

**CHAPTER 2. OPERATIONS AND ADMINISTRATION**

**Section 200 - The Council**

**200.01 Meetings.**

**Subd.1 Regular Meetings.** Regular meetings of the Council shall be held on the 2nd and 4th Monday of each calendar month at 6:30 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Hall unless the Council decides otherwise at a prior meeting, or meeting in the City Hall is impossible.

**Subd. 2 Special and Emergency Meetings.** The Mayor or any two members of the Council may call a special meeting of the Council upon at least 72 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. Notice to the public shall be given in accordance with State law. An emergency meeting may be called by the Mayor or any two members of the Council for the reasons authorized by State law. Actual notice of the emergency meeting must be attempted to be given to all members of the Council, and notice provisions of State law must also be met.

**Subd. 3 Initial Meeting.** 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. Designate City Attorney
- D. 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;
- E. Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;
- F. Establish and appoint Councilmembers to such Council committees as are deemed appropriate for the efficient and orderly management of the City.

**Subd. 4 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.

**200.02 Presiding Officer and Procedures.**

**Subd.1 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-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.

**Subd. 2 Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

**Subd. 3 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.

**Subd. 4 Suspension or Amendment of Rules.** These rules may be suspended only by a two-thirds vote of the members present and voting.

**200.03 Minutes.**

**Subd. 1 Who Keeps.** Minutes of each Council meeting shall be kept by the Clerk-Treasurer or, in the Clerk-Treasurer's absence, by the deputy Clerk-Treasurer. 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-

Treasurer and can be accurately identified from the description given in the minutes.

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

**200.04 Order of Business.**

**Subd.1 Order Established.** Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the following order unless varied by the presiding officer:

- A. Call to order
  
- B. Roll call

- C. Approval of minutes
- D. Consent agenda
- E. Public hearings
- F. Petitions, requests and communications
- G. Ordinances and resolutions
- H. Reports of officers, boards and committees
- I. Unfinished business
- J. New business
- K. Miscellaneous
- L. adjournment

**Subd. 2 Petitions and Agenda.** Petitions and other papers addressed to the Council shall be read by the Clerk-Treasurer upon presentation to the Council. All persons desiring to present new business before the Council shall inform the Clerk-Treasurer at least 72 hours before said

new business is to be heard. The Clerk-Treasurer may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.

**200.05 Voting.** The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to his/her name, shall be marked “Present-Not Voting”.

**200.06 Ordinance, Resolutions, Motions, Petitions and Communications.**

**Subd. 1 Signing and Publication Proof.** 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.

**Subd. 2 Repeals and Amendments.** Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision 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 shall set forth in full each amended section or subdivision as it will read with the amendment.

**200.07 Salaries of Mayor and Councilmembers.** The salaries for the Mayor and each Councilmember shall be as follows:

Special and Emergency Meetings: \$30.00 a meeting for each official.

Out-of-Town Meetings: \$100.00 for an all day meeting; \$50.00 for a half-day meeting.

Mayor: \$90.00 per attended regular meeting.

Councilmember: \$75.00 per regular attended meeting.

(Am. Ord. passed 10-13-98; Am. Ord. passed 10-28-02)

**200.08 City Elections.** The regular city elections shall be held biennially on the first Tuesday after the first Monday in November of every even-numbered year. The terms of office for the Mayor shall be two (2) years and for Councilmembers shall be four (4) years.

**Section 210 - Departments, Boards, and Commissions**

**210.01 Fire Department.** There shall be continued in the City a volunteer fire department, which department shall have the following officers: a chief, an assistant chief and a fire marshal.

**Subd. 1 Appointment of Officers.** The chief of the fire department shall be appointed annually by the Council. Members of the department may recommend to the Council a nominee or nominees for appointment by submitting same in writing to the Council prior to January 1 of each year. The chief of the fire department shall appoint each year an assistant chief and a fire marshal, subject to confirmation by the Council. The chief of the fire department, the assistant chief and the fire marshal each shall hold office for one year and until the successor has been duly appointed or qualified. The above named officer may be removed by the Council for

cause and after a public hearing. Firefighters and probationary firefighters shall be appointed by the members of the department, subject to confirmation by the Council. Firefighters shall continue as members of the department during good behavior and may be removed by the Council only for cause and after a public hearing.

