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CHAPTER 30: GENERAL PROVISIONS

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MEETINGS AND ELECTIONS

§ 30.01 MEETINGS.

(A) The City Council shall hold 2 regular meetings, which shall be held at the Maple Plain City Hall on the second and fourth Mondays of each month at 7:00 p.m. Three members of the Council shall constitute a quorum, and in the absence of the Mayor, the Acting Mayor shall preside at the meeting.

(B) The Monday meetings of the Maple Plain City Council shall commence with the regular meeting on the second Monday of February, 2005.

(C) This section shall have full force and effect upon its passage and publication.
(Prior Code, § 4.01) (Am. Ord. 197, passed 1-25-2005)

§ 30.02 SPECIAL MEETINGS.

Special meetings may be called by the Mayor of the Council or by any 3 members thereof other than the Mayor, upon 24-hours notice, which shall be held at the same place as provided in § 30.01. (Prior Code, § 4.02)

§ 30.03 PROCEDURE.

The Mayor shall call the Council to order, reading of the minutes of the previous meeting, corrections of the same, reports of standing committees, reports of special committees, unfinished business, new business, consideration and dispositions of bills, motions and resolutions, adjournment. (Prior Code, § 4.03)

§ 30.04 LEGAL ACTIONS.

The Council shall prosecute or defend in all actions at law to which the city is a party or in which it may be interested. (Prior Code, § 4.04)

§ 30.05 ELECTIONS.

Municipal elections for the City of Maple Plain, Minnesota, shall be held on the first Tuesday after the first Monday in November of each year, commencing Tuesday, 11-8-1966. The Mayor shall be elected for a term of 4 years and Councilmembers for a term of 4 years. (Prior Code, § 4.05)

§ 30.06 VOTING PROCEDURES.

(A) All Councilmembers present at a meeting shall vote on any subject properly before the Council.

(B) A Councilmember may abstain only under the following conditions:

(1) Councilmember absent during consideration of subject;

(2) Councilmember has a financial or other business interest in the subject matter; and/or

(3) A Councilmember's immediate family is involved with the subject matter before the Council.

(C) Any vote of abstention for reasons other than above shall be recorded in the official minutes as a no vote by the City Administrator/Clerk.
(Prior Code, § 4.06)

REIMBURSEMENT OF FEES AND COSTS TO THE CITY

§ 30.20 PURPOSE AND INTENT.

The city incurs costs and expenses when it processes applications for development, construction, subdivisions, variances, and other requests for services by the public; these expenses include staff time, engineering, planning, legal, and other professional or related costs.
(Ord. 187, passed 3-11-2003)

§ 30.21 GENERALLY.

All developers or applicants before the city shall reimburse the city for any and all costs incurred by the city for processing their applications which shall include staff time, fees for engineering, planning and legal, and any other professional or related costs.
(Ord. 187, passed 3-11-2003)

§ 30.22 ESCROW TO BE ESTABLISHED.

To defray expenses to the city as they are incurred on a project-by-project basis, applicants for any development request within the city shall be required to establish an escrow account; the amount of each escrow to be charged will be established by the City Council from time to time by resolution. Any escrow remaining at the end of the project will be refunded to developer; if additional escrow is required during the project, the City Administrator/Clerk will notify the developer of the additional amount needed.
(Ord. 187, passed 3-11-2003)

§ 30.23 EFFECTIVE DATE.

This subchapter shall have full force and effect upon its passage and publication.
(Ord. 187, passed 3-11-2003)

SALARIES**§ 30.35 SALARIES OF MAYOR AND COUNCILMEMBERS.**

(A) *Mayor salary.* From and after the effective date of this section, until otherwise changed pursuant to law, the salary of the Mayor of the city shall be in the sum of \$350 per month.

(B) *Council member salary.* From and after the effective date of this section, until otherwise changed pursuant to law, the salary of a Council member of the city shall be in the sum of \$250 per month.

(C) *Payment for meetings and business.* In addition to the salaries pursuant to divisions (A) and (B) above, the Mayor and the City Council shall be paid \$25 for each official meeting attended and mileage at the business rate authorized by the federal government.

(D) *Coverage in Worker's Compensation Act.* Pursuant to M.S. § 176.011, Subdivision 9, clause 6, as may be amended from time to time, the Mayor and City Council are included in the coverage of the Worker's Compensation Act for all acts performed in their official duties with the city. (Ord. 223, passed 6-23-2008)

CHAPTER 31: CITY ORGANIZATIONS

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BOARD OF HEALTH**§ 31.01 GENERALLY.**

The Council may establish a Board of Health, consisting of 3 persons of which 1 shall be a physician if practicable, with all powers of the Board under the general laws of this state and the general rules adopted from time to time by the State Board of Health. The Board of Health shall have power to provide hospitals and regulate the burial of the dead, define nuisances and prevent or abate same, to require the owner or occupant of any privy, vault, or sewer or other unwholesome or nauseous building or place to remove, abate, or cleanse the same, to prevent the burying, depositing, or leaving within the city of any putrid carcass or other unwholesome substance, to cause the apprehension and arrest of any person violating the provisions, rules, and regulations of the Board, and to prosecute any such violator under the city codes or under the laws of the State of Minnesota.

