

**CROOKSTON, MINNESOTA  
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## **SECTION 10.01 TITLE OF CODE.**

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code,” for which designation “code of ordinances,” “codified ordinances” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designation “SEC.” followed by the number, such as “SEC. 10.01.”

## **SEC. 10.02 RULES OF INTERPRETATION.**

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *AND or OR.* Either conjunction shall include the other as if written “and/or,” whenever the context requires.

(2) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

## **SEC. 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

#### **SEC. 10.04 CAPTIONS.**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

## **SEC. 10.05 DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

**CITY.** The area within the corporate boundaries of the city as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

**CITY ADMINISTRATOR** or **ADMINISTRATOR.** The person duly appointed by the City Council as City Administrator and acting in that capacity as the Chief Administrative Officer (see Section 5.01 of the City Charter).

**CITY CLERK-TREASURER.** The person duly appointed by the City Council and acting in that capacity.

**CITY COUNCIL** or **COUNCIL.** The City Council of the City of Crookston, Minnesota.

**CODE, THIS CODE** or **THIS CODE OF ORDINANCES.** This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

**CONVICTION.** Either of the following accepted and recorded by the court:

- (a) A plea of guilty; or
- (b) A verdict of guilty by a jury or a finding of guilty by the court.

**COUNTY.** The county or counties in which the city is located.

**CRIME.** Conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

**EX OFFICIO MEMBER.** A person who is not counted for the purposes of determining a quorum and has no right to vote, but shall have the right and obligation (within discretion) to speak to any question coming before the board, commission or other deliberative body of which they are a member.

**INTERSECTION.** 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.

**MAY.** The act referred to is permissive.

**MISDEMEANOR.** The crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

**ORDINANCE.** An ordinance duly adopted by the City Council.

**PERSON.** Extends to and includes an individual, person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PETTY MISDEMEANOR.** An offense which does not constitute a crime, and for which a sentence of a fine of not more than \$300 may be imposed.

**POLICE OFFICER or PEACE OFFICER.** Every officer, including special police, authorized to direct traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**PREMISES.** Any lot, piece or parcel of land within a continuous boundary, whether publicly or privately owned, occupied or possessed.

**PRIVATE PROPERTY.** All property not included within the definition of “public property” or “public place.”

***PUBLIC PROPERTY*** or ***PUBLIC PLACE***. Any place, property or premises dedicated to public use, owned by or controlled by the city, including, but not limited to, streets, parks, or parking lots so owned or occupied.

***ROADWAY***. That portion of a street improved, designed, or ordinarily used for vehicle travel. In the event a street includes two or more separate roadways, the term ***ROADWAY***, as used herein, shall refer to any roadway separately, but not all roadways collectively.

***SHALL***. The act referred to is mandatory.

***SIGNATURE*** or ***SUBSCRIPTION***. Includes a mark when the person cannot write.

***STATE***. The State of Minnesota.

***STREET***. The entire area dedicated to public use, or contained in an easement or other conveyance or grant to the city, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

***SUBCHAPTER***. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

***VIOLATE***. This term includes failure to comply with.

***WRITTEN***. Any representation of words, letters, or figures, whether by printing or otherwise.

***YEAR***. A calendar year, unless otherwise expressed.

## **SEC. 10.06 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

## **SEC. 10.07 REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### **SEC. 10.08 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

#### **SEC. 10.09 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

#### **SEC. 10.10 OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

#### **SEC. 10.11 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

#### **SEC. 10.12 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

#### **SEC. 10.13 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

#### **SEC. 10.14 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

#### **SEC. 10.15 REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision,

unless it is expressly provided.

## **SEC. 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

## **SEC. 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

## **SEC. 10.18 COPIES OF CODE.**

The official copy of this code shall be kept in the office of the City Clerk-Treasurer for public inspection. The Clerk-Treasurer shall provide a copy for sale for a reasonable charge.

## **SEC. 10.19 ADOPTION OF STATUTES AND RULES BY REFERENCE.**

It is the intention of the City Council that, when adopting this code, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

## **SEC. 10.20 ASSIGNMENT OF DUTIES.**

Whenever a specific duty is assigned to a particular officer or employee of the city, the designation or assignment shall also include the deputy, assistant or designee of the official or employee.

## **SEC. 10.99 GENERAL PENALTY.**

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

## **CHAPTER 11: CITY STANDARDS**

### **Section**

11.01 Ward boundaries

## **SECTION 11.01 WARD BOUNDARIES.**

(A) *First Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of West Robert Street and the centerline of the Burlington Northern Santa Fe Railroad (BNSF); thence southerly along the centerline of the BNSF Railroad to a point on the south line of the Northwest Quarter of Section 1, Township 149 N, Range 47 W of the Fifth Principal Meridian, that point being 180 feet west of the southeast corner of the northwest Quarter of Section 1, Township 149 N, Range 47 W; thence westerly along the south line of the Northwest Quarter of Section 1, Township 149 N, Range 47 W to the intersection with the east line of the Northwest Quarter of the Southwest Quarter of Section 1, Township 149 N, Range 47 W; thence southerly along the east line of the Northwest and Southwest Quarters of the Southwest Quarter of Section 1, Township 149 N, Range 47 W to its intersection with the south line of the Southwest Quarter of the Southwest Quarter of Section 1, Township 149 N, Range 47 W; thence westerly along the south line of the Southwest Quarter of the Southwest Quarter of Section 1, Township 149 N, Range 47 W to its intersection with the east right-of-way line of U.S.T.H. 75; thence northerly along the east right-of-way line of U.S.T.H. 75 to its intersection with the north right-of-way line of County Highway 233, known as Marin Avenue; thence easterly along the north right-of-way line of County Highway 233 to its intersection with the west right-of-way line of Old Trunk Highway 75; thence easterly along the west right-of-way line of Old Trunk Highway 75 to its intersection with the west line of the Southeast Quarter of the Northwest Quarter of Section 36, Township 150 N, Range 47 W; thence northerly along the west lines of the Southeast and Northeast Quarters of the Northwest Quarter of Section 36, Township 150 N, Range 47 W to its intersection with the centerline of the Red Lake River; thence easterly and upstream along the centerline of the Red Lake River to its intersection with the centerline of the Sargent Street Bridge; thence easterly along the centerline of the Sargent Street Bridge to its intersection with the centerline of West Robert Street; thence easterly along the centerline of West Robert Street to its intersection with the centerline of BNSF Railroad, being the point of commencement, shall constitute the First Ward.

