

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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Cross-reference:

Enforcement, see §10.20

CITY LAW ENFORCEMENT

§ 30.01 CITATION ISSUANCE IN LIEU OF ARREST.

A. The duly appointed City Clerk, Building Inspector, Code Enforcement Officer, and Animal Control Officer are authorized to issue citations in lieu of arrest or continued detention to persons who violate ordinances of the City of Lakeland Shores.

B. This section is adopted to comply with the requirement in Chapter 334, § 5, of Laws 1987 Regular Session.

C. This section shall take effect and be in force after its passage and official publication.

§ 30.02 SHERIFF OF WASHINGTON COUNTY; POWERS.

In addition to any other peace officer now or hereafter designated by the City Council of the City of Lakeland Shores, the Sheriff of Washington County and his or her lawfully designated deputies are hereby empowered to act as the law enforcement agency of the City of Lakeland Shores.

CITY ELECTIONS

§ 30.15 **REGULAR CITY ELECTION.**

A. *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 1974 election.

B. *Terms and transition.*

- (1) The Mayor shall be elected for a 2-year term at each election.
- (2) Two Council members shall be elected for 4-year terms at each biennial election. One Council member shall be elected for a 4-year term.
- (3) The positions of City Clerk, City Treasurer, Zoning Administrator and Street Superintendent shall be appointed by and serve at the pleasure of the City Council at salaries to be fixed by the City Council, which may be changed from time to time by resolution.

C. *Salaries*

Salaries for the Mayor, City Council Members, City Clerk, City Treasurer, Zoning Administrator and Street Superintendent, shall be as follows:

- (1) Mayor, \$175.00 per month;
- (2) City Council Members, \$150.00 per month;
- (3) City Clerk, \$200.00 per month;
- (4) City Treasurer, \$_____;
- (5) Zoning Administrator, \$150.00 per month; and
- (6) Street Superintendent

CHAPTER 31: CITY COUNCIL

Section

Meetings and Legislation

- 31.01 Meetings of the Council
- 31.02 Presiding officer
- 31.03 Minutes
- 31.04 Order of business
- 31.05 Voting
- 31.06 Ordinances, resolutions, notions, petitions, and communications

MEETINGS AND LEGISLATION

§ 31.01 MEETINGS OF THE COUNCIL.

A. *Regular meetings.* Unless otherwise scheduled by the Council, regular meetings of the Council shall be held on the first Thursday of each calendar month at 7:00 p.m. All meetings, including special and adjourned meetings, shall be held at the Lakeland City Hall, 690 Quinnell Avenue North, unless the Council decides otherwise at a prior meeting.

B. *Special meetings.*

- (1) *Special meetings with notice* *Special meetings with notice.* The Mayor or any 2 members of the Council may call a special meeting of the Council upon at least 24-hours' written notice to each member of the Council.

This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. In lieu of the above notification procedure, it shall be acceptable to mail notification to each member if the mailed notification is received at least 24 hours prior to the meeting.

- (2) *Special meetings without notice.* Special meetings may be held without notice when all members are present and take part in the meeting or, if a member cannot be present, when the absent member consents in writing to hold the special meeting without other notice. The written consent shall be filed with the Clerk prior to the commencement of the meeting. Any special meeting shall be a regular meeting for the transaction of any business that may come before it.

C. *Initial meeting.*

- (1) At the first regular Council meeting in January of each year, the Council shall:
 - (a) Designate the depositories of city funds;
 - (b) Designate the official newspaper;
 - (c) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor or, in case of a vacancy in the Office of Mayor, until a successor has been appointed and qualifies; and
 - (d) Establish and appoint Council members to the Council committees as are deemed appropriate for the efficient and orderly management of the City.
- (2) The Mayor shall appoint the officers and employees and the members of boards, commissions, and committees as may be necessary unless expressly ordered by the Council.

D. *Public meetings.* All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

§ 31.02 **PRESIDING OFFICER.**

A. *Who presides.* The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose 1 of their number to act temporarily as presiding officer.

B. *Procedure.* The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine, without debate and subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order, Revised*.

C. *Appeal procedure.* Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

§ 31.03 MINUTES.

A. *Who Keeps Minutes.* Minutes of each Council meeting shall be kept by the Clerk or, in the Clerk's absence, by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.

B. *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following the delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections, which may be made without a vote of Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

§ 31.04 ORDER OF BUSINESS.

A. *Order established.* Each meeting of the Council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order unless varied by the presiding officer:

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

B. *Petitions and agenda.* Petitions and other papers addressed to the Council shall be read by the Clerk upon presentation of the same to the Council. All persons desiring to present new business before the Council shall inform the Clerk thereof at least two hours before the new business is to be heard. The Clerk may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.

§ 31.05 VOTING.

A. The votes of the members on any questions may be taken in any manner which signifies the intention of the individual members and the votes of the members on any action taken shall be recorded in the minutes.

B. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute.

C. If any member is present but does not vote, the minutes, as to his or her name, shall be marked Present-Not Voting.

§ 31.06 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS.

