	\$180.00 per site

***Right-of-Way Permit Fee Schedule***

Utility Permit (Blvd. – Only Excavation)	\$130.00
General Excavation Permit (Physical disturbance/removal of any portion of an improved roadway, including curbing, by way of an open cut or trench)	\$190.00
Blvd. Landscaping & Driveway Replacement/Modification	\$70.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
Assessment certification letter	\$25.00 each
Budget book (copy)	\$5.00 each
Comprehensive annual financial report (copy)	\$5.00 each
Late payments	10% of amount billed or \$25.00, whichever is greater
Lodging tax	5% of monthly lodging charges
NSF check fee	\$30.00

<b>Fire</b>	
<b>Accident Report</b>	
Fire/ambulance	\$0.25/page
<b>Ambulance Rates</b>	
Ambulance Standby	\$150.00/per hour
Code BLS	\$1103.00
Code BLS-NR	\$1253.00
Code ALS-1	\$1311.00
Code ALS-1-NR	\$1,461.00
<b>LICENSE</b>	<b>FEE</b>
Code ALS-2	\$1,503.00
Code ALS-2-NR	\$1,653.00
Code ALS-treat/no transport	\$369.00
Code ALS-treat/no transport-NR	\$492.00
Code mileage	\$22.00/mile
Non-resident fee	\$150.00
Service Fee	26.00
<b>Equipment (does not include operator and crew fee) per hour</b>	
Aerial ladder	\$500.00
Standby fees-aerial ladder	\$500.00
Grass rig	\$200.00
Pumper truck	\$300.00
Rescue truck	\$200.00
Tank truck	\$200.00
<b>Fireworks</b>	
Display-indoor	\$50.00
<b>Hazardous Chemicals</b>	\$20.00
<b>Liquefied Petroleum Temporary</b>	

<i>Storage Tank</i>	\$20.00
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<i>Storage and Dispensing Sales of Liquified Petroleum</i>	\$100.00
<i>Underground Tank (install/remove)</i>	\$100.00
<i>Parks and Recreation</i>	
<i>Field Rental</i>	
<i>Vet's Field Light Rental</i>	\$20.00/field/day + tax
<b>LICENSE</b>	<b>FEE</b>
<i>Vet's Soccer Field</i>	
Resident	\$25.00/hour + tax
Non-resident	\$45.00/hour + tax
<i>Vet's Softball Field</i>	
Resident	\$60.00/hour + tax
Non-resident	\$85.00/hour + tax
<i>Tournaments:</i>	
Softball/Baseball – Youth	
Resident	\$60/field/day + tax
Non-resident	\$85/field/day + tax
Softball/Baseball – Adult	
Resident	\$85/field/day + tax
Non-resident	\$105/field/day + tax
Soccer – Youth	
Resident	\$50/field/day + tax
Non-resident	\$75/field/day + tax

Soccer – Adult	
Resident	\$75/field/day + tax
Non-resident	\$100/field/day + tax
Disc Golf Tournament	
Resident	\$100/day + tax
Non-resident	\$150/day + tax
Badminton set	\$20.00 + tax
Bocce ball set	\$10.00 + tax
Croquet set	\$15.00 + tax
Picnic grab bag	\$35.00 + tax
Horseshoes (6)	\$5.00 + tax
Softball equipment	\$20.00 + tax
Volleyball set	\$20.00 + tax
<b><i>Advertising Fees</i></b>	
<b><i>Gold Level Advertising Package</i></b>	\$2,000/year
<b><i>Silver Level Advertising Package</i></b>	\$1,300/year
<b><i>Dasher Board Ad at Civic Arena-East Rink</i></b>	\$ 550/year
<b><i>Dasher Board Ad at Civic Arena-West Ring</i></b>	\$ 330/year
<b><i>Rink Wall Ad at Civic Arena – East Rink</i></b>	\$ 400/year
<b><i>Rink Wall Ad at Civic Arena – West Rink</i></b>	\$ 230/year
<b><i>Flag Ad at Hastings Family Aquatic Center</i></b>	\$ 550/year
<b><i>Fence Ad at Roadside Park Tennis Courts</i></b>	\$ 500/year
<b><i>Fence Ad at Veterans Athletic Complex</i></b>	\$ 550/year
<b><i>On-Ice Advertising at Civic Arena</i></b>	\$1,000/year

