

SECTION 100.00 OFFICIAL MUNICIPAL CODE.

- 100.01 Title.
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- 100.04 Code Alteration.
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100.01 TITLE.

Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official Code of the City. This City Code of Ordinances shall be known and cited as the Belle Plaine City Code and it is hereby published by authority of the Council and shall be kept up to date as provided in Section 100.03 of this Chapter. It is understood that location of sections contained herein shall be identified by reference numbers which list first the appropriate Chapter number, then the appropriate Section number, and finally the subdivision number.

The Belle Plaine City Code shall be prima facie evidence of the law of the City, pursuant to Minnesota Statutes Section 415.82. According to State Statute, the City of Belle Plaine is identified as: Standard Plan, Type A, Fourth Class, Statutory City.

100.02 ACCEPTANCE.

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 101.01 of this Code.

100.03 AMENDMENTS.

Any ordinance amending the City Code shall set forth the chapter and section number, and the subdivision number if applicable, of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

100.04 CODE ALTERATIONS.

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Administrator shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Administrator. Any person having in his/her custody an official copy of the City Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He/she shall see to the immediate insertion of new or replacement pages when such are delivered to him/her or made available to him/her through the office of the City Administrator. Said City Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Administrator when directed to do so by order of the City Council.

100.05 COPIES OF CODE.

Subd. 1. The City Administrator shall provide a sufficient quantity of the City Code for general distribution to the public.

Subd. 2. Copies of this City Code shall be kept in the office of the Administrator for public inspection or sale for at a cost as set by Council resolution.

100.06 REFERENCE TO OTHER SECTIONS OF THIS CODE OR STATE AND FEDERAL LAWS AND RULES.

Whenever a provision of this Code adopts the provisions of another portion of this Code, state or federal law or state or federal regulation by reference, it also adopts by reference any subsequent amendments of the Code provision, law or regulation, except where there is a clearly stated intention to the contrary.

SECTION 101.00 SAVING CLAUSE.

- 101.01 Repeal of General Ordinances.
- 101.02 Public Utility Ordinances.
- 101.03 Court Proceedings.
- 101.04 Severability Clause.

101.01 REPEAL OF GENERAL ORDINANCES.

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained-in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; zoning ordinances or rezoning land, franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.

101.02 PUBLIC UTILITY ORDINANCES.

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

101.03 COURT PROCEEDINGS.

No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

101.04 SEVERABILITY CLAUSE.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 102.00 DEFINITIONS.

- 102.01 Statutory Provisions Adopted.
- 102.02 Construction of Words.
- 102.03 Definitions, General.
- 102.04 Catchlines.

102.01 STATUTORY PROVISIONS ADOPTED.

The definitions and rules of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code and references to the legislature mean the Council.

102.02 CONSTRUCTION OF WORDS.

Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. The word "may" indicates discretionary. The word "shall" indicates mandatory.

The word 'ordinance' contained in the ordinances of the City has been changed in the content of this City Code to 'Chapter', 'Section', and/or 'Subdivision' or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances.

102.03 DEFINITIONS, GENERAL.

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them:

ADMINISTRATOR - "Administrator" means City Administrator.

AGENT - A person acting on behalf of another.

ALLEY - A public right-of-way, other than a street, which affords a secondary means of access to abutting property.

BOULEVARD - That portion of the street right-of-way which is not improved with bituminous, concrete and/or curb and gutter.

CITY - The City of Belle Plaine, County of Scott, State of Minnesota.

CITY ADMINISTRATOR - The person vested with authority and responsibility prescribed by State law and this Code.

CODE - The Municipal Code of the City of Belle Plaine, Minnesota.

CITY CLERK - Reference to "City Clerk" shall mean City Administrator.

CONVICTION - The term "Conviction" means either of the following accepted and recorded by the Court: a) a plea of guilty, b) a verdict of guilty by a jury or a finding of guilty by the Court, and c) a plea of no contest.

COUNCIL - A group whose members are equal in power, elected or appointed, as an advisory or legislative body. Reference to Council shall mean City Council.

COUNCILMEMBER - A person elected by the general populous, or appointed, to set policy for the operation of the City.

EMPLOYEEES - Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Belle Plaine."

FEE - A sum of money charged by the City for services or activities regulated by the City.

INTERSECTION - The term "intersection" means the area embraced within the prolongation or connection of the lateral curb line, or, if no curb, then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

LICENSE - The permission granted for the carrying on of a business, profession, occupation, or service.

MAYOR - An official elected or appointed to represent the City in official functions and chair City Council meetings.

MISDEMEANOR - "Misdemeanor" means a crime punishable with sentencing imposed as determined by State Statute.

NUISANCE - Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on property of another person or to the community.

OCCUPANT - As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE - Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS - Whenever a reference is made in this Code to a Police Officer, Peace Officer, Patrol Officer, or City Officer by title only, this shall be construed as though followed by the words "of the City of Belle Plaine."

OPERATOR - The person who is in charge of any operation, business, or profession.

