

TITLE 1

ADMINISTRATION

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CHAPTER 1
OFFICIAL CITY CODE

SECTION:

- 1-1-1: Title
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- 1-1-4: Numbering
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1-1-1: **TITLE:** Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Sartell. This City Code of ordinances shall be known and cited as the *SARTELL CITY CODE* and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1997 Code)

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1997 Code)

1-1-3: **AMENDMENTS:**

- A. Amendments: New ordinances proposing amendments or additions to the Code shall be assigned appropriate code numbers and shall be incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments or additions. (1981 Code § 100.01)
- B. Codification Of Amendments: All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1997 Code)
- C. Integration Of Ordinance:
 - 1. Permitted Omissions: When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions or terms identical to those contained in this Code, the clause indicating date of adoption and validating signatures and dates.
 - 2. Corrections: In integrating ordinances into the Code, the Clerk-Treasurer, in cooperation with the City Attorney, or City Administrator may correct obvious grammatical, punctuation and spelling errors; change reference numbers to conform with sections, articles and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to ensure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted. (1981 Code § 100.01)

1-1-4: **NUMBERING:** Each section number of this Code consists of three (3) component parts separated by dashes. The first number refers to the title, the second refers to the chapter and the third refers to the

section. If a chapter contains articles, the articles are given letter designations in alphabetical order and the chapter number is followed by the corresponding letter of the alphabet. (1981 Code § 100.01; 1997 Code)

1-1-5: **COPIES:** Copies of this Code shall be kept in the office of the Clerk-Treasurer for public inspection or sale for a reasonable charge. (1981 Code § 100.01)

1-1-6: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk-Treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk-Treasurer. Any person having custody of a copy of the City Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the Clerk-Treasurer. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk-Treasurer when directed so to do by order of the City Council. (1997 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Existing Rights And Liabilities
- 1-2-3: Public Ways And Public Utility Ordinances
- 1-2-4: Court Proceedings
- 1-2-5: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1997 Code)

1-2-2: **EXISTING RIGHTS AND LIABILITIES:** The repeal of prior ordinances and adoption of this Code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this Code. Insofar as provisions in this Code are substantially the same as preexisting ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done, offense committed or right accruing, or liability, penalty, forfeiture or punishment incurred or assessed prior to the effective date of this Code is not affected by the enactment of this Code. (1981 Code § 100.04)

1-2-3 **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of Section 1-2-1, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1997 Code)

1-2-4: **COURT PROCEEDINGS:**

- A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, and applied to any judgment announced after the new ordinance takes effect.
- B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating,

modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1997 Code)

1-2-5: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1997 Code)

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Statutory Rules Adopted
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **STATUTORY RULES ADOPTED:** The definitions and rules of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes Chapter 645, are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code and references to the legislature mean the City Council. (1981 Code § 100.03)

1-3-2: **DEFINITIONS, GENERAL:** Unless the context clearly indicates otherwise, the following words and phrases shall have the meaning given them in this Section:

- ADMINISTRATOR: The City Administrator of the City of Sartell, Minnesota.
- AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.
- CITY: The City of Sartell, State of Minnesota.
- CLERK-TREASURER: The City Clerk-Treasurer.
- CODE: The Municipal Code of the City of Sartell.
- COUNCIL: The City Council of the City of Sartell.
- COUNTY: The Counties of Stearns and Benton, State of Minnesota.
- EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Sartell".
- FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation.
- GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
- LICENSE: The permission granted for the carrying on of a business, profession or occupation.
- NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
- OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE:	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS:	Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Sartell".
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations, the term includes the officers, agents or employees.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effect, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The State of Minnesota.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
WHOLESALER:	The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
WRITTEN, IN WRITING:	May include printing and any other mode of representing words and and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (1981 Code § 100.02; 1997 Code)
1-3-3: CATCHLINES:	The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1997 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Separate Violations
- 1-4-4: Liability Of City Personnel