**Subd. 2 Duties of Chief.** The chief shall have control over all of the fire fighting apparatus and shall be solely responsible for its care and condition. The chief shall make a report, monthly, to the Council as to the condition of the equipment and needs of the fire department. The chief may submit additional reports and recommendations at any meeting of the Council and shall report each suspension of a member of the fire department at the first meeting of the Council following each suspension. The chief shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on the discharge or retention.

**Subd. 3 Duties of Fire Marshal.** The office of fire marshal may be held by the chief or by the assistant chief, if the Council approves. The fire marshal shall be charged with the enforcement of all laws aimed at fire prevention. The marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

**Subd. 4 Records.** The chief shall keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm and such other information as the



chief may deem advisable or as may be required from time to time by the Council or State department.

**Subd. 5 Practice Drills.** It shall be the duty of the chief, when the weather permits, to hold a monthly practice drill of at least one hour's duration for the fire department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

**Subd. 6 Assistant Chief.** In the absence or disability of the chief, the assistant chief shall perform all the functions and exercise all of the authority of the chief.

**Subd. 7 Firefighters.** The chief, the assistant chief, the fire marshal and all firefighters and probationary firefighters shall not be less than 18 years of age and able-bodied. They shall become members of the fire department only after a 12-month probationary period. The Council may require that each candidate, before becoming a probationary firefighter, must satisfy certain minimum qualifications which may be specified by the Council; and that the candidate must pass a satisfactory physical examination.

**Subd. 8 Loss of Membership.** Firefighters absent from three consecutive drills or calls, unless excused by the chief, shall forfeit membership in the department.

**Subd. 9 Compensation.** Compensation shall be established by the Council.

**Subd. 10 Present Members.** Persons who have been members of the fire department for at

least one year at the time of the adoption of this Code section shall not be required to serve a probationary period before receiving firefighter's rating.

**Subd.11 Interference with Department.** It shall be 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 fire department in the discharge of its duties. Unlawful interference shall include the following of a fire truck when its siren and emergency lights are in operation, closer than 500 feet, by persons not on official City business.

**210.02 Police Department.**

**Subd.1 Establishment.** A police department shall be by this Subsection, continued. The head of the department shall be known as the chief of police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to be paid members of the police department shall be fixed by the Council. Members of the department shall be appointed by the Council.

**Subd. 2 Chief of Police.** The chief of police shall have supervision and control of the police department and its members. The chief shall be responsible to the Council for law enforcement and for property of the City used by the department. The chief shall be responsible for the proper training and discipline of the members of the department. The chief shall be responsible for the keeping of adequate records and shall report to the Council on the needs of the

department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The Council may designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during an absence or disability.

**Subd. 3 Duties of Police.** Members of the police department shall enforce the laws applicable to the City, bring violators before the court and make complaints for offenses coming to their knowledge. Members of the police department shall serve processes on behalf of the City and shall serve such notices as may be required by the Council or other authority. When the City is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All such fees shall be paid into the City treasury.

**Subd. 4 Uniform and Badge.** Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the department, the member shall immediately deliver to the City the badge, uniform and all other property of the City.

**Subd. 5 Extra Police.** In case of riot or other law enforcement emergency, the chief of police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the chief of police.



**Subd. 6 Police Reserve.**

**A. Establishment.** There is hereby created within the police department a police reserve which shall consist of such number of volunteer members as the Council deems necessary. The police reserve shall be under the control and supervision of the chief of police. Members of the police reserve shall be appointed by the chief of police, subject to council approval, and may be removed at any time without cause. They shall serve under the direction of the superior officers of the regular police force and such others as the chief may appoint from their own number.

**B. Duties.** When assigned to duty by the chief of police, each police reserve member shall have the same authority, duties, and obligations as regular members of the police department including the authority to issue citations except as restricted in Subd. 5 of this Subsection.

**C. Oath, Insignia.** Each police reserve member shall take the oath prescribed by Minn. Stat. § 358.05. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the chief of police may prescribe. Upon termination of membership, a member shall surrender to the City all City property issued to the member.

**D. Personnel Rules.** Personnel code sections and rules applicable to regular employees of the City do not apply to members of the police reserve, but each such member shall be

covered as a City employee under the workers' compensation insurance policy of the City.