ORDINANCE - The term "Ordinance" means a municipal regulation or law duly adopted by the Belle Plaine City Council.

OWNER - As applied to a building, land, or vehicle, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building, land, or vehicle.

PERSON - Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PETTY MISDEMEANOR - The term "Petty Misdemeanor" means an offense which does not constitute a crime, and for which the sentencing imposed as determined by State Statute.

PERSONAL PROPERTY - Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or demised and every right or interest therein.

PREMISES - The term "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owner, occupied, or possessed.

RETAILER - Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

RIGHT OF WAY - The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility assessments.

ROADWAY - The term "Roadway" means that portion of a right-of-way improved, designated, or ordinarily used for vehicular travel. In the event a right-of-way includes two or more separate roadways, the entire "roadway" as used refers to any roadway separately but not to all roadways collectively.

STATE - "State" means the State of Minnesota.

STREET - A public or private right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the City to another, whether designated as a street, avenue, highway, road, boulevard, lane, public way, or however otherwise designated.

TENANT - As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

VIOLATE - The term "Violate" means failure to comply with.

WHOLESALE - The terms 'wholesaler' and 'wholesale dealer' as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING - May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be by/in the proper handwriting of such person, or in case he/she is unable to write, by his/her proper mark.

102.04 CATCHLINES.

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

SECTION 103.00 GENERAL PENALTY/APPEALS.

- 103.01 General Penalty.
- 103.02 Application of Provisions.
- 103.03 Liability of Officers.
- 103.04 Issuance of Citations.
- 103.05 Appeals.

103.01 GENERAL PENALTY.

Subd. 1. Petty Offenses. Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to sentencing as determined by State Statute, Section 609.02, Subd.4a, except for petty misdemeanor violations which conform in substantial part to Minnesota Statutes Section 152.15, Subdivision 2, Clause (5), or Chapter 168 or 169.

Subd. 2. Misdemeanors. In any other case, unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance hereof, or any other provision of any code adopted in this Code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to sentencing as determined by State Statute, Section 609.02, Subd. 3, plus court costs.

103.02 APPLICATION OF PROVISIONS.

The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this City Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this City Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

103.03 LIABILITY OF OFFICERS.

No provisions of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

103.04 ISSUANCE OF CITATIONS.

Except as otherwise provided by statute, only a peace officer may: 1) ask a person receiving a citation to give written promise to appear in court or 2) take a person into custody as permitted by Minnesota Statute 629.34. The following City individuals may issue citations in lieu of arrest or continued detention for violation of the Belle Plaine City Code, the Belle Plaine Zoning Ordinance and/or the Belle Plaine Subdivision Ordinance. Areas of jurisdiction will be contained in City policy as set forth in resolution of the City Council.

- A. Peace Officers
- B. City Administrator
- C. City Zoning Administrator
- D. Building Official
- E. Public Works Superintendent
- F. Fire Chief
- G. Community Development Director

103.05 APPEALS.

Subd. 1. Right to Administrative Appeal.

If any person shall be aggrieved by any administrative decision of the City Administrator or any other City official or any board or commission such aggrieved person is entitled to a full hearing before the Council unless another appellate procedure is explicitly established by applicable law, regulation, or ordinance. Within thirty (30) days after receipt of notice of the order or determination, the aggrieved person shall serve a written request on the Mayor and City Administrator. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant.

Subd. 2. Hearing for Appeals and Other Hearings.

At such hearing, the appellant may present any evidence he/she deems pertinent to the appeal and has the burden to prove that the order or determination is in error. The appellant may be represented by counsel of the appellant's choosing and expense. The City shall not be required to keep a verbatim record of the proceedings. The notice, order or determination made by the City may be affirmed, reversed or modified. Any decision rendered by the Council shall be supported by written findings of fact and conclusions based upon the applicable sections of the City Code. The Mayor or other official presiding at the hearing may, in the interest of justice or to comply with the time requirements and on his/her own motion or the motion of the appellant, the City Administrator, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity of formal notice of reconvening.

SECTION 104.00 MAYOR AND CITY COUNCIL.

- 104.01 Salaries.
- 104.02 Meetings of the Council.
- 104.03 Presiding Officer.
- 104.04 Terms, Vacancies, and Oath.
- 104.05 Quorum and Voting.
- 104.06 Minutes.
- 104.07 Ordinances, Resolutions, and Communications.
- 104.08 Hearings.
- 104.09 Agenda and Order of Business.
- 104.10 Suspension of Rules.
- 104.11 Standing Committees.

104.01 SALARIES.

Subd. 1. Annual Compensation. The salary of the Mayor shall be \$4,600 per year and the salary of each Councilmember shall be \$4,400 per year and the Mayor and Council shall receive an annual increase equal to the cost of living. (*Ord. 12-06, Section 104.01, Adopted November 5, 2012*); (*Ord. 14-08, Section 104.01, Council Salaries, Adopted December 15, 2014.*)

Subd. 2. Compensation for Unusual Circumstance. When the Mayor or member(s) of the City Council is required to represent the City for a purpose not typical to his/her normal duties, reimbursement within reasonable limits may be requested. Such payment shall be made only when time spent is mandatory, such as to testify in court or to otherwise represent the city in a legal matter.