1-4-1: **GENERAL PENALTY (1):**

- A. Petty Offenses: Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provisions shall, upon conviction, be subject to a fine of not more than three hundred dollars (\$300.00). (1981 Code § 100.06; Ord. 88-1, 1-25-1988; 1997 Code)
- B. Misdemeanors: In any other case, unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this Code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for a term not to exceed ninety (90) days, or both, plus, in either case, the costs of prosecution. (1981 Code § 100.06; 1997 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

- A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section.
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1997 Code)

1-4-3: **SEPARATE VIOLATIONS:** Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense. (1981 Code § 100.06)

1-4-4: **LIABILITY OF CITY PERSONNEL:** 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 violation unless a penalty is specifically provided for such failure. (1981 Code § 100.08)

1. M.S.A. §§ 412.231 and 609.02.

CHAPTER 5

MAYOR AND CITY COUNCIL

SECTION:

- 1-5-1: Composition
- 1-5-2: Election; Term
- 1-5-3: Compensation
- 1-5-4: Meetings
- 1-5-5: Ordinances; Resolutions
- 1-5-6: Motions; Petitions; Communications
- 1-5-7: Committees

1-5-1: **COMPOSITION:** There are four (4) Council members and one (1) Mayor who shall be called the Council. (1981 Code § 201.01)

1-5-2: **ELECTION; TERM:** The Council members and Mayor shall be elected by the citizens of Sartell. The terms for the Council shall be four (4) year overlapping terms. The elections shall be held on general election day every other year. (1981 Code § 201.11)

1-5-3: **COMPENSATION:** The salary of the Mayor shall be six hundred twenty five dollars (\$625.00) per month beginning January 1, 2011. The salary of each City Council member shall be four hundred thirty-three dollars and thirty-three cents (\$433.33) per month beginning January 1, 2011. (11-1-02, ord. 02-14)

1-5-4: **CITY COUNCIL MEETINGS:**

- A, Regular Meetings: Regular meetings of the City Council shall be held at least once each month, at a date and time as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place, unless otherwise specified. All meetings, including special and adjourned meetings, shall be held in the City Hall, unless otherwise specified.
- B. Special Meetings: The Mayor or any two (2) members of the City Council may call a special meeting of the City Council upon notice as required by Minnesota Statutes.
- C. Emergency Meetings: Notice of emergency meetings shall be given as required by Minnesota Statutes.
- D. Initial Meeting: At the first regular City Council meeting in January of each year, the City Council shall:
 - 1. Designate the depositories of the City funds;
 - 2. Designate the official newspaper;
 - 3. 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 from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
 - 4. Appoint members of boards, commissions and committees as the Council deems necessary.

E. Presiding Officer:

1. Order Of Succession:

- a. Mayor: The Mayor shall preside at all meetings of the Council.
- b. Acting Mayor: In the absence of the Mayor, the Acting Mayor shall preside.
- c. Temporary Presiding Officer: In the absence of both, the Clerk-Treasurer shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their members to act temporarily as Presiding Officer.

2. Rules Of Order; Enforcement: The Presiding Officer shall preserve order, enforce the rules of procedure and order. Except as otherwise provided by statute or by this ordinance, the proceedings of the Council shall be conducted in accordance with the Rules of Order for the Sartell City Council as adopted by resolution of the Council.

F. Minutes:

1. Duty Of Clerk-Treasurer:

a. Minutes Of Meetings: Minutes of each Council meeting shall be kept by the Clerk-Treasurer or, in Clerk-Treasurer's absence, by the Deputy Clerk, or as otherwise determined by the City Council.

b. Ordinances, Resolutions And Claims: Ordinances, resolutions and claims need not be recorded in the full minutes if they appear in other permanent records of the Clerk-Treasurer and can be accurately identified from the description given in the minutes.