(B) *Second Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of West Robert Street and the centerline of the Burlington Northern Santa Fe Railroad (BNSF); thence westerly along the centerline of West Robert Street to its intersection with the centerline of the Sargent Street Bridge; thence northwesterly along the centerline of the Sargent Street Bridge to its intersection with the centerline of the Red Lake River; thence northerly and westerly along the centerline of the Red Lake River to its intersection with the west line of the Southeast Quarter of Section 25, Township 150 N, Range 47 W, that also being a point on the west boundary of the City Limits; thence northerly and westerly from said point along the line of the west boundary of the City Limits to its intersection with the north right-of-way line of Fisher Avenue; thence easterly along the north right-of-way line of Fisher Avenue to a point 888 feet, more or less, from the east line of the Southeast Quarter of Section 24, Township 150 N, Range 47 W; thence northerly and parallel with the east line of the Southeast Quarter of Section 24, Township 150 N, Range 47 W for a distance of 1200 feet more or less; thence easterly and perpendicular to the east line of the Southeast Quarter of Section 24, Township 150 N, Range 47 W for a distance of 888 feet, more or less, to its intersection with the east line of the Southeast Quarter of Section 24, Township 150 N, Range 47 W; thence southerly along the east line of the Southeast Quarter of Section 24, Township 150 N, Range 47 W to its intersection with the north line of Section 30, Township 150 N, Range 46 W; thence easterly along the north line of Section 30, Township 150 N, Range 46 W to its intersection with the centerline of Widman Lane; thence southerly along the centerline and its extension of Widman Lane to its intersection with the centerline of Sherman Street; thence easterly along the centerline of Sherman Street to its intersection with the centerline of the BNSF Railroad; thence southwestly along the centerline of the BNSF Railroad to its intersection with the centerline of West Robert Street, being the point of commencement, shall constitute the Second Ward.

(C) *Third Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of Barrette Street and the south right-of-way line of County Highway 11; thence easterly along the south right-of-way line of County Highway 11 to its intersection with the west line of the Northeast Quarter of the Northeast Quarter, Section 29, Township 150 N, Range 46 W; thence southerly along the west line of the Northeast Quarter of the Northeast Quarter of Section 29 to its intersection with the south line of the Northwest Quarter of the Northeast Quarter of Section 29; thence westerly along the south line of the Northwest Quarter of the Northeast Quarter of Section 29 to its intersection with the west line of the Northeast Quarter of Section 29; thence southerly along the west line of the Northeast Quarter of Section 29 to its intersection with the north line of the Southwest Quarter of Section 29; thence westerly along the north line of the Southwest Quarter of Section 29 to its intersection with the west line of the Northwest Quarter of the Southwest Quarter of Section 29; thence southerly along the west lines of the Northwest and Southwest Quarter of the Southwest Quarter of Section 29 to its intersection with the south line of the Southwest Quarter of Section 29; thence westerly along the south line of the Southwest Quarter of Section 29 to its intersection with the centerline of Barrette Street; thence northerly along the centerline of Barrette Street to its intersection with the centerline of North Summit Avenue; thence westerly along the centerline of North Summit Avenue to its intersection with the centerline of Riverside Avenue; thence westerly along the centerline of Riverside Avenue to its intersection with the centerline of Alexander Street; thence northerly along the centerline of Alexander Street to its intersection with North Central Avenue; thence westerly along the centerline of North Central Avenue to its intersection with the centerline of Elm Street; thence southwesterly along the centerline of Elm Street to its intersection with the centerline of Sixth Street; thence westerly along the centerline of Sixth Street to its intersection with the centerline of the Burlington Northern Santa Fe Railroad (BNSF); thence northeasterly along the centerline of the BNSF Railroad to its intersection with the centerline of Fourth Avenue North; thence easterly along the centerline of Fourth Avenue North to its intersection with the centerline of Alexander Street; thence southerly along the centerline of Alexander Street to its intersection with the centerline of Fourth Avenue Northeast; thence easterly along the centerline of Fourth Avenue Northeast to its intersection with the centerline of Barrette Street; thence northerly along the centerline of Barrette Street to its intersection with the south right-of-way line of County Highway 11, being the point of commencement, shall constitute the Third Ward.

(D) *Fourth Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of the Red Lake River and the centerline of the Burlington Northern Santa Fe Railroad (BNSF); thence northeasterly along the centerline of the BNSF Railroad to its intersection with the centerline of West Sixth Street; thence easterly along the centerline of Sixth Street to its intersection with the centerline of Elm Street; thence northeasterly along the centerline of Elm Street to its intersection with the centerline of North Central Avenue; thence easterly along the centerline of North Central Avenue to its intersection with the centerline of Alexander Street; thence southerly along the centerline of Alexander Street to its intersection with the centerline of Riverside Avenue; thence easterly and southeasterly along the centerline of Riverside Avenue to its intersection with the centerline of North Summit Avenue; thence easterly along the centerline of North Summit Avenue to its intersection with the centerline of Barrette Street; thence southerly along the centerline of Barrette Street to its intersection with the centerline of the Red Lake River; thence westerly

and downstream along the centerline of the Red Lake River to its intersection with the centerline of the BNSF Railroad, being the point of commencement, shall constitute the Fourth Ward.

(E) *Fifth Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of the Red Lake River and the centerline of the Burlington Northern Santa Fe Railroad (BNSF); thence easterly and upstream along the centerline of the Red Lake River to its intersection with the centerline of Barrette Street; thence southerly along the centerline of Barrette Street approximately 2850 feet to a point on the southwesterly right-of-way line of the BNSF Railroad; thence northwesterly along said Railroad right-of-way line approximately 800 feet to a point 150 feet south of the centerline of Fairfax Avenue; thence westerly and parallel with the south line of Fairfax Avenue a distance of 1400 feet, more or less, to a point on the east line of the westerly one-half of Government Lot 2, Section 6, Township 149 N, Range 46 W; thence southerly along said line in Government Lot 2, to a point, said point being 49.5 feet north of the south line of Government Lot 2; thence west along said line being 49.5 feet north of the south line of Government Lot 2 to the centerline of Washington Avenue; thence north along the centerline of Washington Avenue to a point, said point being 308.7 feet south of the southerly boundary of Fairfax Avenue; thence westerly along the City Limits Line, and parallel and 308.7 feet distance from the southerly boundary of said Fairfax Avenue to the easterly boundary of Miles Avenue; thence southerly along the easterly boundary of Miles Avenue to the south line of Schley Street; thence westerly along the south line of Schley Street to the east line of McKinley Boulevard; thence southerly along the east line of McKinley Boulevard as platted in McKinley Park Addition to the centerline of Clark Street, being the City Limits; thence westerly along said line and its extension westerly a distance of 2880 feet, more or less, to its intersection with the centerline of the curve of the BNSF Railroad; thence northerly along the centerline of the BNSF Railroad to its intersection with the centerline of the Red Lake River, being the point of commencement, shall constitute the Fifth Ward.

