

**CHAPTER 2**  
**ADMINISTRATION AND GENERAL GOVERNMENT**

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**SEC. 2.01. AUTHORITY AND PURPOSE.**

Pursuant to authority granted by Statute, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

**SEC. 2.02. COUNCIL MEETINGS—TIME AND PLACE.**

Regular meetings of the City Council shall be held in the Council Chambers on the 2<sup>nd</sup> Tuesday of the month at 7:00 p.m. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next business day at the same time.

**SECTION 2.02 WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON 11-13-2001.**

**SEC. 2.03. SPECIAL MEETINGS.**

Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the Clerk Administrator stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the Clerk Administrator to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least four (4) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the Clerk Administrator prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

**SEC. 2.04. COUNCIL PROCEDURE AT REGULAR MEETINGS.**

The Clerk Administrator 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, such 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 such other proposals, communications, or other documents as the Clerk Administrator deems necessary or proper for advance consideration by the Council. The Clerk Administrator shall forthwith cause to be mailed or delivered to each member of the Council copies of all said documents to each member of the Council copies of all said documents. Roberts' Rules of Order (Newly Revised) shall govern all Council meetings as to procedural matters not set forth in the City Code.

**SEC. 2.05. CITY SEAL.**

All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the Clerk Administrator and affixed by him. The official City Seal shall be a circular disc having engraved thereupon "City of Claremont" and such other words, figures or emblems as the Council may, by resolution, designate.

**SEC. 2.06. RIGHT TO ADMINISTRATIVE APPEAL.**

If any person shall be aggrieved by any administrative decision of the Clerk Administrator or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefore upon the Mayor and Clerk Administrator at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he 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 his own motion or the motion of the appellant, the Clerk 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 for formal notice of reconvening.

**SEC. 2.07. 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. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

**SEC. 2.08. FACSIMILE SIGNATURES.**

The Mayor and Clerk Administrator are hereby authorized to request a depository of city funds to honor an order for payment when such instrument bears a facsimile of his signature and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

**SEC. 2.09. CLERK ADMINISTRATOR.**

**Subd. 1. General.** The duties of the Clerk Administrator shall include the duties of the Clerk-Treasurer. The Clerk Administrator shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the County Auditor all appointments and the results of

all elections or appointments to office, certify to the County Auditor all appointments and the results of all municipal elections.

**Subd. 2. Record Keeping.** The Clerk Administrator shall keep:

- A. A Minute Book noting therein all proceedings of the council.
- B. An ordinance book, two copies, one to be kept in the Clerk's office and one for police.
- C. An account book, in which shall be entered all money transactions of the city, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the Clerk Administrator with their payee and object.
- D. Ordinances, resolutions and claims considered by the Council need not be given in full in the Minute Book if they appear in other permanent records of the Clerk Administrator and can be accurately identified from the description given in the minutes. The Clerk Administrator shall act as the Clerk of the City and shall be the custodian of its seal and records, shall sign its official papers, shall post and publish notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed upon the Clerk Administrator by the Council. With the consent of the Council, a Deputy Clerk Administrator may be appointed, for whose acts the Clerk Administrator may discharge any of the duties of the Clerk Administrator. In case of the Clerk Administrator's absence from the City or disability, the Council may appoint a deputy Clerk Administrator if there is none, to serve during such absence or disability. The deputy may discharge any of the duties of the Clerk Administrator all according to Minnesota statutes, 412.15.

**Subd. 3. Other Duties.** Direct the Administration as provided by Council action, state and Federal statutes. Coordinate with the Council in administering municipal affairs.

- A. Prepare reports and summaries relating to contemplated municipal projects and/or improvements and submit them with recommendations as may be required to the Council for study and subsequent action.
- B. Prepare an annual fiscal budget for submission to the Council. Maintain financial guidelines for the City within the approved budget program.
- C. Prepare an annual financial statement and perform other duties as required in Minnesota statutes, 412.141.
- D. Attend and participate in all Council meetings. Attend at Clerk Administrator's discretion or by invitation other committee and commission meetings.

- E. Coordinate municipal programs and activities as authorized by the Council.
- F. Submit quarterly reports to the Council of the financial condition of the city accounts.
- G. Supervise the conduct of local elections in accordance with the prescribed laws and regulations.
- H. Coordinate the activities of all Department Heads and the administrative staff in the administration of City policy.
- I. Work in cooperation with the city Attorney and City Engineer.
- J. Prepare news releases, develop and discuss public relations with all concerned as required.
- K. Consult with appointed officials and with other public or private agencies as may be required.
- L. Be fully informed regarding Federal, State and County programs which affect the City.
- M. Be responsible to the Council and be a liaison with other commissions and boards of the Council doing any research as needed.
- N. Perform all duties required regarding ordinances or resolutions adopted by the Council.