**E. Other Restrictions.** No member of the police reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No police reserve member shall make arrests upon a warrant unless accompanied by a regular police officer. Only police reserve members shall use such identification or otherwise represent themselves to be members of the police reserve. No police reserve member shall carry any firearm while on duty except as specifically authorized by the police chief.

**210.03 Planning Commission.**

**Subd. 1 Establishment of Commission.** A City planning commission for the City of New Richland shall be continued.

**Subd. 2 Composition.** The planning commission shall consist of seven members. Four members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council; and the Council shall select one member of the commission from among its own members. The City engineer and the City attorney shall be members ex officio, but shall not be entitled to vote. All other members of the commission shall be entitled to one vote each.

Of the members of the commission first appointed, one shall be appointed for the term of one

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year, one for the term of two years, one for the term of three years, and one for the term of four years. Their successors shall be appointed for terms of four years. Terms of office shall expire as of the same date in each year of the expiration of Councilmember's offices and for the purpose of the first terms, any portion of a year shall be considered to be a full year. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his or her duties, take an oath that he shall faithfully discharge the duties of his or her office. All members shall serve without compensation.

**Subd. 3 Organization, Meetings, Etc.** The commission shall elect a chairperson from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine. The City Clerk-Treasurer shall act as secretary of the planning commission, but he or she shall not be a member unless he or she is appointed by the Council as its member representative as provided in Subdivision 2. A quorum for the purpose of conducting the business of the commission shall consist of three or more members entitled to vote, provided that any one voting member may adjourn a properly called meeting of the commission from time to time without further notice.

The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before January first of each year the commission





shall submit to the City Council a report of its work during the preceding year. Expenditures of the commission shall be within amounts appropriated for the purpose by the City Council.

**Subd. 4 Adoption of Program of Work.** Upon the appointment and organization of the commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program shall include:

- A. An outline of data and information to be assembled as a basis for the City plan;
- B. An outline of subjects to be covered by the City plan;
- C. An outline of types of procedures necessary to make the City plan effective.

The planning commission may, by resolution, revise its program of work from time to time.

**Subd. 5 Preparation of City Plan.** It shall be the function and duty of the planning commission to prepare and adopt a comprehensive City plan for the physical development of the City, including proposed public buildings, street arrangements, and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work.

**Subd. 6 Procedure for Adoption of Plan.** Before adopting the City plan or any section of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten (10) days before the day of the hearing. The adoption of the City plan or of any section or amendment thereof shall be by resolution of the commission, approved by the affirmative votes of not less than two-thirds of its total voting membership. The commission may from time to time amend or add to the City plan or section thereof as provided in this Section for the adoption of the original plan whenever changed conditions or further studies by the commission indicate that such amendment or addition is necessary. An attested copy of the plan or of any section amendment, or addition to the City plan adopted by the planning commission shall be certified to the City Council.

**Subd. 7 Means of Executing Plan.** Upon the adoption of the City plan or any section thereof, it shall be the duty of the planning commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the City plan.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as shall accomplish the purposes of this Section.

**Subd. 8 Zoning Plan.** The planning commission upon its own motion may, and upon

instructions by the City Council shall, prepare a proposed zoning plan for the City. Before recommending the plan to the City Council, the planning commission shall hold at least one public hearing thereon after a notice similar to that required by Section 6. The same procedure shall apply for the preparation of any plan of proposed rights of way for the future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

**Subd. 9 Official Map of Street Extensions.** The planning commission, with the assistance of the City engineer, may and upon instructions by the City Council shall, prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the City within the existing platted and developed territory or across the unplatted territory.

After the map has been prepared and a hearing on it has been held as provided in Subdivision 8, it shall be submitted to the Council, which shall consider the map and may adopt it or any part of it with such amendments as it deems advisable. Before the adoption by the Council, a public hearing shall be held upon the proposal at least ten (10) days after a notice thereof has been published in a newspaper published in the City. After the map has been adopted by the Council and filed with the register of deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purpose are acquired by action of the City, it shall not be required in the proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of the map within the limits of the mapped street, or outside of any building line that may have been

established upon the existing street or within any area that may have been established upon the existing street or within any area thus reserved for public purposes.