2. Approval: The minutes of each Council meeting shall be reduced to typewritten form, shall be signed by the Clerk-Treasurer and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the Presiding Officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council if there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved. (1981 Code § 201.03)

G. Order Of Business:

1. Order Established: Each meeting of the Council shall convene at the time and place appointed thereof. Council business shall be conducted in the following order:

- a. Call to order.
- b. Roll call.
- c. Pledge of allegiance.
- d. Approval of agenda.
- e. Open forum/public comment session.
- f. Approval of minutes.

- g. Consent agenda.
- h. Public hearings.
- i. Old business.
- j. New business.
- k. Department reports
- l. City Council reports and updates.
- m. Adjournment

2. Varying Order: The order of business may be varied by the Presiding Officer, but all public hearings shall be held at the time specified in the notice of hearing.

3. Agenda: An agenda of business of each regular Council meeting shall be prepared and filed in the office of the Clerk-Treasurer not later than two (2) days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be provided to each Councilmember, in the form or manner as determined appropriate by vote of the Council, as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a majority vote of the Council members present. (1981 Code § 201.04)

H. Quorum; Voting:

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

2. Nonattendance Of Meetings: The Council may punish nonattendance by public censure.

3. Voting:

a. Tie Votes: Tie votes of the members on any question may be taken in any manner, which signifies the intention of the individual members.

b. Recorded In Minutes: The votes of the members on any action taken shall be recorded in the minutes. The vote of each member, by name, shall be recorded on each appropriation of money, except for payments of judgment, claims and amounts fixed by statute.

c. Abstention From Voting: If any member is present but does not vote, the minutes, as to such Council member's name, shall be marked "present - not voting".

1-5-5: **ORDINANCES; RESOLUTIONS:**

A. Readings: Every proposed ordinance and resolution shall be presented in writing. Every ordinance shall receive an opportunity for a reading before the Council prior to final adoption. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.

B. Signing; Proof Of Publication: Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Clerk-Treasurer and filed by the Clerk-Treasurer in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance. (1981 Code § 201.06)

- C. Repeals; 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 being amended or repealed, and the proposed ordinances or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment. (1981 Code § 201.06; 1997 Code)

1-5-6: **MOTIONS; PETITIONS; COMMUNICATIONS:**

- A. Motions: Every motion shall be stated in full before it is submitted to a vote by the Presiding Officer and shall be recorded in the minutes.
- B. Petitions; Communications: Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading.
- C. Recording In Minutes: Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the Clerk-Treasurer. (1981 Code § 201.06)

1-5-7: **COMMITTEES:**

- A. Creation; Duties: The Council may create such committees, standing or special, as it deems necessary. Committees shall consist of as many members and perform such duties, as the Council may require.
- B. Chairperson: The chairperson of each committee shall be designated by the Mayor.
- C. Term: Each committee member shall serve as appointed unless excused by a majority of the members of the Council.
- D. Meetings: If the committee does not provide otherwise, committee meetings shall be held at the call of the chair.
- E. Notice Of Meetings: The same notice shall be given of committee meetings as for special meetings of the Council, except that personal notice need not be given each member if the committee so decides.
- F. Referral By Council: Any matter brought before the Council for consideration may be referred by the Council to the appropriate committee or to a special committee appointed by the Council for a written report and recommendation before further consideration by the Council as a whole.
- G. Reports: Each committee report shall be filed with the Clerk-Treasurer four (4) days prior to the Council meeting at which it is to be submitted. Minority reports may be submitted.
- H. Timely And Faithful Action: Each committee shall act promptly and faithfully on any matter referred to it. (1981 Code § 201.07)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

SECTION:

1-6-1: Personnel Policy

1-6-1: **PERSONNEL POLICY:** It is the purpose of this Section to establish a uniform and equitable system of personnel administration for employees of the City. Copies of the personnel policy, as amended from time to time by resolution of the Council, are on file in the office of the Clerk-Treasurer. (1981 Code § 109.01; 1997 Code)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