**Subd. 4. Requirements of Knowledge, Skills and Abilities.**

- A. Considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirement for proper municipal operations.
- B. Knowledge of or ability to require full knowledge of all laws affecting the City.
- C. Ability to plan development, collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organization.

**Subd. 5. Appointment.** The Clerk Administrator is hired by a majority of the Council for an indefinite term, removal only by a majority of the Council.

**SEC. 2.10. INTERIM EMERGENCY SUCCESSION.**

**Subd. 1. 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.

**Subd. 2. Succession to Local Offices.** In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, Council and Clerk Administrator shall be forthwith notified by anyone of said 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:

- A. By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes respectively.
- B. They shall review and record the specific facts relating to the nuclear attack or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.
- C. They may, based on such facts, declare a state of emergency.
- D. 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.
- E. Such interim successors shall serve until such time as the duly elected official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

**Subd. 3. Duties of 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.

## **SEC. 2.11. SALARIES OF MAYOR AND COUNCIL MEMBERS.**

Salaries of the Mayor and Council are hereby to be fixed biannually by the Council to take effect January 1<sup>st</sup> following the next election.

## **SEC. 2.12. WORKER'S COMPENSATION.**

**Subd. 1. Contractors.** The City shall not enter into any contract for doing public work before receiving from all other contracting parties' acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes.

**Subd. 2. City Officers.** All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in

the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

**SEC. 2.13. CITY ADMINISTRATOR.**

**Subd. 1.** The position of City Administrator in the City of Claremont is hereby established.

**Subd. 2.** The City Administrator shall be employed on an at-will basis and shall serve at the pleasure and will of the Claremont City Council.

**Subd. 3.** Nothing in this Ordinance is intended to expand the responsibilities or duties of the city administrator beyond that which is allowed under Minnesota law. In particular, the City Council shall retain full and sole authority for making financial expenditures and entering into contracts. Subject to said limitations, the City Administrator shall have the following responsibilities:

1. Plan, organize, and administer city programs and services to ensure a coordinated and efficient effort to meet goals and objectives established by the City Council and various boards, commissions, and committees.
2. Direct the annual planning and budgeting process, prepare a recommended budget and oversee operations within established fiscal parameters.
3. Keep the Council informed of the financial condition of the City on a monthly basis and recommend action as necessary.
4. Account for all receipts and disbursements of City funds.
5. Oversee and manage short and long-term financial planning, including revisions to the City's investment policy.
6. With the approval of the Council, participate in development negotiations and present development agreements for Council approval.
7. Oversee City operations and project implementation to ensure efficient and effective utilization of resources and timely completion of projects.
8. Develop and issue administrative rules and recommend policies and procedures necessary to ensure proper functioning of all departments.
9. Oversee preparation of the city council agenda and the implementation of council decisions or requests for further study or information.
10. Attend and participate in all City Council meetings and other official board or committee meetings as needed.

11. Act as Zoning Administrator for the City.
12. Manage and invest City funds in accordance with Council direction and sound financial practices.
13. Coordinate development and implement long and short term plans, and coordinate projects including new construction, street improvements and personnel programs.
14. Administer, oversee and monitor local elections in accordance with Federal, State and County requirements.
15. Act as Executive Director for the City's Economic Development Authority. Coordinate all EDA Activities including researching the availability of grants and other funding sources, promoting development, reviewing feasibility of projects, and negotiating contracts.
16. Research issues, prepare reports and make presentations before the City Council, Economic Development Authority and other boards or committees as necessary.
17. Develop long and short range goals and oversee their implementation.
18. Coordinate and oversee the work of consultants hired by the City.
19. Coordinate activities of City commissions, committees and boards, and provide administrative support and guidance as needed.
20. Coordinate and administer the special assessment process including bond issuance.
21. Monitor operations to ensure compliance with applicable laws, regulations, rules, policies and ordinances.
22. Prepare and analyze quotes and bids for products and services and recommend selection of firms or individuals to the Council.
23. Evaluate potential projects, programs and services to determine feasibility and community impact and make recommendations to the Council.
24. Respond to concerns, issues, complaints and questions from employees and the public, prepare news releases, mediate disputes and resolve issues as appropriate.
25. Represent the City with other governmental agencies, officials and the school districts.