Subd. 3. Per Diems. When the Mayor or member(s) of the City Council are required to attend a meeting that meets the criteria set forth in section 104.01 Subd. 4, a per diem as set by resolution shall be provided.

Subd. 4. Qualifying Per Diem Meetings. The Mayor or member(s) of the City Council shall receive a per diem for attending meetings of subcommittees of the City Council to which a Council Member has been appointed, City Advisory Committees, meetings of bodies to which a Council Member has been appointed, City Council workshops or Special Council Meetings.

104.02 MEETINGS.

Subd. 1. Initial Meeting. At the first regular meeting of the Council in January of each year, the Council shall:

- A. Designate the depositories of City funds;
- B. Choose one of the Councilmembers as vice Mayor who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- C. Designate the official newspaper;
- D. Appoint such officers and employees and such members of boards, commissioners and committees as may be necessary.
- E. Set administrative fees.

- F. Appoint attorney, or firm of attorneys, for the City's legal and civil matters.
- G. Appoint engineer, or engineering firm.
- H. Appoint financial consultant, or financial consulting firm.

Subd. 2. Regular Meetings. Regular meetings of the Council shall be held on the first and third Monday of each calendar month. Starting time and ending time shall be set by Council resolution. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place, unless otherwise set by motion duly made and passed at a Council meeting. (*Ord.11-07, Chapter 1, Section 104.02, Adopted 08/01/11*).

Subd. 3. Special Meetings. The Mayor or any two (2) members of the Council may call a special meeting of the Council by filing a written statement with the City Administrator. A special meeting shall be preceded by three-day posted notice (or, as an alternate, three-day published notice) as well as three-day mailed notice to any person requesting particular notice of special meetings. At least one day before the meeting, notice shall be mailed or delivered personally to each member of the Council, or shall be left at his/her usual place of residence with some responsible person.

Subd. 4. Emergency Meetings. An emergency meeting may be called on less than three days notice for any matter which, in the judgment of the Council, requires immediate consideration. Notice shall be made by telephone or by any other reasonable method—A good faith effort shall be made to provide notice to any news medium that has requested notification. No posting or publication is necessary.

Subd. 5. Location of Meetings. All agendas for regular and special meetings shall include the meeting location.

Subd. 6. Open to the Public. All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be open to the public, unless such meeting may be closed under state law due to the nature of the subject to be discussed. At least one copy of any printed materials relating to agenda items must be available for public inspection while the governing body considers the subject matter.

Subd. 7. Compliance of Open Meeting Law. All meetings shall comply with the Minnesota State Open Meeting Law, M.S. §13D.01 et seq.

104.03 PRESIDING OFFICER.

Subd. 1. Who Presides. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both, the City Administrator shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2. Powers and Duties.

A. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the

proceedings of the Council may be conducted-by reference with "Robert's Rules of Order, Revised."

B. The presiding officer may make motions, second motions or speak on any question.

Subd. 3. Appeal from Ruling. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may speak once solely on the question involved and the presiding officer may explain his/her ruling, but no other Councilmember shall participate in the discussion. The appeal shall prevail if it is approved by a majority of the members present exclusive of the presiding officer.

104.04 COUNCIL COMPOSITION, TERMS, VACANCIES, OATH.

The Council shall be composed of a Mayor and four (4) members of the Council. The Mayor and Council members shall be elected at large. The Mayor and each Council member shall serve until a successor is elected and qualifies. The terms of Council members shall be staggered so that two (2) members are elected during each election period. The Mayor shall be elected for a term of two years and members of the Council shall be elected for a term of four years. Term of office shall begin on January 1. A vacancy shall be filled by Council appointment until an election is held as provided in State Statutes 412.018 to 412.02. In case of a tie vote in the Council, the Mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular City election and more than two years remain in the unexpired term, a special election shall be held at the next regular City election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular City election or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve until the qualification of a successor elected at a regular City election. Elected and appointed members, before beginning the duties described herein, shall take an oath relating to the faithful discharge of duties.

(Ord. 13-01, Section 104.04, Council Composition, Adopted January 7, 2013.)

104.05 QUORUM AND VOTING.

Subd. 1. Quorum. At all Council meetings a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Subd. 2. Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his/her name, shall be marked "abstain."

A majority vote of a quorum of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute.

104.06 MINUTES.

Subd. 1. Minutes Kept. Minutes of each Council meeting shall be kept by the City Administrator or his/her designee. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.

Subd. 2. Approval. The minutes of each meeting shall be reduced to text form, shall include the name of the Recording Secretary and copies thereof shall be delivered to each Council member as soon as practical. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand as approved by Council.

104.07 ORDINANCES, RESOLUTIONS AND COMMUNICATIONS.

Subd. 1 Ordinances and Resolutions.