<i>LICENSE</i>	<i>FEE</i>
<i>Sponsorship of Bench or Tree</i>	\$ 600 – Bench \$ 300 – Tree
<i>*Fees may be in addition to costs of processing advertisement materials.</i>	
<b><i>Park Rental</i></b>	
Resident (Summer)	\$35.00 + tax
Non-resident (Summer)	\$60.00 + tax
<b>Rotary Pavilion – full day (6 am – 10 pm)</b>	\$200.00 Damage Deposit
Resident - \$150.00	Non-Resident - \$180.00
<b>Rotary Pavilion – half day (6 am – 1:30 pm)</b>	<b>or (2:30 pm – 10 pm) \$200.00 Damage Deposit</b>
Resident - \$80.00	Non-Resident - \$100.00
<b>Amphitheater</b>	
Resident - \$100.00	Non-Resident - \$120.00
<b>Pavilion/Amphitheater and Surrounding Area</b>	\$200.00 Damage Deposit
Resident - \$300.00	Non-Resident - \$360.00
<b><i>Enclosed Air Park Shelter</i></b>	
Residential (year round)	\$46.00 + tax
Non-resident (year round)	\$66.00 + tax
Shelter deposit	\$100.00 (refundable)
<b><i>Picnic Table Rental</i></b>	\$15.00/each + tax
<b><i>Party Wagon</i></b>	
Block party	\$85.00 + tax
Private party-weekday	\$65.00 + tax
Private party-weekend	\$85.00 + tax
Party wagon deposit	\$200.00 (refundable)
<b><i>Recreation Fees (sales tax included)</i></b>	
<b><i>Basketball</i></b>	
3 v 3 mens/women recreational	\$75.00



5 v 5 mens recreational	\$550.00
<b><i>Broomball</i></b>	
6 v 6 adult recreational	\$100.00
<b><i>Disc Golf (adult)</i></b>	\$25.00/pair
	\$40.00/foursome
<b><i>Dodgeball</i></b>	
Adult 6 v 6 recreational	\$115.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<b><i>Football</i></b>	
4 v 4 adult touch football	\$350.00
<b><i>Kickball (Sunday, Co-Rec)</i></b>	\$75.00
Sunday Co-Rec Non-Officiated	\$75.00
Monday Co-Rec Officiated	\$150.00
<b><i>Softball (Adult-Spring/Summer)</i></b>	
Tuesday Men's Red	\$730.00
Tuesday Men's White	\$730.00
Thursday Men's Silver	\$730.00
Thursday Men's Gold	\$730.00
Wednesday Women's Blue	\$580.00
Wednesday Women's Gold	\$580.00
Friday Men's Blue	\$365.00
Sunday Co-Rec	\$500.00
<b><i>Softball (Young Adult-Spring)</i></b>	
U16 and U18 Girls	\$56.00
<b><i>Softball (Adult-Fall)</i></b>	
Tuesday Men's Rec	\$355.00
Tuesday Men's Comp	\$355.00

Wednesday Men's Rec	\$355.00
Wednesday Men's Comp	\$355.00
Thursday Women's	\$355.00
Monday Co-Rec	\$355.00
<b>Adult League Conduct Fee</b>	\$50.00 (refundable if no conduct issues)
<b>Youth Camps</b>	Prices vary by camp offered
<b>Park Rental-Winter</b> (minimum 2 hour rental)	
<b>LICENSE</b>	<b>FEE</b>
<b>Shelters with Enclosed Restroom</b>	
Resident	\$30.00 + tax
Non-resident	\$40.00 + tax
<b>Shelters with Port-o-Lets</b>	
Resident	\$25.00 + tax
Non-resident	\$35.00 + tax
Shelter deposit	\$100.00 (refundable)
<b>Winter Equipment Rental</b>	
Deposit	\$100.00
Hockey set	\$25.00 + tax
Broomball set	\$25.00 + tax
<b>Birthday Party Package</b>	\$75.00 + tax
<b>Small Birthday Cake</b>	\$15.00 + tax
<b>Large Birthday Cake</b>	\$25.00 + tax
<b>Aquatic Center</b> (sales tax included)	
<b>After Hour Rental</b>	

<b><i>One Hour Rental</i></b>	
0-50 guests	\$233.00
51 + guests	\$281.00
<b><i>Two Hour Rental</i></b>	
0-50 guests	\$466.00
51 + guests	\$562.00
<b><i>Birthday Party</i></b>	
<b><i>Option A:</i></b>	
Up to 10 people	\$140.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
Each additional person over 10	\$14.00
Lunch per person	\$3.75
<b><i>Option B:</i></b>	
Up to 10 people	\$90.00
Additional guests over 10	\$8.00 each
Lunch per person	\$3.75
<b><i>Daily Admission</i></b>	
Over 42 inches	\$7.00
Under 42 inches	\$5.75
After 5:00 p.m.	\$5.00
<b><i>Family Swim</i></b>	\$5.00 or season pass or punch card
<b><i>Lap Swim</i></b>	\$4.00 or season pass or punch card
<b><i>Tues. &amp; Thurs.</i></b>	\$5.00
<b><i>Punch Cards</i></b>	
10 punches	\$57.00
20 punches	\$92.00
30 punches	\$107.00
40 punches	\$122.00
Every 10 punches over 40	\$30.50