26. Maintain all municipal records and documents as required by law.
27. Act as Safety Director.
28. Maintain responsibility for the overall direction, coordination, and evaluation of the City.
29. Carry out supervisory responsibilities in accordance with the City's policies and applicable laws, include interviewing, training employees, planning, assigning and directing work, evaluating performance, addressing complaints and resolving problems, and effectively recommending hiring, promotion, suspension, demotion and discharge of employees.
30. Perform other duties as apparent or assigned.

**SECTION 2.13 WAS ADOPTED BY THE CITY COUNCIL ON MAY 9, 2006.**

(Sections 2.14 through 2.19, inclusive, reserved for future expansion.)

**SEC. 2.20. DEPARTMENTS GENERALLY.**

**Subd. 1. Control.** All Departments of the city are under the overall control of the Council. Heads of all Departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

**Subd. 2. Appointment.** All Department Heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.

**Subd. 3. Compensation.** All wages and salaries shall be fixed and determined by the Council.

**SEC. 2.21. FIRE DEPARTMENT.**

**Subd. 1. Establishment.** There is hereby established a Volunteer Fire Department consisting of a Chief, an Assistant Chief, a Fire Marshal, Second Assistant Chief, Secretary/Treasurer, Training Officer, and not less than ten (10) nor more than twenty-five (25) firemen.

**Subd. 2. Appointment of Fire Chief.** The Fire Chief shall be elected by the Fire Department members, shall be approved by, and be responsible to the Council.

**Subd. 3. Duties of Chief.** The Fire Chief shall be the administrative head of the Fire Department. In such position, it shall be his duty to:

- A. Control Apparatus. Have control of all firefighting apparatus and equipment and be solely responsible for its care and condition.

- B. Prepare Budget. Prepare and submit with the Clerk Administrator by August 1 of each year, the annual preliminary budget for the Fire Department program.
- C. Prepare Long-Range Plans. Prepare projections describing what the Fire Department should accomplish during periods of 1, 5 and 10 years. These reports shall be adjusted as frequently as changing conditions dictate and shall include predicted annual budget requests for men and equipment as well as capital expenditures.
- D. Reports. Make reports to the Council or to the public as directed by the Council.
- E. Control Assignments. Control work assignments so as to properly utilize the working forces of the Department.
- F. Training. Insure the proper training of the members of the Fire Department. At least one (1) meeting of the Fire Department members and at least one (1) drill per month shall be held. Such meetings and drills may be held on the same night if sufficient time is allocated for each. Records shall be kept of the names and the number of the firemen present at each meeting or drill, what each drill consists of, and any other pertinent information deemed necessary by the Council or the State Fire Marshal.
- G. Ancillary Functions. To perform such other functions as are necessary to properly administer the Fire Department.

**Subd. 4. First Assistant Chief.** In the absence or disability of the Fire Chief, the First Assistant Chief shall perform all the functions and exercise all the authority of the Chief. In the absence of the First Assistant Chief the Second Assistant Chief shall perform all the functions and exercise all the authority of the Chief.

**Subd. 5. Personnel.**

- A. Appointment and Promotion. All appointments to and promotions within the Fire Department shall be made on the basis of merit and ability, and all members of the Fire Department shall be qualified to perform their administrative and firefighting duties. The Fire Chief shall prepare departmental regulations on personnel standards and procedures, if such are necessary, to accomplish these objectives. The Fire Chief shall recommend appointment, promotion, suspension or removal of the members of the Fire Department, subject to the confirmation or approval of the Council.
- B. Qualifications. The firemen shall be able-bodied and not less than eighteen (18) years of age.
- C. Physical Examination. Each candidate, before he may become a probationary fireman, shall undergo a thorough physical examination by a licensed doctor of

medicine and submit such doctor's written report thereof with his application for membership in the Department. Such report shall contain a statement whether or not, in such doctor's opinion, there is any evidence of myocarditis, coronary sclerosis, or pneumonia or its sequel in the candidate at the time of his examination. Such report shall be retained and permanently kept in the files of the Fire Department.