(F) *Sixth Ward.* All that part of the city bounded as follows: Commencing at the point of intersection of the centerline of Barrette Street and the south right-of-way line of County Highway 11; thence westerly along the south right-of-way line of County Highway 11 to its intersection with the west right-of-way line of the Burlington Northern Santa Fe Railroad (BNSF); thence northwesterly along the west line of the BNSF Railroad right-of-way line a distance of 1350 feet, more or less, said point being the City Limits; thence northerly and continuing along the City Limits to its intersection with the north line of Section 30, Township 150 N, Range 46 W; thence easterly along the north line of Section 30 to its intersection with the centerline of Widman Lane; thence southerly along the centerline and its extension of Widman Lane to its intersection with the centerline of Sherman Street; thence easterly along the centerline of Sherman Street to its intersection with the centerline of the BNSF Railroad; thence southwesterly along the centerline of the BNSF Railroad to its intersection with the centerline of Fourth Avenue North; thence easterly along the centerline of Fourth Avenue North to its intersection with the centerline of Alexander Street; thence southerly along the centerline of Alexander Street to its intersection with the centerline of Fourth Avenue Northeast; thence easterly along the centerline of Fourth Avenue Northeast to its intersection with the centerline of Barrette Street; thence northerly along the centerline of Barrette Street to its intersection with the south right-of-way line of County Highway 11, being the point of commencement, shall constitute the Sixth Ward.

('83 Code, SEC. 2.76) (Ord. 77, 2nd Series, effective 3-14-92; Am. Ord. 148, 2nd Series, passed 4-9-02)

## **TITLE III: ADMINISTRATION**

### Chapter

**30. CITY COUNCIL**

**31. CITY OFFICIALS**

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## **CHAPTER 30: CITY COUNCIL**

### **Section**

- 30.01 Authority and purpose
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## **SECTION 30.01 AUTHORITY AND PURPOSE.**

Pursuant to authority granted by Charter, this chapter of the city code is enacted to set down for enforcement the government and good order of the city by and through the City Council. ('83 Code, SEC. 2.01)

## **SEC. 30.02 COUNCIL PROCEDURE.**

(A) The City Clerk-Treasurer shall prepare the following items:

- (1) An agenda for the forthcoming meeting;
- (2) A compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the city during the preceding month, the list to be called the "Claim Report" and bearing headings "Claimant," "Purpose," and "Amount;"
- (3) A copy of all minutes to be considered; and
- (4) Copies of the other proposals, communications, or other documents as the City Clerk-Treasurer deems necessary or proper for advance consideration by the Council.

(B) The City Clerk-Treasurer shall cause to be mailed or delivered to each member of the Council copies of all documents. Those items that are to appear on the Council agenda which are considered routine or about which no controversy or need for discussion can be foreseen by the Mayor and City Clerk-Treasurer may be placed on the consent agenda. The Council may approve all actions on the consent agenda with one vote. The motion to approve the consent agenda shall not be debated or discussed. At the request of any individual member of the Council prior to a vote upon the consent agenda, an item shall be removed from the consent agenda and placed upon the regular agenda for debate or discussion. Roberts' Rules of Order (Newly Revised) shall govern all Council meetings as to procedural matters not set forth in the Charter or this code.

(C) The order of business at regular meetings shall be as follows:

1. CALL TO ORDER
2. ROLL CALL
3. CROOKSTON FORUM – Individuals may address the Council about any item not contained on the regular agenda. Maximum of 15 minutes is allotted for the Forum. If the full 15 minutes are not needed for the Forum, the City Council will continue with the agenda. The City Council will take no official action on items discussed at the Forum, with the exception of referral to staff or Commission for future report.
4. PRESENTATIONS AND PUBLIC INFORMATION ANNOUNCEMENTS
5. APPROVE AGENDA
6. CONSENT AGENDA – These items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and placed elsewhere on the agenda.
7. PUBLIC HEARINGS
8. REGULAR AGENDA

9. REPORTS AND STAFF RECOMMENDATIONS

10. ADJOURNMENT

(D) Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered except with the unanimous consent of the members of the Council, or scheduled public hearings or bid lettings at the time stated in the notice. All claims for payment must be filed at or before 12:00 noon on the Wednesday preceding the regular Council meeting at which they are to be considered.

(‘83 Code, SEC. 2.02) (Ord. 98, 2nd Series, effective 2-25-95)

**SEC. 30.03 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 not having within its structure an appellate procedure, the aggrieved person is entitled to a full hearing before the Council upon serving a written request therefore upon the Mayor and City Administrator at least ten days prior to any regular Council meeting. The request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At the hearing the appellant may present any evidence he or she deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on the Mayor’s 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 the time or place shall be fixed and determined before adjournment to avoid the necessity for formal notice of reconvening. (‘83 Code, SEC. 2.04)

**SEC. 30.04 RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.**

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. The rules of procedure shall be effective 30 days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings. (‘83 Code, SEC. 2.05)

**SEC. 30.05 ACCOUNTS, CLAIMS OR DEMANDS.**

(A) *Generally.* Except as to an annual salary, fees of jurors or witnesses fixed by law, or wages or salaries of employees which have been fixed on an hourly, daily, weekly or monthly basis by the Council and which by law are authorized to be paid on a payroll basis, any account, claim or demand against the city which can be itemized in the ordinary course of business, the Council shall not audit or allow the claim until the person claiming payment, or his agent, reduces it to writing, in items, and signs a declaration to the effect that the account, claim or demand is just and correct and that no part of it has been paid.

(B) *Discretionary exception.* The Council may, in its discretion, allow a claim prepared by the City Clerk-Treasurer prior to the declaration by the claimant if the declaration is made on the check by which the claim is paid.

(C) *Form of declaration.* The declaration provided for in division (A) is sufficient in the following form: “I declare under the penalties of law that this account, claim or demand is just

and correct and that no part of it has been paid. Signature of Claimant.”