<b><i>Season Pass-Resident</i></b>	
Single	\$57.00
Family of 2	\$103.00
Family of 3	\$151.00
Family of 4	\$199.00
Family of 5	\$247.00
Family of 6	\$295.00
Family of 7+	\$343.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<b><i>Season Pass-Non-Resident</i></b>	
Single	\$67.00
Family of 2	\$123.00
Family of 3	\$181.00
Family of 4	\$239.00
Family of 5	\$297.00
Family of 6	\$355.00
Family of 7+	\$413.00
<b><i>Swimming Lessons</i></b>	
All Levels	\$40.00
Guard Start	\$100.00
Lifeguard Training	\$200.00
<b><i>Tons of Tots</i></b>	\$5.00 or season pass/punch card
<b><i>Water Fitness</i></b>	\$4.00 each or season pass or punch card
<b><i>Water Walking</i></b>	\$37.00 per session or \$4.00 or season pass/punch card
<b><i>Civic Arena</i></b> (sales tax included except where noted)	

<b><i>Dry Floor Rental</i></b>	
Per hour	\$78.00 + tax
All day (12 hours)	\$780.00 + tax
<b><i>Ice Rental (Within ISD #200)</i></b>	
Prime (7 am – 9:30 pm)	\$180.00 per hour + tax
Non-prime (9:30 pm – 7:00 am)	\$150.00 per hour + tax
<b><i>Ice Rental (Outside of ISD #200)</i></b>	
Prime	\$175.00 per hour + tax
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
Non-prime	\$145.00 per hour + tax
<b><i>Pro Shop</i></b>	
Mouth guard	\$2.25
Skate laces	\$2.00
Tape (sock)	\$3.25
Tape (white or black)	\$3.50
<b><i>Public Skate</i></b>	
Ice skating	\$4.00
Ice hockey	\$5.00
Free style	\$5.00
Session book of 10	\$35.00
Skate rental	\$2.50
<b><i>Skate Sharpening</i></b>	\$4.00
<b><i>Canoe Storage/Rental</i></b>	\$50 + tax (resident) \$100 + tax (non-resident)
<b><i>Planning/Zoning (ok indicated where no feedback received)</i></b>	
<b><i>Accessory Structure Permit</i></b>	\$50.00
<b><i>Administrative Lot Split</i></b>	\$50.00
<b><i>Annexation</i></b>	\$500 + legal expenses

<i>Comprehensive Plan Amendment</i>	\$500.00
<i>Conditional Use Permit</i>	\$500.00
<b>LICENSE</b>	<b>FEE</b>
<i>Agriculture Interim Use Permit</i>	\$500.00
<i>Environmental Assessment Worksheet (EAW)</i>	\$500.00 + \$1,000.00 escrow
<i>Fence Permit</i>	\$50.00
<i>Garden Center</i>	\$100.00
<b>LICENSE</b>	<b>FEE</b>
<i>Home Occupation Permit</i>	\$250.00
<i>House Move</i>	\$500.00
<i>Lot Line Rearrangement</i>	\$50.00
<i>Minor Subdivision</i>	\$500.00
<i>Planned Unit Development</i>	\$500.00
<i>Rezoning Permit</i>	\$500.00
<i>Roof Sign Approval</i>	\$100.00 based on estimated value
<b>Sign Permit</b>	
\$1-500	\$30.00
\$501-1,000	\$50.00
\$1,001-2,500	\$75.00
\$2,500+	\$100.00
<i>Special Use Permit</i>	\$500.00
<b>Site Plan-Residential</b>	
8 units and over	\$2,000.00
9-40 units	\$3,250.00
41 + units	\$4,500.00 based on building square footage
<b>Site Plan-Commercial/Industrial</b>	
0-5,000SF	\$2,000.00