ARTICLE A. CITY ADMINISTRATOR

SECTION:

1-6A-1: Position Established; Appointment

1-6A-2: Education; Experience

1-6A-3: Knowledge, Skills And Abilities Required

1-6A-4: Duties

1-6A-1: **POSITION ESTABLISHED; APPOINTMENT:**

A. The position of City Administrator is hereby established for the City. (1981 Code § 202.01)

B. The Administrator is appointed by a majority of the Council for an indefinite term with removal only by a majority of the Council in accordance with Section 1-6-1 of this Code. (1981 Code § 202.05)

1-6A-2: **EDUCATION; EXPERIENCE:** A degree in public administration or its equivalent and/or substantial experience in municipal administration is required. (1981 Code § 202.04; 1997 Code)

1-6A-3: **KNOWLEDGE, SKILLS AND ABILITIES REQUIRED:** The Administrator shall have the following knowledge, skills and abilities: (1997 Code)

A. Administrative Requirements: Considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper Municipal operation.

B. Law: To have the knowledge of or ability to acquire full knowledge of all laws affecting the Municipality.

C. Relations: Ability to provide harmonious relations with Municipal employees and general public.

D. Studies: Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organization. (1981 Code § 202.03)

1-6A-4: **DUTIES:** The City Administrator shall:

- A. Municipal Affairs: Direct the administration of the City as provided by Council action, State and Federal statutes and coordinate with the Council in administrative Municipal affairs.
- B. Reports And Summaries: 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.
- C. Budget; Capital Improvement Plan: Prepare an annual fiscal budget and capital improvement plan for submission to the Council. Maintain financial guidelines for the Municipality within the scope of the approved budget and capital program.
- D. Meetings: Attend and participate in all Council meetings. Attend other committee and commission meetings by invitation or as otherwise deemed necessary.
- E. Programs And Activities: Coordinate Municipal programs and activities as authorized by the Council.
- F. Municipal Personnel: Supervise the activities of all Municipal department heads and the administrative staff in the administration of Municipal policy with authority to effectively recommend their employment and removal.
- G. Attorney And Engineer And/Or Public Works Director: Work in cooperation with the Council's appointed Attorney and Engineer and/or Public Works Director.
- H. Public Relations: Prepare news releases, develop and discuss public relations material with all concerned as required. Maintain good public relations with the general public.
- I. Consultation: Consult with appointed officials and with other public or private agencies as may be required.
- J. Governmental Programs: Be fully informed regarding Federal, State and County programs which affect the Municipality.
- K. Employee Labor Contracts: Negotiate and delegate the negotiation of the terms and conditions of employee labor contracts for presentation to the Council.
- L. Other Duties: Perform all other duties required of such Administrator by ordinances or resolutions adopted by the Council. (1981 Code § 202.02)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

ARTICLE B. CITY CLERK-TREASURER

SECTION:

1-6B-1: Position Established
1-6B-2: Duties

1-6B-1: **POSITION ESTABLISHED:** The position of City Clerk-Treasurer is hereby established for the City. (1981 Code § 203.01)

1-6B-2: **DUTIES:**

A. **Statutory Duties:** The duties of the Clerk-Treasurer of the Municipality shall include the duties of the Clerk and the duties of the Treasurer as defined by Minnesota Statutes sections 412.141 and 412.151.