- D. Probationary Period. Each candidate shall serve a probationary period of one (1) year plus completion of the Self Contained Breathing Apparatus (SCBA) physical. Completion of the Firefighter's I Course must be completed within two (2) years of the date of appointment.
- E. Present Members. Persons who are members of the Fire Department on the effective date of this Subparagraph shall not be required to serve a probationary period before receiving a fireman's rating.
- F. Loss of Membership. To be in and remain in good standing in the Fire Department, each officer, member or probationary member shall attend at least 75% of the monthly meetings and at least 75% of the monthly drills held in anyone year. In addition, any officer, member or probationary member shall not be absent from three (3) consecutive drills or meetings. The failure to so attend shall be deemed sufficient cause for removal of the member from the Fire Department.

**Subd. 6. Fire Marshal.** The responsibilities of this office shall rest with the Fire Chief. He may perform the following duties himself or delegate them to a subordinate. It shall be his duty to:

- A. Enforce Ordinances. Enforce ordinances or other laws directed toward fire prevention.
- B. Inspect Premises. Inspect, or cause to be inspected, all premises and cause the abatement or removal of all fire hazards. Pursuant to such duty to cause to be inspected all premises he shall have the authority to obtain search warrants if such are necessary to accomplish the inspection; provided, that the applicable Constitutional requirements relating to the procurement of such search warrants in effect at the time of the inspections are met.
- C. Investigate Fires. Investigate, or cause to be investigated, the cause, origin, and circumstances of each fire occurring within the City by which property has been destroyed or damaged when destruction or damage exceeds \$100.00 except that all fires of unknown origin shall be investigated; and, he shall especially make investigation as to whether the fire was the result of carelessness, accident or design. All investigations shall begin within at least two (2) days of the occurrence of the fire.

D. Make Reports. Make such reports as may, from time to time, be required by the state Fire Marshal or the Council.

**Subd. 7. Relief Association.** The members and officers of the Fire Department may organize themselves into a relief organization. Before any benefits provided from the Special Fund of such association are or become effective they must first be ratified by the Council. Similarly, any by-law or articles of incorporation changes which affect the original benefits paid from the Special Fund shall not be effective nor remain effective until ratified by the Council.

**Subd. 8. Interference with Department.** It is unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the Department in the discharge of its duties.

#### **SEC. 2.22. LEGAL DEPARTMENT.**

A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him by law or referred to him by the Council. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances".

#### **SEC. 2.23. PUBLIC WORKS DEPARTMENT.**

A Public Works Department is hereby established. The Head of such Department shall be the Public Works Foreman. The city water, sewerage service, streets, parks, swimming pool and airport shall be under the direct supervision of the Foreman and he shall be responsible for and have custody of all property of such Department. The Foreman shall make and file such reports as may be requested by the Council.

(Sections 2.24 through 2.29, inclusive, reserved for future expansion.)

#### **SEC. 2.30. BOARDS AND COMMISSIONS GENERALLY.**

All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed prior to expiration of the existing term. The term of each appointee shall be established and stated at the time of his appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. Provided, however, that all appointees to Board 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 only for the unexpired term. No appointed Board or Commission member shall

be an employee of the City, but an ex officio member may be so employed. 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 such expenses have been authorized by the Council before they were incurred. The Chairman and the secretary shall be chosen from and by the Board or Commission membership annually to serve for one year. Provided, however, that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. 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. Each Board and Commission shall hold its regular meeting at a time established and approved by the Council. The City Administrator shall be an ex officio member of all Boards and Commissions; provided, that if he is unable to attend a meeting or act in the capacity of such membership, he may be represented by his assistant or some person duly authorized by him. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

### **SEC. 2.31 PLANNING AND ZONING COMMISSION.**

**Subd. 1. Establishment and Composition.** A Planning and Zoning Commission is hereby established which shall consist of five (5) members. Each January the Council shall appoint two of its members to serve on the Commission for that calendar year. The other three members of the Commission shall be appointed by the Council and shall serve staggered three (3) year terms.

**SECTION 2.31 WAS AMENDED BY THE CITY COUNCIL ON JANUARY 13, 2009.**

**Subd. 2. Officers.** The Commission shall elect a chairperson from among its members and may create and fill such other offices as it may determine is necessary to conduct business. The City Administrator's office shall provide a secretary for the purpose of taking minutes.

**Subd. 3. Meetings.** The Commission shall hold a regular meeting each month and adopt rules for the transaction of business along with keeping public records of any resolutions, transactions, findings and recommendations of the Commission.

**Subd. 4. Duties.** The Planning commission shall provide assistance to the Council and the Zoning Administrator in the administration of the Zoning 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 set forth in the Zoning Chapter.

### **SEC. 2.32. BOARD OF ADJUSTMENT.**

The Council is hereby designated as the Board of Adjustment. The members of such Board of Adjustment may be paid their necessary expenses, as determined by the Council, in the conduct of the business of the Board.