5,001-10,000SF	\$3,000.00
10,001-50,000SF	\$3,750.00
50,001 + SF	\$4,500.00
<b><i>Subdivision</i></b>	
Final plat	\$600.00
Lot Split	\$500.00
Ordinance	\$12.00
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<b><i>Subdivision</i></b>	
Preliminary plat	\$500.00 + escrow
Under 10 acres	\$3,500.00
10+ acres	\$6,500.00
Waiver of platting	\$500.00
<b><i>Vacation of ROW/Easement</i></b>	\$400.00
<b><i>Variance Permit</i></b>	\$250.00
<b><i>Zoning Ordinance</i></b>	\$12.00
<b><i>Police</i></b>	
<b><i>Accident Report</i></b>	\$0.25/page picked up at PD; if mailed, add \$1.00 for postage
<b><i>Audio Recording-Statements</i></b>	\$15.00/tape or CD
<b><i>Basic Report-Police</i></b>	\$0.25/page picked up at PD; if mailed, add \$1.00 for postage
<b><i>Clearance Letter</i></b>	\$5.00
<b><i>Crime Free Multi Housing</i></b>	
<b><i>Background Check</i></b>	\$5.00/occurrence
<b><i>Dog Pick Up Fees</i></b>	
Basic	\$50.00
Storage	\$20.00/day
<b><i>Dog Kennel Vaccination (Bordella)</i></b>	\$30.00

<b><i>Dangerous Dog Fee</i></b>	\$500.00
<b><u>False Alarm</u></b>	
<b><i>Registration</i></b>	
<u>Initial Alarm Permit Issuance/Renewal</u>	<u>\$0.00</u>
<u>Alarm Permit Renewal</u>	<u>\$0.00</u>
<u>Late Fee—Alarm Permit (initial &amp; renewal)</u>	<u>\$25.00</u>
<b><i>False Alarm Response Fees (for false alarms in same calendar year)</i></b>	
<u>1<sup>st</sup> &amp; 2<sup>nd</sup> False Alarm</u>	<u>No Charge</u>
<b><i>LICENSE</i></b>	<b><i>FEE</i></b>
<u>3<sup>rd</sup> False Alarm</u>	<u>\$100.00</u>
<u>4<sup>th</sup> False Alarm</u>	<u>\$150.00</u>
<u>5<sup>th</sup> &amp; subsequent False Alarm</u>	<u>\$250.00/each</u>
<b><i>Fingerprinting (Hastings residents only)</i></b>	\$15.00/first card, \$5.00 each additional card
<b><i>Photos-police reports</i></b>	\$5.00/CD
<b><i>PBT – preliminary breath test</i></b>	\$5.00
<b><i>Video</i></b>	\$35.00 tape/DVD
<b><i>Public Works</i></b>	
<b><i>Antenna Lease (wireless)</i></b>	\$27,504.23 (2015)
<b><i>Construction Inspection Escrow Minimums</i></b>	\$500.00
<b><i>Engineering Administrative Fee</i></b>	Charged annually
<b><i>Equipment (plus operator fees)</i></b>	
Aerial lift truck	\$75.00/hour
Air compressor	\$40.00/hour
Barricades, Type III	\$3.00-25.00/day maximum
Chipper	\$50.00/hour
Front end loader	\$75.00/hour
Mower-John Deere	\$45.00/hour



One-ton dump truck	\$40.00/hour
Pickup truck	\$30.00/hour
Pump, 4 inches	\$50.00/hour
Pump, 12 inches	\$75.00/hour
Road grader	\$100.00/hour
Roller	\$40.00/hour
Sewer rodding machine	\$90.00/hour
Sewer Televising Van/Equipment	\$300/hour
<b>LICENSE</b>	<b>FEE</b>
Sewer service televising camera	\$75.00/service
Sewer vactor	\$200.00/hour
Single axle dump truck	\$45.00/hour
Single axle dump truck with paver	\$90.00/hour
Skid loader	\$60.00/hour
Street sweeper	\$85.00/hour
Tandem axle dump truck	\$75.00/hour
Tanker	\$60.00/hour
Tractor mower	\$75.00/hour
Mini-Excavator	\$60.00
Compacting Tamper	\$25.00
Trash Pump	\$25.00
Paint Striper	\$30.00
Front End Loader w/ Snow Blower	\$125.00
New Holland Tractor w/ Plow	\$75.00
Trailer Mounted Generator	\$100.00
<b>Fire Flow Tests</b>	