B. **Other Duties:** The Clerk-Treasurer shall perform the following:

1. **Financial Statements:** Prepare the annual financial statement as required by Minnesota Statutes sections 471.695 through 471.699.
2. **Meetings:** Attend and participate in all Council meetings.
3. **Reports:** Submit monthly reports to the Council on the financial condition of the Municipal funds.
4. **Ordinances And Resolutions:** Perform all duties required by ordinances or resolutions adopted by the Council. (1981 Code § 203.02)

CHAPTER 7
PUBLIC HEARINGS

SECTION:

- 1-7-1: Conduct Of Hearing
- 1-7-2: Notice
- 1-7-3: Evidence, Rules And Records
- 1-7-4: Summary Of Findings And Decisions
- 1-7-5: Criminal History Background

- 1-7-1: **CONDUCT OF HEARING:** Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this Chapter. (1981 Code § 100.05)
- 1-7-2: **NOTICE:** Every hearing shall be preceded by ten (10) days' mailed notice to all persons entitled thereto by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this Section. (1981 Code § 100.05)
- 1-7-3: **EVIDENCE, RULES AND RECORDS:** At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made and such other matters, as it deems necessary. (1981 Code § 100.05)
- 1-7-4: **SUMMARY OF FINDINGS AND DECISIONS:** Upon the disposition of any matter after hearing, the Council shall have the Clerk-Treasurer prepare a written summary of its findings and decisions and enter the summary in the official Council minutes. (1981 Code § 100.05)
- 1-7-5: **CRIMINAL HISTORY BACKGROUND:** The Police Department is authorized to do a criminal history background investigation on applications for City employment. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator, and other City staff as appropriate. Should the City reject the applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:
- a. The grounds and reasons for the denial;
 - b. The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
 - c. The earliest date the applicant may reapply for employment; and
 - d. That all competent evidence of rehabilitation will be considered upon reapplication.

CHAPTER 8
ADMINISTRATIVE CITATIONS

SECTION:

1-8-1: PURPOSE

1-8-2: ALTERNATIVE METHODS OF ENFORCEMENT

1-8-3: AUTHORITY TO ISSUE COMPLIANCE LETTERS AND ADMINISTRATIVE CITATIONS

1-8-4: ADMINISTRATIVE CITATION

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1-8-1: PURPOSE. The City Council seeks to offer an alternative method of enforcement for City Code violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in city Code violations, including, but not limited to neighborhood concerns, livability issues, and economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is slow, overburden and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not effective solutions to address City Code violations.

In order to provide more flexibility in addressing City Code violations on an individualized basis that will be more efficient and effective, the City Council finds that an alternative enforcement process is necessary. Therefore, to protect the health, safety and welfare of the citizens of Sartell, it is the City Council's intent to create a process for the use and imposition of administrative civil penalties that will provide the public and the City of Sartell with a more effective method for addressing City Code violations.

1-8-2: ALTERNATIVE METHODS OF ENFORCEMENT. A violation of the City Code is a misdemeanor pursuant to City Code; however, this Section seeks to gain compliance with the City Code prior to the commencement of any formal civil or criminal court action. The administrative Civil Penalties proceedings are in addition to any other legal or equitable remedy available to the City for City Code violations. The City may, in its, discretion, choose not to issue an administrative citation and may initiate criminal charges instead.

City Code Violations. A violation of the following provisions of the City Code, or successor ordinances, shall be an administrative offense that may be subject to the administrative hearing process. Ordinance violations area categorized as property violations, non-property violations or parking violations.

1. Property Violations.
 - a. Building Code
 - b. Plumbing Code
 - c. Mechanical Code
 - d. Electrical Code

- e. Public Health and Safety
 - f. Fire Code
 - g. Zoning and Subdivision Code
 - h. Business and License Regulations
 - i. Police Regulations
 - j. Public Ways and Property
 - k. Water and Sewer
 - l. Nuisances Affecting Health and Safety
 - m. Business and License Regulations
 - n. Motor Vehicles and Traffic
2. Non-Property Violations. Non-Property Violations include all other Code violations not specifically designated as Property or Parking Violations.