(Prior Code, § 6.01)

FIRE DEPARTMENT**§ 31.15 ESTABLISHMENT.**

All functions authorized and carried out hereunder and all other activities relating to civil defense or emergency services are hereby declared to be governmental functions. Except in cases of willful misconduct, the city, its officers, agents, and employees while engaged in authorized civil defense or emergency service activities, shall not be liable for an injury or death of any person or damage to property as a result of the activity. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this code or under the workers compensation resulting from an act of Congress, State of Minnesota, or other governmental agency.

(Prior Code, § 8.01)

§ 31.16 CONTINUING EXISTENCE OF FIRE DEPARTMENT.

There having been organized, and now existing, a Fire Department for the City of Maple Plain, this subchapter is adopted for the purpose of perpetuating the present Department. All present officers and members of the Maple Plain Fire Department shall be considered as charter members thereof, and all present officers of the same shall hold their respective offices until the next regular annual meeting of the Department.

(Prior Code, § 8.02)

§ 31.17 NEW MEMBERS.

New members shall be elected and added to the Fire Department as prescribed in the bylaws of the Department.

(Prior Code, § 8.03)

§ 31.18 OFFICERS.

The officers of the Department shall be a Chief, Assistant Chiefs, and Captains, whose duties shall be as hereinafter stated. The civil officers of the Department shall be a President, Vice-President, a Secretary, and a Treasurer, whose duties shall be provided for in the bylaws of the Department.

(Prior Code, § 8.04)

§ 31.19 ELECTION OF OFFICERS.

The Chief, Assistant Chief, and all other officers of the Department shall be elected at the annual December meeting by the members of the Department. The method of election and the terms of office shall be as the bylaws may provide. The Secretary of the Department, as soon as practicable after the election of officers, shall submit a list of all officers so elected to the City Administrator/Clerk. The Chief and Assistant Chief shall be submitted for approval to the City Council.

(Prior Code, § 8.05)

§ 31.20 MEETINGS.

The Department shall hold at least 1 business each month, and shall also have at least 1 regular drill per month.

(Prior Code, § 8.06)

§ 31.21 GOVERNING OF FIRE DEPARTMENT.

The Department shall be self-governing, elect its members and officers and adopt bylaws and the regulations as they may deem necessary for the proper and efficient functioning of the Department. Newly elected members shall be reported to the City Council.

(Prior Code, § 8.07)

§ 31.22 DUTIES OF FIRE CHIEF.

(A) The Chief shall exercise complete supervision and control over the Fire Department and all apparatus, examine the apparatus as often as may be necessary, and provide that all Department property is at all times properly kept, cared for, and ready for service. He or she shall order drills of the

Department as often as he or she may deem necessary, and prescribe that all members are fully trained for their work. He or she, or the person exercising the powers and duties of his or her office, shall in case of fire have the power and may direct any building or structure to be razed or removed in the manner as he or she may see fit, if the action is deemed by him or her to be necessary to arrest the progress of any fire.

(B) The Chief, or person in command for the time being at any fire, shall have the same power to suppress all tumults or disorders as police officers of the city, and shall have power to prescribe limits within which no person shall come, except those who reside therein or admitted with his or her consent, and he or she shall have other power to order any person away from the neighborhood of the fire and command the assistance from the inhabitants of the city not members of the Fire Department for the extinguishment of fires, and for the preservation of property exposed to fires as he or she may require and in case of any person who shall refuse or neglect to render assistance as above required, or shall refuse or neglect to obey any lawful order of the officers in command, or if the firefighters or the other person shall refuse or neglect to depart when ordered to do so as foresaid, the person so offending shall for the offense be subject to the penalty hereinafter prescribed. The Chief shall, in January of each year, report to the City Council the number of fire calls responded to during the preceding year, giving the value of buildings and contents concerned, and also the losses sustained, reporting both calls responded to in the city and those outside the city limits. In the absence of the Chief, the Assistant Chief, and in his or her absence, the next ranking officer shall carry out the duties of the Chief. (Prior Code, § 8.08)

§ 31.23 FIRE MARSHAL.