A. Readings. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.

B. Signatures Required, Publication. Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the City Administrator and filed by him/her, or designee, in the ordinance or resolution book. A copy of the ordinance or summary of the ordinance if approved by two-thirds majority of the Council shall be published in the official newspaper. Proof of publication of every ordinance shall be kept in a permanent file in the office of the City Administrator.

C. Repeals and Amendments. Every ordinance repealing a previous ordinance or a section of subdivision thereof shall give the number, if any, and the title of the ordinance or Code number of the ordinance to be repealed in whole or part. Each ordinance amending an existing ordinance-or part thereof, shall set forth in full each amended section or subdivision as it will read with the amendment.

Subd. 2. Motions. Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes.

104.08 HEARINGS.

Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this Section.

Subd. 1. Notice. Hearings for street, alley, and/or utility vacations shall be preceded by fourteen (14) days published notice and fourteen (14) days mailed notice to all persons entitled thereto by law, ordinance, or regulation and shall be scheduled for two public hearings prior to Council action. All other hearings shall be preceded by ten (10) days, published notice and ten (10) days, mailed notice to all persons entitled thereto by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 2. Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made and such other matters as it deems necessary.

Subd. 3. Record. Upon the disposition of any matter after hearing, findings and decisions shall be entered into the summary in the official Council minutes.

104.09 AGENDA AND ORDER OF BUSINESS.

Subd. 1 Agenda. An agenda of business for each regular Council meeting shall be prepared and filed in the office of the City Administrator, and public posting of the agenda, not later than one day before the meeting. No items of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a majority vote of the Council. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member and to the City Administrator as far in advance of the meeting as time for preparation will permit.

Subd. 2. Order of Business. Each meeting of the Council shall convene at the time and place identified on the agenda. Council business shall be conducted in the following order:

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Approval of Agenda.
5. Approval of Consent Agenda.
6. Minutes of previous meetings prepared for approval.
7. Department Reports.
8. Public Hearings.
9. Presentation of Claims.
10. Business.
11. Administration Report.

The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing, or as soon thereafter as may be reasonably heard.

104.10 SUSPENSION OF RULES.

These rules contained in this Chapter may be suspended only by a two-thirds (2/3) vote of the members present and voting.

104.11 STANDING COMMITTEE.

Subd. 1. Committees Established, Appointment. The Council may establish certain standing committees by resolution. Committee members shall be appointed by the Mayor at the first regular Council meeting in January each year, or upon the creation of said committee, and shall be approved by the Council.

Subd. 2. Membership Term. Each committee shall consist of two (2) members of the Council and the chairperson of each committee shall be designated by the Mayor. Each committee member shall serve as appointed unless excused by a majority of the members of the Council.

A. If a member of the committee has three (3) unexcused absences, the member may be subject to removal from the Committee by the Council.

Subd. 3. Meetings. If the committee does not provide otherwise, committee meetings shall be held at the call of the chairperson. The same notice shall be given of committee meetings as for special meetings of the Council except that personal notice need not be given each member if the committee so decides.

Subd. 4. Referral and Reports. Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or a special committee appointed by him/her for a written report and recommendation before it is considered by the Council as a whole. Such report shall be filed with the City Administrator prior to the Council meeting at which it is to be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

SECTION 105.00 CITY DEPARTMENTS AND OFFICES.

- 105.01 City Administrator.
- 105.02 Ambulance Department.
- 105.03 Community Development Department
- 105.04 Building Official.
- 105.05 Community Services Department.
- 105.06 Public Works Department.
- 105.07 Fire Department
- 105.08 Police Department.
- 105.09 Finance Department.

105.01 CITY ADMINISTRATOR.

Subd. 1. Position Established and Continued. The position of City Administrator is hereby established and continued for the City and it shall include the statutory position of City Clerk, who shall be known as the City Administrator and he/she shall be vested with all the authority and responsibility prescribed by state law and City ordinances and shall have additional duties prescribed hereinafter and those as directed by the City Council.

Subd. 2. Appointment and Removal. The City Administrator shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. If at any time after he/she has completed six (6) months of continuous service, the Council wishes to remove him, the Administrator may, within thirty (30) days after written notice of removal, request a public hearing which the Council must grant and which must be started within thirty (30) days after the request.

Subd. 3. Qualifications. The City Administrator shall be selected solely on the basis of his/her executive and administrative qualifications with special reference to both his/her experience and formal education as well as his/her knowledge of accepted practices pertaining to the duties of his/her office.

Subd. 4. Powers and Duties. The City Administrator shall be the chief administrative officer of the City and he/she shall be responsible directly to the City Council for the proper administration of all affairs of the City and to that end shall be empowered and required to:

- A. Perform all the duties of a clerk of a statutory city as provided by Minnesota law;
- B. Supervise the administration of all departments, all offices and divisions of the City except as otherwise provided by law, and carry out any other responsibilities placed under his/her jurisdiction by this Code or by subsequent Council action or direction;
- C. Interview and screen all prospective City employees as permitted by law and make recommendations to the Council before the Council makes any appointment. He/she shall make recommendations for terminating and suspending employees and may suspend any employee. He/she shall also interview and screen all consulting firms who may be required to conduct work for the City and shall also review the performance of the consulting firms and recommend any changes in their services that he/she feels are of benefit to the City.

D. Develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices under his/her jurisdiction as permitted by law and Council approval, and subject to the ordinances and resolutions of the City.

E. Prepare and submit an annual budget to the City Council and keep the City Council advised of the financial condition of the City and make such recommendations as he/she may from time to time determine necessary and desirable.

F. Attend and participate in discussions at all meetings and other official bodies as directed by the Council. The City Administrator shall also represent the City at all official or semi-official functions as may be directed by the Council. He/she shall be entitled to notice of all regular and special meetings of the Council.

G. See that all laws and ordinances are duly and reasonably enforced and promptly refer any violations thereof to the Chief of Police, or appropriate department head for further action.

H. Receive estimates, quotations and sealed bids for purchases and contracts and present them to the City Council for official action.

I. Recommend from time to time the adoption of such measures as he/she may deem necessary or expedient for the health, safety and welfare of the community, or for the improvement of the administration.

J. Perform such other duties as may be required by the Mayor or City Council and those listed in the job description for the position of City Administrator and consistent with Minnesota statutes and City ordinances or resolutions.

Subd. 5. Bond Required. The City Administrator may be required to furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of his/her duties in an amount set by the Council. The premium for such bond shall be paid by the City.

Subd. 6. Expenditures. The City Administrator shall be authorized to expend City's funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The City Administrator shall receive compensation as set by Council resolution.

105.02 AMBULANCE DEPARTMENT.

Subd. 1. Department Established and Continued. The Ambulance Department of the City is hereby established and continued. The head of the Ambulance Department shall be known as the Ambulance Manager.

Subd. 2. Appointment of Ambulance Manager. The Ambulance Manager shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. The Ambulance Manager shall report directly to the City Administrator and/or his/her designee.

Subd. 3. Duties. The Ambulance Manager shall have duties as set forth in the job description for the position of Ambulance Manager as adopted by Council resolution.

Subd. 4. Supervision of Employees. All members of the Ambulance Department shall perform their duties subject to the orders and under the supervision of the Ambulance Manager.

A. Members of the Ambulance Department are subject to the rules adopted by the Personnel Policy of the City,

Subd. 5. Boards and Commissions. The Ambulance Manager shall serve as the executive officer of the Ambulance Advisory Board and advisor to the Ambulance Association Board as established by the City Council.

Subd. 6. Expenditures. The Ambulance Manager shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The compensation to be paid to the Ambulance Manager shall be set by Council resolution.

Subd. 8. Contract Management Services. The City Council may contract for the management services of the Ambulance Department and said contract shall take precedent of this Section.

105.03 COMMUNITY DEVELOPMENT DEPARTMENT.

Subd. 1. Department Established and Continued. The Community Development Department of the City is hereby established and continued. The Department shall oversee Planning and Zoning, building, housing and redevelopment, and economic development within the City. The head of the Community Development Department shall be known as the Community Development Director or a City Planner and Economic Development Director.

Subd. 2. Appointment of Community Development Director/City Planner. The Community Development Director/City Planner shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. The Community Development Director/City Planner shall report directly to the City Administrator.

Subd. 3. Duties. The Community Development Director/City Planner/Economic Development Director shall have duties as set forth in the job description for the position of Community Development Director/City Planner/Economic Development Director as adopted by Council resolution.

Subd. 4. Supervision of Employees. All members of the Community Development Department shall perform their duties subject to the orders and under the supervision of the Community Development Director/City Planner/Economic Development Director.

Subd. 5. Boards and Commissions. The Community Development Director shall serve as Executive Director to the Planning and Zoning Commission, the Economic Development Authority, and the Housing and Redevelopment Authority, as created and established by the City Council. The City Planner shall serve as the Executive Director to the Planning and Zoning Commission, Joint Planning Boards, and may serve as the Executive Director of the Park Board as created and established by the City Council. The Economic Development Director shall serve as Executive Director to the Economic Development Authority, Housing and Redevelopment Authority, Design Committee, and Belle Plaine Community Fund, and sub-committees, as created and established by the City Council.

Subd. 6. Expenditures. The Community Development Department shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The compensation to be paid to the Community Development Director, City Planner, and/or Economic Development Director shall be set by Council resolution.

105.04 BUILDING OFFICIAL.

Subd. 1. Position Established, Appointment, and Compensation. The position of Building Official is hereby established and continued. The Building Official shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. The Building Official shall report directly to the Community Development Director.

Subd. 2. Duties. The Building Official shall have general charge and supervision of the erection, construction, alteration, repair, removal and inspection of all buildings, structures, or portions thereof within the City, and shall enforce all ordinances relating thereto.