(D) *Form and effect of declaration on check.* The declaration provided for in division (B) shall be printed on the reverse side of the check, above the space for endorsement by the payee, as follows: “The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the city, and that no part of it has heretofore been paid.” When endorsed by the payee named in the check, the statement shall operate and shall be deemed sufficient as the required declaration of claim.  
(‘83 Code, SEC. 2.07)

### **SEC. 30.06 SALARIES.**

(A) The Mayor shall receive an annual salary established by ordinance from time to time, which salary shall be paid to him or her in equal monthly installments. In the absence or disability of the Mayor, the Vice-Chairperson of the Council, after having served in place of the Mayor a continuous period of 30 days, shall be entitled to receive the same amount of salary as the Mayor, for all service beyond the initial 30-day period.

(B) The Council members shall receive an annual salary established by ordinance from time to time, which salary shall be paid in equal monthly installments. The Assistant Mayor shall not receive the Council member salary during any period for which he or she receives the Mayor salary as hereinabove provided. (Ord. 58, 2nd Series, effective 1-1-90)

(C) Nothing contained herein shall alter the rules set out in Section 2.07 of the City Charter regarding expenses.  
(‘83 Code, SEC. 2.10)

### **SEC. 30.07 CITY SEAL.**

All contracts to which the city is a party may be sealed with the City Seal. The seal shall be kept in the custody of the Clerk-Treasurer and affixed by the Clerk-Treasurer. The official City Seal shall be a circular disc having engraved thereupon “CITY OF CROOKSTON” and other words, figures or emblems as the Council may, by resolution, designate.  
(‘83 Code, SEC. 2.03)

### **SEC. 30.08 FACSIMILE SIGNATURES.**

The Mayor and City Clerk-Treasurer 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.  
(‘83 Code, SEC. 2.06)

### **SEC. 30.09 INTERIM EMERGENCY SUCCESSION.**

(A) *Purpose.* Due to the existing possibility of a nuclear 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 attack upon the United States, a natural disaster affecting the vicinity of the city, or a disaster in the nature of an accident or occurrence involving one or more members of the Council, 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 alternative 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 attack or 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.

(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.

('83 Code, SEC. 2.09)

## **CHAPTER 31: CITY OFFICIALS**

### **Section**

31.01 City Administrator

## SECTION 31.01 CITY ADMINISTRATOR.

- (A) The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be chosen by the Council solely on the basis of training, experience, executive and administrative qualifications. The City Administrator need not be a resident of the City at the time of the appointment, but may reside outside the City while in office only with approval of the Council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of five Council Members or four Council Members and the Mayor or Assistant Mayor in the event of a tie.
- (B) Powers And Duties Of The City Administrator.
- a. Subdivision 1. The City Administrator shall be responsible to the Council for the administration of the City's affairs. The City Administrator shall have the powers and duties set forth in the following subdivisions:
  - b. Subdivision 2. The City Administrator shall see that this Charter and the laws, ordinances and resolutions of the City are enforced.
  - c. Subdivision 3. The City Administrator shall appoint and may suspend, remove, promote, demote, transfer and otherwise discipline upon the basis of merit and fitness and subject to applicable personnel rules, all subordinate officers and City employees, except that the approval of the Council shall be necessary before any such action affecting heads of departments shall be effective.
  - d. Subdivision 4. The City Administrator shall direct and supervise all departments, offices and agencies of the City, except as otherwise provided by law or Charter.
    1. Administration Department;
    2. Clerk-Treasurer Department;
    3. Fire Department/Emergency Management/Building Inspector;
    4. Police Department;
    5. Public Works Department;
    6. Community Development Department;
    7. Information Technology Department;
    8. Airport;
    9. City Attorney;
    10. Financial Advisor/Bond Consultant; and
    11. City Engineer Consultant.
  - e. Subdivision 5. The City Administrator or the City Administrator's designee shall attend all meetings of the Council and may take part in discussion but not vote. The Council may, in its discretion, exclude the City Administrator from any meetings at which the employment terms and conditions, removal, suspension or other discipline of the City Administrator is considered.
  - f. Subdivision 6. The City Administrator shall recommend to the Council for adoption such measures as the City Administrator deems necessary for the welfare of the people and the efficient administration of the City's affairs.
  - g. Subdivision 7. The City Administrator shall keep the Council fully advised on the financial condition and needs of the City, and shall prepare and submit to the Council the annual budget and capital plan.
  - h. Subdivision 8. The City Administrator shall submit to the Council and make

available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

- i. Subdivision 9. The City Administrator shall assist the Council with long term and strategic planning.
- j. Subdivision 10. The City Administrator shall perform such other duties as are prescribed by Charter or may be required by the Council.
  
- k. Section 5.03, Administrative Organization. The Council may by ordinance establish City departments, offices and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.
- l. Section 5.04, Subordinate Officers. There shall be a Clerk, Treasurer and such other subordinate officers to the City Administrator as the Council may establish by ordinance. The Clerk and Treasurer shall be subject to the direction of the City Administrator and shall have such duties as the Council may prescribe. The Council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices.
- m. Section 5.05, Purchase And Contracts. The City Administrator shall be the chief purchasing agent of the City. All City purchases and contracts shall be made or let by the City Administrator when the amount involved does not exceed any limit set by Council resolution. All other purchases shall be made and all contracts let by the Council after the recommendation of the City Administrator has first been obtained. All purchase contracts above the amount set by Council resolution, all other contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The Council may, by ordinance, adopt further regulations for the making of bids and the letting of contracts including, but not limited to, regulations authorizing life cycle or total cost bidding.

## CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

### Section

#### *General Provisions*

- 32.001 Departments generally
- 32.002 Boards and Commissions generally

#### *Administration Department*

- 32.010 Establishment

#### *Clerk/Treasurer Department*

- 32.020 Establishment

#### *Community Development Department*

- 32.030 Establishment

#### *Fire Department*

- 32.040 Establishment

#### *Information Technology Department*

- 32.050 Establishment

#### *Parks and Recreation Department*

- 32.060 Establishment

#### ***Cross-reference:***

*Park and Recreation Department, see SEC. 95.01*

#### *Police Department*

- 32.070 Establishment
- 32.071 Police Reserve

#### *Public Works Department*

- 32.080 Establishment

### ***Airport Commission***

- 32.100 Creation, appointment and compensation
- 32.101 Term; officers
- 32.102 Powers and duties
- 32.103 Budget; annual report

### ***Charter Commission***

- 32.110 Establishment and composition
- 32.111 Powers and duties

### ***Planning Commission***

- 32.120 Establishment and composition (See also SEC. 152.197)
- 32.121 Powers and duties

### ***Board Of Zoning Appeals.***

- 32.130 Establishment and composition (See also SEC. 152.196)
- 32.131 Powers and duties

### ***Library Board***

- 32.140 Establishment and composition
- 32.141 Powers and duties

### ***Park Board***

- 32.150 Purpose; Creation of Board
- 32.151 Authority and duties
- 32.152 Personnel; Membership and organization
- 32.153 Reservation of powers
- 32.154 Appeal to Council
- 32.155 Amendment

## ***GENERAL PROVISIONS***

### **SECTION 32.001 DEPARTMENTS GENERALLY.**

(A) *Control.* All departments of the city are under the overall control of the City Administrator. Heads of all departments are responsible to the City Administrator and subject to his or her supervision and direction, except as otherwise provided herein.