1-8-3: AUTHORITY TO ISSUE COMPLIANCE LETTERS AND ADMINISTRATIVE CITATIONS. The following City employees and agents are authorized to issue compliance letters and administrative citations for violations of the City Code:

- 1. Licensed peace officers, Police Reserves, Community Service Officer of the Sartell Police Development.
 - 2. Planning Associate
 - 3. Planning and Community Development Director
 - 4. Building Official
 - 5. Fire Marshal and/or Fire Chief
 - 6. Public Works Director or Public Works Assistant Director
- A. **COMPLIANCE LETTER.** Contents of the Compliance Letter. If a City employee or agent identified in section 1-8-3 determines that a City Code violation has occurred, when appropriate, a compliance letter shall be issued to the violator. The compliance letter shall contain the following information:
- 1. A description or address of the property on which the City Code Violation has occurred;
 - 2. The nature of the violations, including a reference time for compliance based on the nature of the violation;
 - 3. A statement that failure to correct the violation may result in the imposition of an administrative citation, including a civil penalty and stating the amount of the penalty as provided the fee schedule established pursuant to City Code.
- B. **SERVICE OF COMPLIANCE LETTER.** The compliance letter shall be served on the violator by regular mail sent to the last known legal address or by personal service.
- C. **EXCEPTIONS TO ISSUANCE OF A COMPLIANCE LETTER.** For violations of any of the following sections, the City shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in Section 1-8-4.
- 1. Repeat Offender. IF the same violator commits a subsequent violation within 12 months after a compliance letter has been issued for a same or similar offence, no compliance letter shall be required for the new violation.

2. License Violation. For any license violations, including not having a license, no compliance letter shall be required.
3. Traffic or Parking Violations. For traffic or parking violations issued under Title 6 and Title 4 no compliance letter shall be required.
4. Animal Violations. For any violation of Title 5 (running at large) or (Dangerous Dogs) no compliance letter shall be required.
5. Noise Violations. For any violation of City Code Title 5 and Title 4 no compliance letter shall be required.
6. Obstruction of Fire Hydrants or Fire Lanes. For violations of Title 8 no compliance letter shall be required.
7. Fire Pit Violations
8. Load Limit Violation within rights of way.
9. Offenses committed within publically owned property.

1-8-4: ADMINISTRATIVE CITATION. Upon an violator’s failure to correct the violations specified in the compliance letter within the time frame established in the compliance letter on any extension thereof granted by the City , or for any offense for which a compliance letter is not required, an administrative citation may be issued to the owner.

- a. **SERVING THE CITATION.** The administrative citation shall be served on the violator by regular mail or by personal service and shall contain the following information:
 1. A description or address of the property on which the City Code violation has occurred;
 2. Copy of the relevant portion of the City Code that the violator is alleged to have violated;
 3. The amount of the administrative civil penalty for the specified City Code violations, which shall be due and payable t the City within 30 calendar days of the date the citation is mailed, or personally served.
 4. A statement that the violation must be corrected or a subsequent administrative fine or a criminal citation may be issued.
 5. A statement that the City Code violation and the amount of the administrative civil penalty may be contested to be heard before an independent hearing officer by notifying the Hearing Officer in writing within 10 calendar days after the citation was mailed, or personally served.
 6. A statement that if the violator contests the validity of the violation and the violator is found by the City Attorney to be in violation, that the owner will pay a surcharge set forth by ordinance, toward the cost of the hearing.
 7. A statement that failure to pay the administrative civil penalty may result in it being assessed against the property as provided in Minnesota Statues Chapter 429.

B. PAYMENT OF PENALTY AND CORRECTION OF VIOLATION. If the violator pays the administrative civil penalty and corrects the City Code violation, no further action will be taken against the violator or the violator’s real property for that same violation.

C. PAYMENT OF PENALTY WITHOUT CORRECTION OF VIOLATION. IF the violator pays the administrative civil penalty but fails to correct the City Code violation, the City may issue a subsequent administrative citation, initiate criminal proceedings or initiate any other proceedings or remedies available in order to enforce correction of the City Code violation.