A. *Signing and publication proof.* Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Clerk, and filed by the Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

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

CHAPTER 33: EMERGENCY MANAGEMENT

Emergency Management

Section

- 33.01 Policy and purpose
- 33.02 Definitions
- 33.03 Local emergencies
- 33.04 Emergency regulations
- 33.05 Fees for Emergency Service Calls
- 33.06 Definitions
- 33.07 Parties Affected
- 33.08 Rates
- 33.09 Billing and Collection
- 33.10 Mutual Aid Agreements
- 33.11 Application of Collections to Budget

§ 33.01 POLICY AND PURPOSE.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- A.** To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;
- B.** To provide for the exercise of necessary powers during emergencies and disasters;
- C.** To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and
- D.** To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 33.02 DEFINITIONS.

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

A. DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

B. EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

C. EMERGENCY MANAGEMENT.

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

D. EMERGENCY MANAGEMENT includes those activities sometimes referred to as civil defense functions.

E. EMERGENCY MANAGEMENT FORCES.

- (1) The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder.
- (2) This includes personnel from the city, authorized volunteers, and private organizations and agencies.

F. EMERGENCY MANAGEMENT ORGANIZATION.

- (1) The staff responsible for coordinating city-level planning and preparation for disaster response.
- (2) This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster

preparedness activities and assures implementation of federal and state program requirements.

§ 33.03 LOCAL EMERGENCIES.

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

- B.** A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

- C.** (1) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.
- (2) However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

§ 33.04 EMERGENCY REGULATIONS.

- A.** Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may, by resolution, promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

- B.** (1) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk.
- (2) A copy shall be kept posted and available for public inspection during business hours.

- (3) Notice of the existence of these regulations and their availability for inspection at the City Clerk's office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution.
 - (4) By resolution, the Council may modify or rescind a regulation.
- C.**
- (1) The Council may rescind any regulation by resolution at any time.
 - (2) If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first.
 - (3) Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.
- D.**
- (1) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time, and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster.
 - (2) The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

§ 33.05 FEES FOR EMERGENCY SERVICE CALLS.

The purpose of this Section is to establish that the City of Lakeland Shores will charge for all ambulance, medical and related service calls as allowed by Minn. Stat. §415.01.

§ 33.06 DEFINITION OF TERMS.

A. Ambulance, Medical and Related Service Calls (“Service Calls”). Any deployment of fire fighting or emergency medical technician (EMT) or similar personnel and/or equipment to provide: ambulance, medical, or related services, the performance of any

preventative measure in an effort to provide any medical related services as may occasionally occur.

§ 33.07 PARTIES AFFECTED.

A. City of Lakeland Shores residents who receive ambulance, medical and related service calls.

B. All ambulance, medical and related service calls where persons receiving service are not residents of the City of Lakeland Shores.

§ 33.08 RATES.

A. The Lower St. Croix Valley Fire District rates, effective for the year of service, shall apply. For 2004, the following rates shall apply:

(1)	Type R1: Resident/On Scene Treatment/No Transport	\$200.00
(2).	Type R2: Resident/Hospital Transport	\$595.00
(3).	Type N1: Non-Resident/On Scene Treatment/No Transport	\$225.00
(4)	Type N2: Non-Resident/Hospital Transport	\$675.00
(5)	Hospital Transport Mileage Charge (per mile)	\$ 12.00
(6)	Rescue Response: Resident	\$300.00
(7)	Rescue Response: Non-Resident	\$400.00

B. The City Clerk shall keep on file at City Hall the current rates charged by the Lower St. Croix Valley District.

§ 33.09 BILLING AND COLLECTION.

A. Parties receiving ambulance, medical or related services will be billed directly by the Lower St. Croix Valley Fire District within thirty (30) days of the service call. If the party receiving such service does not initiate the contact for service, but a fire or other situation exists which, at the discretion of the Lower St. Croix Valley Fire District personnel in charge requires such services and qualifies as an ambulance, medical or related service call as defined in Section 33.06, that party will be charged for such call.

B. The City of Lakeland Shores will use all practical and reasonable legal means to collect billed service calls. The party receiving the service shall be liable for all costs of collection incurred by the City, including, but not limited to, reasonable attorneys fees and court costs. The City, as permitted by §366.012, may collect unpaid charges against the recipient's property taxes.

C. Billing may be directed to the insurance carrier as a reasonable effort by the City of Lakeland Shores to assist the party who received the service. Any billable amount of the call not covered by a party's applicable insurance remains a debt of the

party receiving service. Any bill not collected will be reviewed by City Council.

§ 33.10 MUTUAL AID AGREEMENTS

On calls where the Lower St. Croix Valley Fire District provides “Mutual Aid” to another City Police Department, Fire Department or Ambulance Service, the associated billing will be determined by the Mutual Aid Agreement with that City.

§ 33.11 APPLICATION OF COLLECTIONS TO BUDGET.

All revenues generated by paid billable calls will be used to offset the expenses of the Lower St. Croix Valley Fire District.