- A. Plumbing: He/she shall have general charge and supervision of all plumbing and plumbing inspection and elevator inspection, and shall enforce all ordinances relating thereto.
- B. Mechanical: He/she shall have general charge and supervision of all mechanical and mechanical inspections and shall enforce all ordinances relating thereto.

B. Permits: He/she shall receive application and issue permits for the erection, construction, alteration, repair and removal of buildings and structures.

C. Records: The Building Official, in coordination with the City, shall keep comprehensive records of applications received, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He/she shall retain on file essential portions of required plans and essential documents relating to building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the City Administration office without the written consent of the Community Development Director and a monetary deposit as determined by the Community Development Director.

All records shall be subject to the City's Record Retention Policy as adopted by Council resolution.

D. Reports: The Building Official shall make written reports to the City Administrator once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.

E. Right of Entry: The Building Official shall have the power to make or cause to be made an entry into any building or premises where construction is going on, for the purpose of making inspections at any reasonable hour.

Subd. 3. Stop Work Order. The Building Official shall have the power to order all work stopped on construction or alteration or repair of buildings in the City when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the Zoning Ordinance. Work shall not be resumed after the issuance of such an order except on the written permission of the inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by the Building Official or any police officer. Immediately following the issuance of a stop work order the Building Official shall notify the City Administrator or his/her designee.

Any person who continues doing work in violation of a stop work order shall be fined, subject to the terms of Section 103.01, Subd. 2.

105.05. COMMUNITY SERVICES DEPARTMENT.

Subd. 1. Department Established and Continued. The Community Services Department is hereby established and continued. The head of the Community Services Department shall be known as the Community Services Director.

Subd 2. Joint Powers Agreement. The Community Services Department shall be subject to the Joint Powers Agreement between the City and Independent School District #716. (See addendum “Agreement Between the City of Belle Plaine and Independent School District #716 Relating to the Establishment and Operation of a Jointly Sponsored Community Education and Recreation Program.”)

Subd. 3. Appointment of Community Services Director. The Community Services Director shall be appointed by the City Council and Independent School District #716 Board after interview and subject to the rules adopted by the Personnel Policy of the City. The Community Services Director shall report directly to the City Administrator and/or School Superintendent.

Subd. 3. Duties. The Community Services Director shall have duties as set forth in the job description for the position of Community Services Director as adopted by Council resolution and approved by Independent School District #716.

Subd. 4. Supervision of Employees. All members of the Community Services Department shall perform their duties subject to the orders and under the supervision of the Community Services Director.

A. Members of the Community Services Recreation Department shall be subject to rules adopted by the Personnel Policy of the City.

Subd. 5. Boards and Commissions. The Community Services Director shall serve as ex-officio to the Community Services Advisory Board and Park Board as established by the City Council.

Subd. 6. Expenditures. The Community Services Department shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The compensation to be paid to the Community Services Director shall be set by Council resolution upon agreement by the City Council and Independent School District #716.

105.06 PUBLIC WORKS DEPARTMENT.

Subd. 1. Department Established and Continued. The Public Works Department of the City is hereby established and continued. The head of the Department shall be known as the Public Works Superintendent. The Public Works Superintendent shall report directly to the City Administrator.

Subd. 2. Appointment of Public Works Superintendent. The Superintendent of Public Works shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City.

Subd. 3. Duties. The Public Works Superintendent shall have all of the duties set forth in the job description for the position of Public Works Superintendent.

Subd. 4. Supervision of Employees. All members of the Public Works Department shall perform their duties subject to the orders and under the supervision of the Public Works Superintendent.

A. Members of the Public Works Department shall be subject to the rules adopted by the Personnel Policy of the City.

Subd. 5. Boards and Commissions. The Public Works Superintendent shall serve as an advisor to the Public Works Committee.

Subd. 6. Expenditures. The Public Works Department shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The compensation to be paid to the Public Works Superintendent shall be set by Council resolution.

105.07 FIRE DEPARTMENT.

Subd. 1. Department Established and Continued. The Fire Department of the City is hereby established and continued. The head of the Fire Department shall be known as the Fire Chief.

Subd. 2. Organization. Members of the Fire Department shall follow the rules and regulations set forth by the Belle Plaine Fire Department and approved by the City Council.

Subd. 3. Duties. The Fire Chief shall have duties as set forth in the rules and regulations of the Fire Department.

Subd. 4. Firefighter's Relief and Pension Association. The active and retired members and officers of the Fire Department may organize themselves into a firefighter's relief and pension association in accordance with State Statute.

Subd. 5. Expenditures. The Fire Chief shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 6. Compensation. Compensation to members of the Fire Department shall be set by Council resolution.

105.08 POLICE DEPARTMENT.

Subd. 1. Department Established and Continued. The Police Department of the City is hereby established and continued. The head of the Police Department shall be known as the Police Chief.

Subd. 2. Appointment of Police Chief. The Police Chief shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. The Police Chief shall report directly to the City Administrator.