D. NO PAYMENT OF PENALTY AND NO CORRECTION OF VIOLATION. If the violator fails to pay the administrative civil penalty and fails to correct the City Code violation, the City may do any of the following, or combination thereof:

1. Assess the administrative civil penalty against the property pursuant to Minnesota Statutes Chapter 429
2. Issue a subsequent administrative citation, thereby commencing a new administrative criminal penalties process.
3. Initiate criminal proceedings.
4. Initiate other enforcement action authorized by law

E. CONTESTING THE ADMINISTRATION CITATION. A violator receiving an administrative citation may contest the alleged City Code violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the violator must notify the City Attorney in writing within 10 calendar days after the citation is mailed or personally served stating that the violator contests the alleged violation, the amount of the penalty or both.

1-8-5: ADMINISTRATIVE CITATION HEARING.

A. SCHEDULING THE HEARING. After the receipt of the written notice to contest the citation as provided, the Hearing Officer shall schedule a hearing before an independent hearing officer, which will be held within 60 days, unless otherwise agreed to in writing by the parties. The City Attorney shall notify the owner of the date, time and location of the hearing.

B. Prepayment of Cost of Hearing. An administrative hearing fee shall be payable to the City at the time of the request for a hearing. However, in no event will the amount of the administrative fee exceed the total amount of the civil fine. A request for hearing is not valid until the administrative hearing fee is paid. In all cases where the person requesting an administrative hearing is unable to attend and fails to request a continuance of the hearing at least 48 hours in advance of the hearing, all costs incurred by the City attributable to the requested hearing shall be charged to the requesting party and deducted from any prepayment made. The administrative hearing fee may be refunded if the administrative hearing officer determines that no violation occurred. In the event that the hearing officer determines that a violation occurred then the administrative hearing fee will be applied toward any civil fine imposed.

C. INDEPENDENT HEARING OFFICER. An independent hearing officer, who may be from the office of administration law judges, shall preside over the administrative citation hearing.

D. CONDUCT OF THE ADMINISTRATIVE CITATION HEARING. At the hearing, both parties may be represented by Counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply. The hearing officer shall receive and give weight to the evidence, including hearsay evidence. The hearing shall be recorded and a full record of the proceedings shall be maintained by the City according to its data retention schedule.

E. AUTHORITY OF THE HEARING OFFICER. The independent hearing officer has the authority to do any of the following, or a combination thereof:

1. Make a finding that a violation has occurred.
2. Reduce, stay, or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions.
3. Require compliance with the city code within a specified timeframe.
4. Make a finding that no violation has occurred and dismiss the administrative citation.

1-8-6: DECISION AND ORDER. The hearing officer may announce a decision at the conclusion of the hearing or may take the matter under advisement. The hearing officer shall issue a decision in the form of an order and shall serve a written copy of the order upon the parties no later than 10 calendar days after the hearing. Any administrative civil penalty that the independent hearing officer imposes must be paid to the City within the timeframe established in the order. If no date is specified, it must be paid within 30 calendar days of the hearing officer's order. If the administrative civil penalty is not paid, the City may assess the civil penalty against the owner's property pursuant to Minnesota Statutes Chapter 429. If the hearing officer determines that no violation occurred, the City may proceed with criminal prosecution for the same act or conduct.

- A. **VIOLATOR FOUND IN VIOLATION.** IF the violation is upheld, then the violator must pay a fee established by ordinance toward the cost of the hearing.
- B. **FAILURE TO APPEAR.** Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. IF the owner fails to appear, the administrative citation shall be sustained. If the City fails to appear, the administrative citation shall be dismissed.
- C. **APPEAL.** The hearing officer's decision is final and may on be appealed to the Minnesota Court of Appeals.

1-8-7: SCHEDULE OF ADMINISTRATIVE CIVIL PENALTIES. The City shall adopt a fee schedule of administrative civil penalties for the City Code violations by resolution. The maximum amount of an administrative civil penalty may not exceed twice the maximum fine authorized by state law for misdemeanor offences or the maximum fine authorized by state law for an administrative process.