**Subd. 10 Plats.** Every proposed plat of land within the City or within two (2) miles of the limits of the City and not within a town which itself requires the approval of plats, shall be submitted to the City Council before being filed unless and until the same shall have been approved by the City Council. Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before the plat has been approved by the planning commission and the City Council in accordance with the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700.00 or by imprisonment for not more than ninety days. Before acting on the plat the City Council shall submit the plat to the planning commission for its recommendations. The planning commission, within forty days after any plat has been referred to it by the City Council, shall act on the same and shall make its recommendations with respect thereto. The recommendations may consist of

- A. recommendation that the City Council approve the plat: or
  
- B. recommendation that the City Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for the recommendation, or
  
- C. recommendations that the City Council approve the plat after specified changes or

revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the planning commission, in which case the revised plat shall be so submitted to the planning commission for its further consideration and recommendation before action thereon by the City Council.

**Subd. 11 Procedure for Change.** No change shall be made in the zoning plan, future and public lands plan, or regulations governing the platting of land after the plans or regulations have been adopted by the City Council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of the report had been filed with the Council: and no ordinance or resolution establishing any of the plans or specifications shall be adopted by the City Council until the ordinance or resolution has been referred to the planning commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the planning commission so to report within forty days or such longer period as may be designated by the Council after the reference shall be deemed to be approved of the proposed change.

**Subd. 12 List of Recommended Public Works.** Each officer, department, board or commission of or in the City whose functions include recommending, preparing plans for, or constructing public works shall, at least three months before the end of each fiscal year, submit to the planning commission a list of the proposed public works recommended by the officer, department, board, or commission for planning initiation, or constructing during the ensuing year. The planning commission shall request from the local school district a similar list of its proposed public works. The planing commission shall list and classify all such proposed public

works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. The program shall be recommended by the commission to the Council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommending, planning or constructing of the public works. A copy of the recommended program of public works shall be included in the annual report of the planning commission provided for in Section 3.

#### **210.04 Tree Board.**

**Subd. 1 Established.** There is hereby established and maintained a City Tree Board. The Tree board shall consist of six members who shall be residents of the City and who shall be appointed by the mayor subject to the approval of the Council.

**Subd. 2 Term of Office.** The term of each tree board member shall be for three years, except that the term of two members of the first board appointed shall be for only one year, two other terms on the first board shall be for two years, and the remaining two terms on the first board shall be for the full three years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Note: Can members be reappointed?

**Subd. 3 Compensation.** Members of the Tree Board shall serve without compensation.

**Subd. 4 Duties and Responsibilities.** It shall be the responsibility of the Tree Board to study,

investigate, counsel, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, and disposition of trees and shrubs in city parks, along public streets, and in other public places. The plan shall include an official list of tree species that may be planted as street trees as defined in Section 230. This plan shall be updated and presented to the City council annually, and upon the acceptance and approval of the plan by the Council, the plan shall constitute the official comprehensive city tree plan for the City. The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work.

**Subd. 5 Operation.** The Tree Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the purpose of transacting business.

**Subd. 6 Review By City Council.** The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision.

#### **210.05 Historic Preservation Commission.**

**Subd. 1 Composition and Terms.** The Historic Preservation Commission shall consist of five members; four shall be nominated by the New Richland City Council; one shall be nominated by the New Richland Area County Historical Society. All members shall be appointed by the City Council. The member nominated from the New Richland Area Historical Society may serve only so long as they remain a member of that organization.

**Subd. 2 Organization.** The Commission shall elect its own Chairman and Secretary, may provide for its own rules, by-laws and procedures, and shall determine the date and times of its meeting.

**Subd. 3 Duties and Responsibilities.** The Historical Preservation Commission shall have the following duties and responsibilities:

A. To engage in a comprehensive program of historic preservation and to preserve and promote the historical resources of the City of New Richland.

B. Designation of heritage preservation sites.

C. Act in a resource and advisory capacity to the City Council and the Planning and Zoning Board on matters relating to heritage preservation.

D. Act in a resource and advisory capacity to owners of historically significant sites regarding their preservation, restoration and rehabilitation.

E. Promote the continuing education of the residents of New Richland with respect to the civic and architectural heritage of the City of New Richland.