The City Council shall appoint a Fire Marshal of the city, and the Fire Marshal shall make periodical inspections of buildings. Inspections shall be performed annually to all or parts of the city as predetermined by the Fire Marshal. He or she shall have the right to detail several firefighters to assist with inspections. Inspectors assigned by the Fire Marshal shall have the appropriate credentials, training and qualifications to perform inspections. These inspectors shall report to him or her the condition of all buildings so inspected, making the recommendations for improvements as they deem necessary.

(A) *Duties of the Fire Marshal.* It shall be the duty of the Fire Marshal, or his or her appointee, to inspect all commercial, industrial and multiple-family dwellings containing more than 4 dwelling units. The owner of record of such building or the legal occupant thereof shall be notified of any violations of the fire regulations hereinafter set forth. Such inspections shall be conducted once each calendar year. A further inspection shall be conducted upon direct receipt by the Fire Marshal in his or her official capacity of a complaint of a violation of the fire regulations hereinafter set forth.

(B) *Right of entry.* The Fire Marshal shall have the authority, subject to provisions of this section, to enter private property for the purpose of making an annual inspection, or an inspection in response to a complaint received directly by the Fire Marshal in his or her official capacity. Entry by the Fire Marshal shall be with the consent of the record owner or legal occupant of the building. The Fire Marshal shall prepare a list of the record owners of all property subject to the Fire Regulations and shall notify the record owner or legal occupant by first class mail that the building is subject to fire inspection,

giving the date and time the inspection is to be held. Consent to make any required inspections shall be deemed given by the record owner unless, within 10 days of date the inspection notice is mailed, a written notice with the Fire Marshal withdrawing consent to the inspections. Upon receipt of any notice of withdrawal of consent, the Fire Marshal shall forward the same to the City Attorney together with any supporting data required, and the City Attorney shall obtain an Administrative Inspection Warrant from a Judge of District Court and return the same to the Fire Marshal.

(C) *Enforcement of fire regulations* The Fire Marshal shall enforce violations of the Fire Regulations by the issuance of a Compliance Order setting forth the violations of the ordinance and ordering the record owner or legal occupant of the premises to correct any such violations within a reasonable time. The Compliance Order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violations of this section;
- (3) Establish a reasonable time for the correction of such violation; and
- (4) Be served upon the record owner by first class mail or personally upon the legal occupant of the premises.

(D) *Compliance order.* It shall be unlawful to fail or refuse to comply with a Compliance Order within the time established by the Fire Marshal.

(E) *Criminal prosecution.* Upon failure of the record owner or legal occupant to comply with a Compliance Order within the time set therein, the Fire Marshal shall provide all relevant information to the City Attorney, and the City Attorney shall prosecute the person or persons responsible for violation of the Fire Regulations.

(F) *Removal of hazardous conditions.* Upon conclusion of the criminal prosecution, the City Attorney shall notify the Fire Marshal and the Fire Marshal shall make an inspection of the premises. If the violation which was the subject matter of the criminal prosecution has not been corrected, the Fire Marshal shall provide all relevant information to the City Council, and the City Council may proceed to correct the violation under the Hazardous and Substandard Building Act, M.S. §§ 463.15 *et seq.*, as it may be amended from time to time.

(Prior Code, § 8.09) (Am. Ord. 234, passed 6-8-2009; Am. Ord. 245, passed 7-12-2010) Penalty, see § 10.99

§ 31.24 EDUCATION.

Along the line of fire prevention, the Chief, together with his or her assistants, shall see to it that from time to time they have either local or outside speakers talk to the school children about fire

prevention. Especially during Fire Prevention Week each year, they should arrange for the talks, and also at other meetings of the general public when possible.

(Prior Code, § 8.10)

§ 31.25 PROHIBITED ACTIVITIES.

(A) No person shall follow by motor vehicle within 500 feet of any fire apparatus going to a fire, nor shall he or she drive within 500 feet of any fire apparatus at work at a fire. Members of the Fire Department who miss the apparatus and follow in their own cars must obey traffic laws the same as other persons, unless they have proper signals and their cars are properly marked.

(B) No person shall knowingly or willfully drive or cause to be driven, any vehicle of any kind over any hose of the Fire Department when the same is laid down to be used at any fire or at a regularly ordered drill of the Department, without the consent of the Chief, under the penalty hereinafter provided.

(C) It shall be unlawful for any person to give a false alarm of fire so as to get the Fire Department to make a useless trip and create excitement, and any person so giving a false alarm shall be subject to a fine as hereinafter provided.

(D) All members of the Fire Department are hereby given the special police powers for the purpose of enforcing the terms of this subchapter.

(E) The Fire Department is hereby authorized to answer fire calls outside of the city limits, and when so doing shall be considered as on duty as firefighters of the city.