(B) *Appointment.* All department heads shall be appointed by the Council, except those as are created under statute. All appointments shall be for an indeterminate term and subject to any applicable civil service regulations in effect in the city.

(C) *Compensation.* All wages and salaries shall be fixed and determined by the Council.

(D) *Table of organization and lines of responsibility.* The Council may by resolution adopt, amend, and from time to time revise, a table of organization and define lines of responsibility and authority for the efficient governmental organization of the city.

(E) *Budgetary information.* The City Administrator shall keep the Council fully advised on the financial condition and needs of the city, and shall prepare and submit to the Council the annual budget and capital plan.

('83 Code, SEC. 2.30)

### **SEC. 32.002 BOARDS AND COMMISSIONS GENERALLY.**

(A) All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, brought to the Ways and Means Committee for approval, and the appointment 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 appointment, and terms of present Board and Commission members may be re-established and changed to give effect to this section. No Board or Commission member shall be appointed to more than two full consecutive terms. Terms of elected officials serving on a Board or Commission shall coincide with their term of office as members of the City Council. New appointees shall assume office on January 1, December 31 being the date of expiration of terms. Provided, however, that all appointees to Boards and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term.

(B) No appointed Board or Commission member shall be an employee of the city except those who are members by virtue of their office. All appointed Board and Commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when the expenses have been authorized by the Council before they were incurred.

(A) The Chairman 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. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and his position filled as any

other vacancy.

(D) The City Administrator shall be an ex officio member of all Boards and Commissions; provided, that if he or she is unable to attend a meeting or act in the capacity of membership, he or she may be represented by his or her assistant or some person duly authorized by him or her. Except as otherwise provided, this section shall apply to all Boards and Commissions. ('83 Code, SEC. 2.50)

### ***ADMINISTRATION DEPARTMENT***

#### **SEC. 32.010 ESTABLISHMENT.**

(A) An Administration Department is hereby established. The head of the Department shall be the City Administrator.

(B) The City Administrator shall be responsible to the City Council. The City Administrator shall also make and file reports as may be requested by the City Council.

(C) Powers and duties of the City Administrator are as presented in SEC. 31.01(B).

### ***CLERK / TREASURER DEPARTMENT***

#### **SEC. 32.020 ESTABLISHMENT.**

(A) A Clerk/Treasurer Department is hereby established. The head of the Department shall be the Clerk/Treasurer.

(B) The Clerk/Treasurer shall be responsible to the City Administrator. The Clerk /Treasurer shall also make and file reports as may be requested by the City Administrator.

### ***COMMUNITY DEVELOPMENT DEPARTMENT***

#### **SEC. 32.030 ESTABLISHMENT.**

(A) A Community Development Department is hereby established. The head of the Department shall be the Community Development Director who is responsible to the City Administrator.

(B) The Director shall see that all rules and regulations and all provisions of the State of Minnesota and ordinances of the city relative to the operation of the Department are observed. The Director shall also file the reports as may be requested by the City Administrator.

### ***FIRE DEPARTMENT***

#### **SEC. 32.040 ESTABLISHMENT.**

(A) A Fire Department is hereby established. The Fire Chief shall direct and supervise

the Fire Department and be responsible to the City Administrator.

(B) The Chief of the Fire Department shall have general supervision of the Fire Department and custody of all property used and maintained for the purposes of the Fire Department. The Chief shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State of Minnesota and ordinance of the city relative to a Fire Department and prevention and extinguishment of fires are duly observed. The Chief shall supervise the preservation of all property endangered by fire and shall control and direct all persons engaged in preserving property. Building regulations are also administered by the Fire Department. In case of absence or disability of the Chief for any cause, the next in command shall exercise all powers, perform all the duties and be subject to all the responsibilities of the Chief.

(C) Chief of the Fire Department shall also make and file reports as may be requested by the Administrator.  
(‘83 Code, SEC. 2.32)

(D) The Building Official shall enforce the building and zoning regulations of the city and shall perform all duties assigned as follows:

(1) Issue occupancy, building and other permits, and make and maintain records thereof.

(2) Conduct inspections of buildings and use of land to determine compliance with the terms of the city’s building and zoning regulations.

(3) Maintain permanent and current records, including, but not limited to, all maps, amendments, and conditional use permits, variances, appeals and applications thereof.

(4) Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the proper designated officials or bodies.

(5) Notify the City Attorney of any violations of the building and zoning regulations for appropriate action.

(6) The Fire Chief shall see that all rules and regulations and all provisions of the State of Minnesota and ordinances of the city relative to the operation of the Department are observed.

## ***INFORMATION TECHNOLOGY DEPARTMENT***

### **SEC. 32.050 ESTABLISHMENT.**

(A) An Information Technology Department is hereby established. The head of the Department shall be the Information Technology Director.

(B) The Information Technology Director shall be responsible to the City Administrator. The technology facilities and equipment, including, but not limited to, computer programming

and maintenance, as well as electronic communications, shall be under the supervision and control of all property of the Department. The Director shall also make and file reports as may be requested by the City Administrator.(Ordinance 158, 2<sup>nd</sup> Series, 8/15/03)

### ***PARKS AND RECREATION DEPARTMENT***

#### **SEC. 32.060 ESTABLISHMENT.**

(A) A Parks and Recreation Department is hereby established. The head of this Department shall be the Parks and Recreation Director. All park facilities and recreational programs and equipment shall be under the direct control of the Director.  
(\*83 Code, SEC. 2.36)

(B) The Parks and Recreation Director shall be responsible to the City Administrator. The Parks and Recreation Director shall also make and file reports as may be requested by the City Administrator.

### ***POLICE DEPARTMENT***

#### **SEC. 32.070 ESTABLISHMENT.**

(A) A Police Department is hereby established. The Chief of Police shall direct and supervise the Police Department and be responsible to the City Administrator.