F. Maintain a public register of designated and proposed heritage preservation sites.

G. Such other duties and responsibilities as determined by the City Council.

(Res. 02-8, passed 4-22-02)



## **Section 215 - Emergency Protection Fire Services Fees**

**215.01 Purposes and Intent.** This section is adopted for the purpose of authorizing the City of New Richland to charge for fire services as authorized in Minn. Stat. §§ 366.011, 366.012, and 415.01.

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

**Fire service.** 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.

**Fire service charge.** The charge imposed by the city for receiving fire service.

**Motor vehicle.** 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.

**Fire protection contract.** A contract between the city and a town or other city for the city to provide fire service.

**Mutual aid agreement.** An agreement between the city and a town or other city for the city's fire department to provide assistance to the fire department of a town or other city.

**215.03 Parties Affected.**

- A. Owners of property within the city who receive fire service.
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire within the city.
- C. Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.
- D. Anyone who receives fire service as a result of a motor vehicle accident or fire within towns or cities to which the city provides fire service pursuant to a fire protection contract.

**215.04 Rates.** Rates for various services provided shall be established by the City Council with the advice and recommendation of the New Richland Fire Department and adopted in § 240 Schedule of Fees and Charges.

**215.05 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 60 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.

C. If the fire service charge remains unpaid for 30 days after this 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 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.

**215.06 Mutual Aid Agreement.** When the city's Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.

**215.07 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.

**215.08 Application of Collection to Budget.** All collected emergency protection fire service charges will be city funds and used to offset the expenses of the City Fire Department and the Rural Fire Fund in the same proportion as expenses are allocated in providing fire services.

(Ord. 09-01, passed 4-27-09)

### **Section 220 - Abandoned Property**

**220.01 General Property.** Any item of property other than a motor vehicle coming into the possession of the City in the course of its municipal operations and remaining unclaimed by the owner for a period of 60 days, shall be sold by the City to the highest bidder thereon at a public auction or sale, following 30 days published notice by the City of the date and place of the sale together with a description of the property sold. Prior to the sale, the department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities. At any time prior to the sale the owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.



**Subd. 1 Proceeds.** All proceeds from the sale of any property under this Section shall be deposited into the general fund of the City and disbursed therefrom as the City Council may determine.

**Subd. 2 Recovery by Owner.** At any time within 6 months of the date of any sale under this Section of property, anyone providing the City with satisfactory and substantial proof of ownership of any item sold, shall be paid the proceeds from the sale, less any storage and disposition costs incurred by the City.

**220.02 Abandoned Motor Vehicle.**

**Subd. 1 Impoundment and Sale.** The City police department shall take into custody and impound any abandoned motor vehicle as defined by Minn. Stat. § 168B.011, subd. 11. It shall







give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

**Subd. 2 Nuisance Vehicles.** The city police department shall take into custody and impound any nuisance vehicle. For purposes of this subdivision, nuisance vehicle shall mean any motor vehicle, as defined in M. S. § 169.01, which either lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, or is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission and is apparently inoperable. Motor vehicles kept in an enclosed garage or storage area shall not be considered nuisance vehicles. Notice of the taking shall be as provided by M. S. Ch. 16813, and if the owner or any lienholder does not reclaim the vehicle within the period provided by that chapter, the city shall provide for the sale of the vehicle to the highest bidder at public auction or sale in the same manner as for abandoned or junk vehicles under that chapter. It shall be a violation of this Code to keep a nuisance vehicle on public or private property after the owner or lienholder has been requested by a peace officer to remove it or keep it in an enclosed garage or storage area.

**Subd. 3 Disposition of Proceeds.** The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the

sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice, and publication costs incurred in its handling.

**Section 230 - Trees**

**230.01 Definitions.**

**Subd. 1 Street Trees.** “Street Trees” shall mean trees, shrubs, bushes, and all other wood vegetation located on land lying between property lines on either side of all streets, avenues, or ways within the City.

**Subd. 2 Park Trees.** “Park Trees” shall mean trees, shrubs, bushes, and all other wood vegetation located in public parks having individual names, or located in any area owned by the City or to which the public has free access as a park.

**230.02 Permitted Street Trees.** The City Tree Board, as provided for in Subsection 210.04 of this Code, shall maintain an official list of tree species for the City. No species of tree other than those included on the official list may be planted as Street Trees without the prior written permission of the City Tree Board.