**Subd. 1. Officers, Rules and Meetings.** The Board shall annually elect a chairperson and vice-chairperson from among its members and shall appoint a secretary, who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

**Subd. 2. Powers and Duties.**

- A. The Board of Adjustment shall act upon all questions as they may arise in the administration of the Zoning 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 such an administrative official charged with enforcing the Zoning Chapter. Such appeal may be taken by any person aggrieved or by any officer, department, board of bureau of the City. No use variances (uses different than those allowed in the district) shall be issued by the Board of Zoning Adjustment.
- B. Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in the Zoning Chapter and its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
- C. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. The reasons for the Board's decision shall be stated.
- D. The decision of the Board of Adjustment shall be final, subject only to judicial review.

(Section 2.33, inclusive, reserved for future use if Park and Recreation Board established.)

(Section 2.34, inclusive, reserved for future use if Library Board established.)

(Section 2.35, inclusive, reserved for future use if Public Works Advisory Board established.)

**SEC. 2.36. FIRE BOARD.**

**Subd. 1. Establishment and Composition.** A Fire Board composed of six (6) members who shall serve staggered three-year terms is hereby established. In addition, the Fire Chief shall serve for an indefinite term.

**Subd. 2. Powers and Duties.** The Board shall advise the Council in all matters relating to fires and fire prevention.

(Sections 2.37 through 2.39, inclusive, reserved for future expansion.)

**SEC. 2.40. ARBOR COMMITTEE.**

**Subd.1. Establishment.** An Arbor Committee is hereby established which shall consist of three members, citizens and residents of the City, who shall be appointed by the Council annually. Members of the Committee shall serve without compensation a one-year term with new appointments made in the month of January of each year.

**Subd. 2. Duties and Responsibilities.** It shall be the responsibility of the Arbor Committee to study, investigate and advise for maintenance, planting, replanting, removal or disposition of boulevard trees and park trees. The Committee, when requested, shall consider, investigate, make findings, report and recommend on any special matter or question coming within their scope of duties. The Committee on special matters or request only shall submit findings and recommendations to the Council prior to taking action. In all other matters the Committee shall take such action as it deems reasonable for the approval of planting, replanting and disposition of boulevard trees and park trees. For purposes of this Section, boulevard trees and park trees are as defined in the section of the City Code entitled "Regulation of Trees on Public and Private Property".

(Subd. 3., inclusive, reserved for future use of City Arborist. )

(Sections 2.41 through 2.47, inclusive, reserved for future expansion.)

**SEC. 2.48. DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.**

**Subd. 1. Disposal of Abandoned Motor Vehicles.**

A. Definitions.

1. The term "abandoned motor vehicle" means a motor vehicle as defined in Minnesota statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such property, or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota statutes, Chapter 168, shall not be considered an abandoned motor vehicle within the meaning of this section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this section.

2. The term "vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.
- B. Custody. The City may take into custody and impound any abandoned motor vehicle.
- C. Immediate Sale. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this Subdivision.
- D. Notice.
1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph E of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Subdivision.
  2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.
- E. Right to Reclaim.
1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen days after the date of the notice required by this Subdivision.
  2. Nothing in this Subdivision shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of the lien holder to foreclose. For the purposes of this Subparagraph E "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility,



or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following one notice published at least seven days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.
2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.

H. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, other services necessary to prepare abandoned other scrap metal for recycling or other methods of disposal.
2. Where the city enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the city for the costs incurred under the contract which have not been reimbursed.
3. If the city utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

**Subd. 2. Disposal of Unclaimed Property.**

A. Definition. The term "abandoned property" means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal

operations, remains unclaimed by the owner, and has been in the possession of the City for at least sixty days and has been declared such by a resolution of the Council.

- B. Preliminary Notice. If the Clerk Administrator knows the identity and whereabouts of the owner, he shall serve written notice upon him at least thirty days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the Clerk Administrator notice shall also be served upon him. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of thirty days from the date of such notice.
- C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the Clerk Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.
- D. Fund and Claims Thereon. All proceeds from such sale shall be paid into the General Fund of the city and expenses thereof paid there from. The former owner, if he makes claim within eight months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund.

**Subd. 3. Disposal of Excess Property.**

- A. Declaration of Surplus and Authorizing Sale of Property. The Clerk Administrator may, from time to time, recommend to the Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated and the Clerk Administrator authorized to dispose of said property in the manner stated herein.
- B. Surplus Property with a Total Estimated Value of Less than \$100.00. The Clerk Administrator may sell surplus property with a total value of less than \$100.00 through negotiated sale.