(B) The Chief of the Police Department shall have general supervision of the Police Department and custody of all property used and maintained for the purpose of public safety. The Chief shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State of Minnesota and ordinances of the city relative to a Police Department are duly observed. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform the duties as are required of them by the law.

(C) It is the duty of the Chief of Police, on or before the first Council meeting of each month, to file with the City Administrator a report as to the activities of the Department during the previous month. The Chief of Police shall also make and file other reports as may be requested by the City Administrator.  
(\*83 Code, SEC. 2.31, Subd. 1)

#### **SEC. 32.071 POLICE RESERVE.**

(A) A Police Reserve is hereby established.

(B) The purpose of this section is to provide assistance to the Police Department to ensure that the public peace, health and safety of the city is preserved.

(C) The functions of the Police Reserve are to provide supplementary assistance to the Police Department at special events, traffic or crowd control, and administrative or clerical assistance.

(D) The Police Reserve is under the direct supervision and control of the Chief of Police. The Chief is responsible for the organization, administration, and operation of the Police Reserve, subject to the direction and control of the City Administrator. The Chief of Police may designate members of the Police Reserve to serve as officers of the Reserve. The Chief may, by order, establish rules and regulations to govern the Reserve including the fixing of specific duties of its members and providing for the maintenance of discipline.

(E) The Chief of Police is responsible for coordinating functions of the Police Reserve and the Police Department. The Chief will institute training programs and establish annual requirements as he or she deems necessary. The Chief is responsible for organizing the Police Reserve, selecting its personnel, determining the number of members in the Police Reserve and discharging any member of the Police Reserve for good cause. The Chief of Police will maintain an inventory of all equipment issued to the Police Reserve. All duties of the Chief of Police described in this division are subject to the direction and control of the Administrator.

(F) General provisions for Police Reserve members.

(1) Members of the Police Reserve must be of good moral character.

(2) The Police Reserve is a volunteer organization and members are generally not compensated for their services. However, members may be compensated for certain duties, such as security for private and public events, dances, sporting events, transports, guarding prisoners in the hospital, or other special duties at the discretion of the Chief of Police.

(3) Members of the Police Reserve are covered by the provisions of the city Worker's Compensation Insurance and Liability Insurance policies while on duty.

(4) Each Police Reserve member will be provided with suitable insignia or other identification as required by the Chief of Police.

(5) No Police Reserve member shall carry any firearm while on duty.  
(‘83 Code, SEC. 2.31, Subd. 2) (Ord. 89, 2nd Series, effective 4-22-94)

## ***PUBLIC WORKS DEPARTMENT***

### **SEC. 32.080 ESTABLISHMENT.**

(A) A Public Works Department is hereby established. The head of the Department shall be the Public Works Director who is responsible to the City Administrator.

(B) The Public Works Director shall be responsible for and have custody of all property of the Department, which shall include, but not necessarily be limited to, the city sewage systems, streets, refuse collection, water systems and engineering that shall be directed by the City Administrator.

(C) The Public Works Director shall be responsible for all city water facilities, including but not limited to, pumping, filtration, distribution lines, and connections therewith, shall be under the direct supervision and control of the Director and the Director shall be responsible for and have custody and control of all property of the Department.

(D) It is also the duty of the Public Works Director, on or before the first regular Council meeting of each month, to file with the City Administrator a report as to the activities of the Department during the preceding month. The Director shall also make and file other reports as may be requested by the City Administrator.  
(‘83 Code, SEC. 2.34) (Ord. 100, 2nd Series, effective 5-13-95)

### ***AIRPORT COMMISSION***

#### **SEC. 32.100 CREATION, APPOINTMENT AND COMPENSATION.**

(A) *Creation.* Pursuant to the applicable Minnesota Statutes, there is hereby created an Airport Commission composed of five members. (‘83 Code, SEC. 2.52, Subd. 1)

(B) *Appointment and compensation.* The members of the Commission shall be appointed by the Mayor and all appointments shall be confirmed by a majority vote of the Council. Members shall serve without compensation. (‘83 Code, SEC. 2.52, Subd. 2)

### **SEC. 32.101 TERM; OFFICERS.**

(A) *Term of office.* The term of office shall be three years with the terms staggered. The term of office shall expire on the first Monday in January of each year. Provided, however, that one member may be selected by the Council from its membership. ('83 Code, SEC. 2.52, Subd. 3)

(B) *Officers.* The Commission shall elect one of its members to be Chairperson of the Commission, and one member thereof to be Vice-Chairperson. The Clerk-Treasurer shall be the Treasurer of the Commission. The officers so elected shall hold office for a term of one year and until their successors are appointed and qualified. The Commission may select from its membership one member to serve as Secretary, or may select a non-member to serve as Secretary. ('83 Code, SEC. 2.52, Subd. 4)

### **SEC. 32.102 POWERS AND DUTIES.**

The Commission shall have the authority and responsibility for the construction, enlargement, maintenance, equipment, operation and regulation of the Municipal Airport, also known as the Kirkwood Airport, as may be vested in the city under the laws of the State of Minnesota and of the United States relating to the construction, management and operation of the airport, except as mentioned herein.

(A) The Commission may exercise, on behalf of the city, all the powers granted to the city by Minnesota Statutes, provided:

(1) Real property, airports, restricted landing areas, airport protection privileges or personal property costing in excess of a sum to be set by the city may be acquired and condemnation proceedings may be instituted, only by authority of the Council. All rules and regulations provided for by M.S. SEC. 360.038, Subd. (3), as it may be amended from time to time, shall be effective only upon approval of the Council.

(2) No real property and no airports, other air navigation facilities or air protection privilege shall be disposed of by the Commission, by sale, lease, or otherwise, except by authority of the Council, but the Commission may lease space, area or improvements and grant concessions for aeronautical purposes or purposes incidental thereto, subject to the provisions of M.S. SEC. 360.038, Subd. (4), as it may be amended from time to time.

(B) The Commission shall have authority to hire or retain employees and professional services as may be necessary to accomplish the purposes for which it was appointed, and to fix any salaries.

(C) The Commission shall keep and maintain full and complete financial records. The Commission shall maintain a current inventory of all airport property showing the approximate date acquired and the cost thereof.  
( '83 Code, SEC. 2.52, Subd. 5)

### **SEC. 32.103 BUDGET; ANNUAL REPORT.**

(A) *Budget.* The Commission each year at the appropriate time shall prepare a budget for financing the airport for the ensuing year which shall be furnished to the Council. Final

decision as to requested appropriations shall be reported to the Commission which shall adjust its budget if necessary so that its budget at all times shall be balanced. Money not expended shall be credited to the surplus of the Airport Fund.