7:00 a.m. to 3:00 p.m.	\$100.00
After hours	\$50.00 + applicable call out rate (2 hour minimum) or extended day rate (1 hour minimum)
<b>Hydrant Meters (Temporary Construction)</b>	
<b>Installation</b>	\$100.00
<b>Usage</b>	\$0.01/gallon
	\$10.00/1,000 gallon
<b>Interceptor Sewer Fees</b>	\$485.00/unit
<b>Meter Read (Final)</b>	\$25.00
<b>Meter Testing</b>	\$75.00
<b>Non-Payment Disconnect Fee</b>	\$100.00
<b>Pool Filling</b>	
7:00 a.m. to 3:00 p.m.	\$150.00
After hours	\$75.00 + applicable call out rate (2 hour minimum) or extended day rate (1 hour minimum)
<b>SAC Fees</b>	\$945.00/unit
<b>Sewer Rates</b>	\$1.50 base fee
	\$3.25/1,000 gallons
<b>Tanker Fill</b>	\$4.50/1,000 gallons
<b>WAC Fees</b>	\$3,075.00/unit
<b>LICENSE</b>	<b>FEE</b>
<b>Water Rates</b>	\$6.00 base fee
Winter quarter usage	\$1.85/1,000 gallons
Above winter quarter usage	\$2.35/1,000 gallons
<b>Water Meters-Utilities Fees</b>	
3/4 inch IPERL with MXU	\$320.00 + sales tax
1 inch IPERL with MXU	\$375.00 + sales tax

1-1/2 inch T2 OMNI irrigation meter with MXU	\$1,000.00 + sales tax
1-1/2 inch C2 OMNI commercial meter with MXU	\$1,355.00 + sales tax
Larger than 1.5 inches	TBD by PWD, based on meter cost
<b>Water Shut Off</b>	\$50.00 During regular work hours (7:00 a.m. - 3:00 p.m.)
	\$120.00 (outside regular work hours)
<b>Water Turn On</b>	No Charge (7:00 a.m. – 3:00 p.m. within same day as turn off)
	\$50.00 (7:00 a.m. - 3:00 p.m.) other than same day as turn off
	\$120.00 (outside regular work hours)
<b>Winter Emergency Water Shut Off</b>	
December 1 through April 15	\$100.00 during regular work hours (7:00 a.m. to 3:00 p.m.)
	\$240.00 outside regular work hours
<b>Winter Water Turn On</b> December 1 thru April 15	No Charge (7:00 a.m. – 3:00 p.m. within same day as turn off)
	\$100.00 (7:00 a.m. - 3:00 p.m.) other than same day as turn off
	\$240.00 (outside regular work hours)

<b>Storm Water Utility Rates</b> rates are per quarter	
Low Density Residential	\$11.55 per lot
Medium Density Residential	\$6.35 per lot
High Density Residential	\$45.05 per acre
Manufactured Housing	\$34.65 per acre
Commercial/Office	\$55.44 per acre
Industrial	\$48.51 per acre

Public/Institutional	Exempt per acre
Golf Course	\$20.80 per acre
Open Space/Vacant	\$11.55 per lot
Agricultural	\$11.55 per lot

(Ord. 2009-4, 3rd Series, passed 2-17-2009; Am. Ord. 2009-10, 3rd Series, passed 9-8-2009; Am. Ord. 2009-13, 3rd Series, passed 12-21-2009; Am. Ord. 2009-14, 3rd Series, passed 1-19-2010; Am. Ord. 2010-05, 3rd Series, passed 3-5-2010, Ord. 2011-03, 3rd Series, passed 2-7-10  
2011-07, 3rd Series, passed 4-2-2011, Ord. 2011-22, 3rd Series, passed 10-03-11  
2011-25, 3rd Series, passed 11-7-11, 2012-08, 3rd Series, passed on 4-16-12  
2013-02, 3rd Series, passed 4-15-13, Ord. 2014-04, 3rd Series, passed on 2-3-14  
2014-05 3rd Series, passed 3-17-14, Ord. 2017-07 3rd Series, passed 5-05-14  
2015-10, 3rd Series, passed 7-20-15, 2016-03, 3rd Series, passed on 03-21-16

**§ 34.04 SPECIAL OR NON-ROUTINE SERVICES BY CITY DEPARTMENTS:FEES**

(a) Any City department that furnishes special or non-routine services to any person or organization, other than services which it is required by law to perform without fee, may charge the person or organization requesting such services a fee as set by council ordinance for that type of service. If no fee has been adopted for a special or non-routine service, the fee to be charged for staff time shall be two (2) times the hourly rate paid to staff person performing such service (s) being a reasonable approximation of the total costs incurred by City to provide the staff services (Ord.. 2011-03, 3rd Series, passed 2-07-11) (Ord. 2012-07, 3rd Series passed 4-16-2012) (Ord. 2012-10, 3rd Series, passed 6-04-2012)