Subd. 3. Duties. The Police Chief shall have duties as set forth in the job description for the position of Police Chief as adopted by Council resolution.

A. The Chief shall designate a replacement in the event of his/her temporary absence. In the event of a permanent vacancy, the Council shall appoint an interim Chief to serve until a replacement is found.

Subd. 4. Serve as Emergency Services Director. The Police Chief shall serve as the City's Emergency Services Director and subject to appointment by the Mayor.

Subd. 5. Supervision of Employees. All members of the Police Department shall perform their duties subject to the orders and under the supervision of the Police Chief.

A. Members of the Police Department shall be subject to the rules of the Personnel Policy of the City.

Subd. 6. Duties of Police Officers. The members of the Police Department shall have duties as set forth in the job description for the position of Police Officer as adopted by Council resolution.

Subd. 7. Uniform and Badge. Each member of the Department shall, while on duty, wear a suitable badge furnished by City, except that the Chief may authorize the performance of specific duties while not in uniform. The officer shall also wear a uniform accepted and determined by the City. When a member terminates his/her employment in the Department, he/she shall immediately deliver to the City his/her badge, and all other property of the City in his/her possession.

Subd. 8. Boards and Commissions. The Police Chief shall serve as an advisor to the Public Safety Committee as established by the City Council.

Subd. 7. Expenditures. The Police Chief shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 9. Compensation. The compensation to be paid to the Police Chief shall be set by Council resolution.

105.09 FINANCE DEPARTMENT.

Subd. 1. Department Established and Continued. The Finance Department of the City is hereby established and continued. The Department shall oversee the finance department operations including all accounting and fiscal management activities; manage and be accountable for all property and equipment used; and make and file such reports as may be requested by the City Council, City Administrator and required by State and Federal Regulations. The head of the Finance Department shall be known as the Finance Director.

Subd. 2. Appointment of Finance Director. The Finance Director shall be appointed by the City Council after interview and subject to the rules adopted by the Personnel Policy of the City. The Finance Director shall report directly to the City Administrator.

Subd. 3. Duties. The Finance Director shall have duties as set forth in the job description for the position of Finance Director as adopted by Council resolution.

Subd. 4. Supervision of Employees. All members of the Finance Department shall perform their duties subject to the orders and under the supervision of the Finance Director.

Subd. 5. Boards and Commissions. The Finance Director shall serve as the staff representative to the Finance Ways and Means Committee, Budget Committee, and all other sub-committees as necessary, as created and established by the City Council.

Subd. 6. Expenditures. The Finance Department shall be authorized to expend City funds to a maximum amount as set by Council resolution.

Subd. 7. Compensation. The compensation to be paid to the Finance Director shall be set by Council resolution.

SECTION 106.00 CONTRACT AND CONSULTING SERVICES.

- 106.01 City Attorney
- 106.02 Engineering Services
- 106.03 Financial Advisor

106.01 CITY ATTORNEY.

Subd. 1. Contract Service Established, Appointment, and Compensation. The position of City Attorney is hereby established and continued. At the first regular Council meeting in January each year in accordance with Section 104.02 of this Code, the Council shall appoint an attorney or firm of attorneys to the position of City Attorney. The compensation to be paid for such position shall be established by Council resolution.

Subd. 2. Duties. The City Attorney shall represent the City with respect to any legal matters or litigation including prosecution of ordinance violations, petty misdemeanors, misdemeanors and gross misdemeanors committed within the City in accordance with directions given the City Attorney by the Mayor, Council, or City Administrator except where state law provides that prosecution shall be limited to a prosecuting authority other than the City Attorney.

106.02 ENGINEERING SERVICES.

Subd. 1. Contract Service Established, Appointment, and Compensation. The contract position of City Engineer is hereby established and continued. At the first regular Council meeting in January each year in accordance with Section 104.02 of this Code, the Council shall appoint an engineer or engineering firm to the contract position of City Engineer. The compensation paid for said services shall be established by Council resolution.

Subd. 2. Duties. The City Engineer shall represent the City with respect to planning and improving public ways including, but not limited to, street and alley improvements, water systems, sanitary sewer and storm water drainage, lighting, and general infrastructure improvements.

106.03 FINANCIAL ADVISOR.

Subd. 1. Contract Service Established, Appointment, and Compensation. The position of Financial Advisor is hereby established and continued. At the first regular Council meeting in January each year in accordance with Section 104.02 of this Code, the Council shall appoint a financial advisor, or financial consulting firm, to the position of Financial Advisor. The compensation for said services shall be established by Council resolution.

Subd. 2. Duties. The financial advisor shall represent and assist the City in financial planning.

SECTION 107.00 MUNICIPAL ELECTIONS.