(1) The Commission shall control the expenditures of all monies collected for or placed to the credit of the Airport Fund. All monies received shall be paid to the city treasury, credited to the Airport Fund and kept separately from other monies of the city and paid out only upon itemized vouchers approved by the Commission.

(2) The Commission shall have no power to levy taxes or borrow money and it shall not approve any claim or incur any obligations for expenditures unless there is unencumbered cash in the appropriate Airport Fund to the credit of the Commission with which to pay the same.

('83 Code, SEC. 2.52, Subd. 6)

(B) *Report of Commission.* The Commission, as soon as possible after the end of each calendar year, shall prepare and present to the Council a report of its activities and finances. The Commission shall also prepare and present federal and state officials with reports as may be required by law, regulation or contract.

('83 Code, SEC. 2.52, Subd. 7)

### ***CHARTER COMMISSION***

#### **SEC. 32.110 ESTABLISHMENT AND COMPOSITION.**

A Charter Commission is hereby established. The Commission shall be composed of twelve members, who shall serve staggered four-year terms. The City Attorney, by reason of their position, shall be an ex officio member. The Mayor and Council shall make all appointments.

#### **SEC. 32.111 POWERS AND DUTIES.**

The Charter Commission shall have all the powers and duties defined or granted in the statutes and the city code and shall act in an advisory capacity to the Council.

### ***PLANNING COMMISSION***

#### **SEC. 32.120 ESTABLISHMENT AND COMPOSITION.**

A Planning Commission is hereby established. The Commission shall be composed of five members, four of whom shall serve staggered four-year terms. The City Attorney and a member of the City Council, by reason of their positions, shall be ex officio members. The Mayor and Council shall make all appointments.

('83 Code, SEC. 2.51, Subd. 1)

#### **SEC. 32.121 POWERS AND DUTIES.**

The Planning Commission shall have all the powers and duties defined or granted in the statutes and the city code relating to planning, zoning and subdivision regulations and shall act in an advisory capacity to the Council in all of these areas.

(‘83 Code, SEC. 2.51, Subd. 2)

The Planning Commission shall provide assistance to the Council and Zoning Administrator in the administration of this chapter and the recommendation of the Planning Commission shall be advisory in nature. Specifically, the Planning Commission shall review, hold public hearings, and make recommendations to the Council on all applications for zoning amendments, variances, and conditional use permits using the criteria in SEC. 152.198 through SEC. 152.200 of this chapter.

(‘83 Code, SEC. 11.15, Subd. 3)

## ***BOARD OF ZONING APPEALS***

### **SEC. 32.130 ESTABLISHMENT AND COMPOSITION.**

A Board of Zoning Appeals is hereby established, which shall consist of the Council, vested with the administrative authority as hereinafter provided.

### **SEC. 32.131 POWERS AND DUTIES.**

(A) The Board of Zoning Appeals shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. The appeal may be taken by any person, firm, or corporation aggrieved or by any officer, department, board or bureau of the city. The Board of Zoning Appeals shall also have the power to grant variances to the provisions of this chapter under certain conditions indicated in SEC.152.200 of this chapter. No use variances; a use different than that allowed in the zoning district, shall be issued by the Board of Zoning Appeals.

(B) Meetings by the Board of Zoning Appeals shall be held within the time and upon the notice to interested parties as is provided in this chapter and its adopted rules for the transaction of its business. The Board shall, within 60 days after receiving a request for a variance, refer the proposed variance to the Planning Commission for review and comment. After receiving the comments of the Planning Commission, the Board shall make its order deciding the matter, and shall serve a copy of the order upon the appellant or petitioner by mail. Any party may appear at the meeting in person or by agent or attorney. The Board of Zoning Appeals may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination as in its opinion ought to be made and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the decision shall be stated and recorded. The decision of the Board shall not be final and any person having an interest affected by the decision shall have the right to appeal to District Court in the county in which the land is located on questions of law and fact. A vote of the majority of the Board of Zoning Appeals shall be necessary to reverse any decision of an administrative official of the city or to decide in favor of the applicant.

(‘83 Code, SEC. 11.15, Subd. 2)

## ***LIBRARY BOARD***

### **SEC. 32.140 ESTABLISHMENT AND COMPOSITION.**

A Library Board is hereby established. The Board shall be composed of five members, who shall serve staggered three-year terms. The Mayor and Council shall make all

appointments.

**SEC. 32.141 POWERS AND DUTIES.**

The Library Board shall have all the powers and duties defined or granted in the statutes and the city code relating to the public library (Lake Agassiz Regional Library) and shall act in an advisory capacity to the Council.

## ***PARK BOARD***

### **SEC. 32.150 PURPOSE; CREATION OF BOARD.**

(A) *Purpose.* The nature and operation of the various parks and recreation programs of the city are uniquely allied with individual citizens. Therefore, it is in the best interests of the city and its citizens that concentration of public opinion and decision-making pertaining to city parks and recreation originate with a citizens' board established for that purpose.

(B) *Creation of Board.* There is hereby created the Parks and Recreation Board which, for the purposes of this subchapter, is referred to as the Board.  
(Ord. 142, 2nd Series, passed 9-12-00)

### **SEC. 32.151 AUTHORITY AND DUTIES.**

Subject to the reservation of powers set forth in SEC. 32.153, the Board has the following duties and powers:

(A) Establish policy for the creation, operation, maintenance and discontinuance of city parks and recreation programs;

(B) Serve as a forum for consideration, study and response to city concerns relating to parks and recreation programs and services;

(C) Establish goals and objectives for the Parks and Recreation Department;

(D) Determine facility and equipment needs;

(E) Evaluate community needs and desires for recreational programs and leisure activities;

(F) Evaluate existing facilities and programs;

(G) Develop and revise park and recreation policies;

(H) Take steps to learn the opinion of the public on parks and recreation needs by means of public hearings, surveys, informal advisory elections or by any other method which will obtain opinions from the public;

(I) Develop an annual budget for the Parks and Recreation Department which shall be included unchanged in the city's proposed budget submitted to the Council by the City Administrator unless the City Administrator attaches to the proposed budget a written explanation of each variance therefrom, along with the City Administrator's reason(s) for the variance;

(J) Develop a five-year capital improvement plan for the Parks and Recreation Department which shall be included unchanged in the city's proposed five-year capital improvement plan submitted to the Council by the City Administrator unless the City Administrator attaches to the proposed plan a written explanation of each variance therefrom, along with the City Administrator's reason(s) for the variance; and

(K) In the name of the city, approve all contracts, leases, acquisitions and disposals of property, debts, obligations, liabilities and expenditures for park and recreation purposes, provided that all purchases and contracts must be made consistent with Section 5.05 of the City Charter and no such action may be approved by the Board which cannot, at the time it is approved, be paid for in full from actual resources appropriated for the specific purpose for which the action is undertaken pursuant to a budget adopted or amended by the Council.  
(Ord. 142, 2nd Series, passed 9-12-00)

## **SEC. 32.152 PERSONNEL; MEMBERSHIP AND ORGANIZATION.**

(A) The Board, either for itself or on behalf of the city, shall have no power to employ, compensate or control employees. The Board may deal with city administrative officers and employees solely through the City Administrator and, with the City Administrator's permission, the Parks and Recreation Director. The City Administrator shall act as the purchasing agent for the Board.