**230.03 Spacing.** The spacing of Street Trees shall be in accordance with the three (3) species size classes listed in the official tree list. Except in the case of special plantings by or at the discretion of the Tree Board, small trees shall be spaced in thirty foot (30') intervals, medium trees in forty foot (40') intervals, and large trees at sixty foot (60') intervals.

**230.04 Distance from Curb and Sidewalk.** The distance trees may be planted from curblines and sidewalks shall be considered in each project and at the discretion of the Tree Board.

**230.05 Distance form Street Corners and Fireplugs.** No Street Tree shall be planted closer than thirty-five feet (35') to any street corner, measured from the point nearest the intersecting curbs or curblines, nor shall any Street Tree be planted closer than a ten foot (10') radius of any fireplug.

**230.06 Utilities.**

**Subd. 1 Small Trees.** No Street Trees, other than small maturing trees and defined in Section 1 (Note: Term was not defined in ordinance provided to LMC), may be planted under any overhead primary electric utility wires.

**Subd. 2 Medium and Large Trees.** No medium or large tree may be planted under or within ten (10) lateral feet of any primary electric wire.

**Subd. 3 Other.** No street tree shall be planted within three (3) lateral feet of any underground water lines, primary electrical distribution lines or transmission lines, gas lines, or six (6) to ten (10) lateral feet from sewer lines.

(Am. Ord. passed 8-9-99)

**230.07 Public Tree Care.** The City shall have the right, but shall not be obligated to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City Tree Board may remove or cause to be removed any tree or part of any tree which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. Removal of any tree from the boulevard, for any other than the previous listed reasons, will become the responsibility of the adjacent property owner upon prior approval from the City Council. This Section shall not prohibit the planting of Street Trees by adjacent property owners provided that the section and location of such trees are in accordance with this Section.

(Am. Res. 00-14, passed 11-13-00)

**230.08 Tree Topping.** It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree or Park Tree, or any other tree on public property. Topping shall mean the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Section at the determination of the Tree Board.

**230.09 Pruning, Corner Clearance.** Every owner of any tree overhanging any street or right-of-way within the City shall prune branches so that such branches shall not obstruct the light from any street lamp, or obstruct the view of any street intersection, and so that there shall be a clear space of no less than thirteen feet (13') above the surface of the street and of no less than eight feet (8') above

the surface of any sidewalk. Such owners shall remove all dead, diseased, or dangerous trees, and all broken or decayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property if the tree or shrub interferes with the proper spread of light along the street from a street light, or that interferes with the visibility of any traffic control device or sign.

**230.10 Dead or Diseased Tree Removal on Private Property.** The City shall have the right to cause the removal of any dead or diseased tree on private property within the City if such tree constitutes a hazard to life, safety, or property, or if such tree harbors insects or disease which constitute a potential threat to other trees within the City. The City Tree Board shall notify in writing the owner(s) of any such tree. Removal of the tree shall be done the owner(s) at the owner's expense within sixty (60) days after the date of service of the notice. In the event of failure of the owner(s) to comply with the provisions of the notice, the City shall have the authority to remove or have removed such tree and to charge the cost of removal on the owner's property tax notice.

**230.11 Removal of Stumps.** All stumps of Street and Park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Tree stump removal shall be the responsibility of the City. Individuals removing tree stumps shall need City approval. (Note: Is this intended to apply to all private tree stumps as well?)

**230.12 Interference with City Tree Board.** It shall be unlawful for any person to prevent, delay,

or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Tree, Park Tree, or trees on private property subject to the regulations of this Section.

**230.13 Review By City Council.** The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision.

**230.14 Penalty.** Any person violating any provision of this Section shall, upon conviction or a plea of guilty, be subject to a fine not to exceed \$500.

#### **Section 240 - Fee Schedule**

**210.01 Adoption by Reference.** Fees, charges, licenses, permits and administrative penalties are listed in the appendix to the ordinance codified herein, which is hereby adopted by reference as if set out in full herein. Copies are available through city offices. Changes by ordinance may be made from time to time or as reflected in the adopted final budget.

(Ord. 08-02, passed 7-14-08; Am. Res. 09-07, passed 9-22-08; Am. Res. 10-14, passed 5-10-10)