- C. Surplus Property with a Total Estimated Value between \$100.00 and \$500.00. The Clerk Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100.00 to \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the Clerk Administrator's option. Such sale shall be by auction.
- D. Surplus Property with a Total Estimated Value Over \$500.00. The Clerk Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing property to be sold at least ten days prior to the date of sale by publication once in the official newspaper. Such sale shall be to the person submitting the highest bid.
- E. Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

**Subd. 4. Persons Who May Not Purchase - Exception.**

- A. No employee of the City who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the City in a professional capacity, may be a purchaser of property under this section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.
- B. It is unlawful for any person to be a purchaser of property under this section if such purchase is prohibited by the terms of this section.

**SEC. 2.49. PERSONNEL RULES AND REGULATIONS.**

The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time-to-time be amended.

**SEC. 2.50. FRANCHISES.**

**Subd. 1. Definition.** The term "franchise" as used in this section shall be construed to mean any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

**Subd. 2. Franchise Ordinances.** The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets

or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

**Subd. 3. Power of Regulation Reserved.** The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the state of Minnesota.

**Subd. 4. Conditions in Every Franchise.** All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise:

- A. That the grantee shall be subject to and will perform on its part all the terms of this Section and will comply with all pertinent provisions of the City Code, as the same may from time to time be amended.
- B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the state of Minnesota, in the manner following:
  1. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested.
  2. If possible, maximum rates and charges shall be arrived at by direct negotiation with the Council.
  3. If direct negotiations fail to produce agreement, the Council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.
- C. That the Council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations

as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

- D. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the City to acquire the public utility exercising such franchise, any return on account of the franchise or its value.
- E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.
- F. That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.
- G. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute.
- H. That the franchisee may be obligated by the City to pay the city fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City.

**Subd. 5. Further Provisions of Franchises.** The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this section limit any right or power possessed by the City over existing franchises.

(Sections 2.51 through 2.56, inclusive, reserved for future expansion.)

**SEC. 2.57. CITY ELECTION.**

**Subd. 1. Date of Election.** The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 1996 election.

**Subd. 2. Terms and Transition.** Two Council members shall be elected for four-year terms at each biennial election commencing in 1996. Two remaining Council members shall be elected for a four-year term at the 1998 city election. The Mayor shall be elected for a two-year term at each such election commencing in 1996.

**SEC. 2.60. FEES FOR EMERGENCY PROTECTION FIRE SERVICES**

**Subd. 1. Purposes and Intent.** This ordinance is adopted for the purpose of authorizing the City of Claremont to charge for fire service as authorized by Minn. Statute §366.011, §366.012, and §415.01.

**Subd. 2. Definitions**

1. ***Fire Service*** means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
2. ***Fire Service Charge*** means the charge imposed by the City for receiving fire service.
3. ***Motor Vehicle*** means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.
4. ***Fire Protection Contract*** means a contract between the City and a town, township, or other entity for which the City is to provide fire service.
5. ***Mutual Aid Agreement*** means an agreement between the City and a town, township, or other entity for the City's fire department to provide assistance to the fire department of a town, township, or other entity.

**Subd. 3. Parties Affected**

- A. Owners of property within the City limits who receive fire service.
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City protection or mutual aid area.
- C. Owners of property in towns, townships, or entities to which the City provides fire service pursuant to a fire protection contract.

**Subd. 4. Rates.** Rates for any and all services provided by the City fire department shall be billed at the rate recommended by the Fire Chief and approved by City Council and shall be incorporated in the City Fee Schedule.

**Subd. 5. Billing and Collection**

- A. Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- B. Parties billed for fire service will have thirty (30) days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency. The charge will be assessed a 5% late fee.
- C. If the fire service charge remains unpaid for thirty (30) days after the notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- D. If the fire service charge remains unpaid for thirty (30) days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting to the city, all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

E. False alarms will be billed as a fire call.

**Subd. 6 Mutual Aid Agreement.** When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing, if any, will be determined by the Mutual Aid Agreement.

**Subd. 7 Application of Collections to Budget.** All collected fire charges will be City funds and used to offset the expenses of the City fire department in providing fire services.

(Sections 2.61 through 2.98, inclusive, reserved for future expansion.)

**SEC. 2.99. VIOLATION A MISDEMEANOR.**

Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.