(B) The membership and organization of the Board shall be as follows:

(1) *Membership.* The Board shall consist of five members, no more than one of which may be a Council member. Board members shall be appointed by the Mayor with the consent of the Council.

(2) *Term.* A member of the Board shall serve a term of three years or until the member's successor is appointed and qualified. No member shall serve for more than two successive full terms. Any person appointed as a member of the Board who was, as of December 31, 1999, a member of the Park Board shall serve out the term that the member then had; and the fact that the member has served on the Park Board and the Board through and up to the time of the member's appointment shall be taken into account for the purpose of term limitation. The remainder of the persons initially appointed as Board members shall, by designation of the Mayor as part of the Mayor's appointment, serve staggered terms so that the terms of no more than two members of the Board expire each calendar year.

(3) *Vacancies.* Vacancies on the Board shall be filled in the same manner that original appointments are made. Any member who misses three or more consecutive meetings without an excuse approved by the Board shall be deemed to have vacated his or her office and the vacancy shall be filled in the manner provided for filling vacancies.

(4) *Removal.* If the Council determines that a member of the Board has not performed his or her duties in accordance with the purposes of this subchapter or has been guilty of nonfeasance or malfeasance in office, the member shall be replaced in the manner for filling a vacancy.

(5) *Meetings.* The Board shall hold regular meetings at least quarterly. Special meetings may be called by the Chairperson or by any two members, by written notice as required by law for city meetings. Meetings of the Board shall be subject to the Open Meeting Law.

(6) *Compensation.* Members of the Board shall serve without pay, but they may be reimbursed for actual out-of-pocket expenses.

(7) *Officers.* The members of the Board shall select one of their members as Chairperson and one of their members as Secretary. The Clerk-Treasurer shall act as Treasurer of the Board.

(8) *Quorum and voting.* A vote of at least three members shall be required to pass any measures. Three members of the Board shall constitute a quorum.  
(Ord. 142, 2nd Series, passed 9-12-00)

## **SEC. 32.153 RESERVATION OF POWERS.**

If there is a conflict between a provision of this subchapter and a provision of the City Charter, the City Charter provision shall prevail. All powers and duties of the Council and the City Administrator set forth in the City Charter are preserved. However, the Council shall not, except by an affirmative vote of at least seven Council members, take any action relating to parks and recreation which has not first been approved or recommended by the Board or which has not been appealed from a Board action or decision.  
(Ord. 142, 2nd Series, passed 9-12-00)

**SEC. 32.154 APPEAL TO COUNCIL.**

Any person aggrieved by any action or decision of the Board may appeal the action or decision to the Council by filing a notice of appeal, in writing, with the Clerk-Treasurer within ten days of the action or decision. The Council shall then consider the action or decision and a determination by the Council thereon shall be final. The appealed action or decision shall remain effective pending appeal unless it is suspended by order of the Council.  
(Ord. 142, 2nd Series, passed 9-12-00)

**SEC. 32.155 AMENDMENT.**

Like other ordinances, this subchapter may be repealed or amended, in whole or in part, by further action of the Council in the manner provided for the passage of ordinances in the City Charter.  
(Ord. 142, 2nd Series, passed 9-12-00)

## **CHAPTER 33: SPECIAL SERVICE DISTRICTS**

### Section

#### *Flood Control District*

- 33.01 Establishment
- 33.02 Flood control improvements
- 33.03 Special service charges

#### *Downtown Special Service District*

- 33.15 Establishment
- 33.16 Services
- 33.17 Service charges
- 33.18 Governing law

## ***FLOOD CONTROL DISTRICT***

### **SECTION 33.01 ESTABLISHMENT.**

Pursuant to the authority granted by the Legislature in Laws of 1997, 2nd Special Session, Chapter 2, Section 29, and M.S. Chapter 428A, as it may be amended from time to time, a Flood Control District is established within the city. The Flood Control District shall include all property located within the corporate limits of the city. The Flood Control District shall be a special service district as described in M.S. Chapter 428A, as it may be amended from time to time, and, except as specifically provided in this section, shall be governed by, and implemented in accordance with, the provisions of M.S. Chapter 428A, as it may be amended from time to time, except that:

(A) The provisions of M.S. § 428A.08, as it may be amended from time to time, shall not apply; and

(B) The special service charges shall be levied on all property within the Flood Control District, and not limited to commercial, industrial and public utility property.  
(‘83 Code, SEC. 2.68, Subd. 1) (Ord. 119, 2nd Series, effective 12-9-97)

### **SEC. 33.02 FLOOD CONTROL IMPROVEMENTS.**

(A) The city may undertake within the Flood Control District, from time to time, flood control improvements, including:

(1) The acquisition of properties within or adjacent to the flood plain;

(2) The demolition or removal of structures or improvements within or adjacent to the flood plain or where necessary to permit the construction or extension of flood control works; and

(3) The construction, reconstruction, extension or maintenance of levees, dikes and other flood control works.

(B) The city shall, before undertaking any flood control improvements under this subchapter, submit to the Commissioner of Natural Resources a description of the proposed flood control improvements. The city may proceed with the flood control improvements upon either approval of the Commissioner of Natural Resources or failure of the Commissioner of Natural Resources to either approve or reject the improvements within 30 days of such submission.

(C) The costs of acquiring, constructing, reconstructing, extending or maintaining the flood control improvements may be paid for by the special service charges described in SEC. 33.03, from special assessments or improvement bonds issued under M.S. Chapter 429, as it may be amended from time to time, from federal or state grants, from money appropriated by the city from other sources, or from any combination of those sources.  
(‘83 Code, SEC. 2.68, Subd. 2) (Ord. 119, 2nd Series, effective 12-9-97)