- 107.01 Time of Elections.
- 107.02 Voter Registration, Statutory Rules Adopted.
- 107.03 Elected Officials, Terms Extended.
- 107.04 Election Equipment and Facility Use

107.01. TIME OF ELECTIONS.

Pursuant to Minnesota Statutes Annotated, Section 205.07, it is hereby provided that the City shall hold biennial elections the first Tuesday after the first Monday in the month of November, in each even-numbered year.

107.02. VOTER REGISTRATION, STATUTORY RULES ADOPTED.

A system of permanent registration of voters provided for by Minnesota Statutes, Chapter 201, is hereby adopted for the City. No person shall be permitted to vote in any election in the City, unless he/she is registered as provided by Minnesota law.

107.03. ELECTED OFFICIALS, TERMS EXTENDED.

Whenever this Chapter shall result in the expiration of a current term of office at a time when in those months preceding the end of the term there is no election, then the term of office thereby affected is extended to the date of the next election.

107.04 ELECTION EQUIPMENT AND FACILITY USE

City election equipment and facilities may be used by another entity with prior authorization from the City Administrator. The fees for the use of city election equipment and facilities will be set annually by the City Council.

SECTION 108.00 FEES.

Section 108.00, Fees.

Subd. 1. In accordance with Minnesota law, including without limitation Minnesota Statutes Section 462.353, subd. 4, the attached fee schedule is hereby adopted. This schedule shall be known as the "City's Fee Schedule." The City Council may, from time to time amend or repeal the City's Fee Schedule.

Subd. 2. The City's Fee Schedule is transitory in nature and shall not be codified in the City Code. The City's Fee Schedule shall be placed on file and available for public inspection at City Hall.

SECTION 109.00 CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYMENT AND LICENSE APPLICANTS

- 109.01 Purpose.
- 109.02 Authorization for Criminal History Employment Background Checks.
- 109.03 Authorization for Criminal History Licensing Background Checks.
- 109.04 Written Release and Consent Required.
- 109.05 Maintenance of Data
- 109.06 Disqualification/Required Disclosure.

109.01 PURPOSE.

The purpose and intent of this Section is to establish guidance to the city's police department when accessing Minnesota's criminal history information database for purposes of employment and licensing background checks under Minn. Stat. § 299C.72.

109.02 AUTHORIZATION FOR CRIMINAL HISTORY EMPLOYMENT BACKGROUND CHECKS.

Consistent with the provisions of Minn. Stat. § 299C.72, the Belle Plaine Police Department will conduct a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

Employment positions:

1. All regular, part-time and full-time employees of the City of Belle Plaine and other positions that work with children or vulnerable adults.
2. Applicants who are finalists for paid or volunteer positions within the City of Belle Plaine.
3. Where the City Administrator has determined that conviction of a crime may relate directly to the position sought.
4. This can, but does not need to include sworn police positions as the background check for this position is a requirement and authorized by Minn. Stat. 626.87 Subd. 1.

109.03 AUTHORIZATION FOR CRIMINAL HISTORY LICENSING BACKGROUND CHECKS.

Consistent with the authority provided in Minn. Stat. Sec. 299C.72, the Belle Plaine Police Department will conduct a criminal history background investigation on the applicants for the following licenses within the city

City licenses:

1. Liquor Licenses
2. Massage Therapists
3. Vendors / Peddlers / Transient Merchants
4. Tattoo Shops
5. Pawn shops

109.04 WRITTEN RELEASE AND CONSENT REQUIRED

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. §364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

109.05 MAINTENANCE OF DATA

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information systems data base in accordance with Minn. Stat. §299C.72. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the criminal history data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other city staff involved in the license approval process.

109.06 DISQUALIFICATION/REQUIRED DISCLOSURE

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. 13-04, Section 109, Adopted February 19, 2013)

(Ord. 19-09, Section 109, Adopted June 5, 2019)

SECTION 110.00 ASSESSMENT OF DELINQUENT ACCOUNTS.

110.01 Assessment of Delinquent Accounts.

110.01 ASSESSMENT OF DELINQUENT ACCOUNTS.

All charges and penalties for City services, including ambulance and fire, shall be the responsibility of the property owner where the services were incurred. Unpaid accounts shall be considered delinquent ten days after due date. Property owners shall be notified by first-class mail of the delinquent account. If payment is not made against the account by the date specified in the notice to the responsible party, the City Administrator shall to the extent permitted by law, prepare an assessment roll for Council adoption of the delinquent amount. The Council shall determine the amount of interest and length of term of assessment. Upon Council adoption, the City Administrator shall forward the assessment roll to the Scott County Taxation Department for assessment against the subject property.

(Ord. 07-08, Repealing and Replacing Chapter 1, Adopted August 20, 2007.)

(Ord. 11-07, Council Meeting Start and Ending Times, Adopted August 1, 2011.)

(Ord. 12-06, Council Salaries, Adopted November 5, 2012.)

(Ord. 13-01, Section 104.04, Council Composition, Adopted January 7, 2013.)

(Ord. 13-04, Section 109, Adopted February 19, 2013.)

(Ord. 14-08, Section 104.01, Council Salaries, Adopted December 15, 2014.)