(Prior Code, § 8.11) Penalty, see § 10.99

§ 31.26 BYLAWS TO BE ADOPTED BY REFERENCE.

The constitutions and bylaws for the Maple Plain Volunteer Fire Department and the Maple Plain Department Relief Association shall be incorporated in this code as if set out in full. This shall include these documents as they are amended from time to time.

(Prior Code, § 8.12)

PLANNING COMMISSION

§ 31.30 ESTABLISHMENT OF PLANNING COMMISSION; COMPOSITION.

A city Planning Commission for the City of Maple Plain is hereby established. The Planning Commission shall consist of 7 members appointed by the City Council. Members must reside within the

municipal boundaries of the City of Maple Plain. The City Council shall appoint a liaison member to the Planning Commission who shall not have a vote in Planning Commission matters.
(Ord. 250, passed 10-25-2010)

§ 31.31 TERMS OF COMMISSION MEMBERS.

The 7 members shall be appointed to 3-year terms. Terms shall be staggered. Appointments of 3-year terms shall be done annually as terms expire. The succession of appointments is 2 members, 2 more members the next year, followed by 3 remaining members. Persons appointed to fill vacancies shall serve the duration of the unexpired term. The Council member liaison shall be appointed annually. The regular members shall serve without compensation.
(Ord. 250, passed 10-25-2010)

§ 31.32 REMOVAL FROM OFFICE; ATTENDANCE; VACANCIES.

Any member of the Planning Commission may be removed by the City Council at any time for any reason or without stated reasons upon 4/5 vote of the City Council. Any member may be removed for nonattendance at Planning Commission meetings without action by the City Council should said member miss more than 1/3 of the regularly scheduled meetings in a calendar year. It shall be the duty of the Chairperson of the Planning Commission to promptly notify the City Council of any vacancies occurring in membership, and the City Council shall fill vacancies within 60 days from date of notification. Filling of vacancies shall be for the completion of the unexpired term.
(Ord. 250, passed 10-25-2010)

§ 31.33 COMMISSION ORGANIZATION; MEETINGS.

(A) The City Planning Commission shall elect a chairperson from among the regular members to serve for a period of 1 year, and a Vice-Chairperson to serve in the absence of the Chairperson, and the other offices as it may deem advisable.

(B) Keeping of official meeting records shall be designated to the appropriate city staff liaison, unless otherwise directed by the Planning Commission. The City Planning Commission shall hold 1 regular meeting each month, at the time and place as it shall determine. It shall adopt rules for the transaction of business, and keep a record of its resolutions, transactions, and findings, which records shall be a public record. The Planning Commission may call special meetings as needed; the City Council may also direct the Commission to hold a special meeting. Notification of special meeting must follow standard notification requirements.

(C) Any 4 of the regular members shall constitute a quorum for the transaction of business; and unless otherwise specified, a majority vote of any 4 members appointed by the City Council shall carry any action to the Commission. The Council liaison member shall have no vote.

(D) The Planning Commission may establish committees and subcommittees from its membership to serve in an advisory capacity to assist the full Commission in the conduct of its business.

(E) The City Administrator, or other city staff, City Planner, City Engineer, Building Official, city public safety officials, and other consulting planners and engineers, shall serve as advisors to the Commission.

(Ord. 250, passed 10-25-2010)

§ 31.34 DUTIES AND POWERS; ADOPTION OF PROGRAM.

(A) *Duties.* The Commission shall have the powers and duties given planning agencies generally by law, including the following:

(1) Acquire and maintain in current form such basic information and background data as is necessary for understanding past trends, present conditions and forces at work to cause changes in these conditions.

(2) Prepare and submit for consideration and adoption by the City Council a Comprehensive City Development Plan for the physical development of the city, including proposed public buildings, street development, arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, building requirements, and any other matter relating to the physical development of the city.

(3) Establish principles and policies for guiding action affecting the development of the city.

(4) Prepare and recommend to the City Council additions and/or revisions to ordinances, regulations and other proposals promoting orderly development of the city as guided by the Comprehensive Development Plan.

(5) Receive and review proposed developments and other land use applications to determine whether proposals conform to the principles, policies and requirements of the Comprehensive Development Plan and city zoning ordinances.

(6) Advise City Council on matters which have an impact on the future development of the city as required by the city's review processes.

(7) Conduct public hearings as may be required to gather information necessary for drafting, establishing, maintaining and administering the Comprehensive Development Plan and ordinances and regulations related to it.

(8) Perform other duties as assigned by the City Council or duties that may have bearing on preparation and accomplishment of the Comprehensive Development Plan.

(B) *Powers.* Planning Commission members or its agents may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized city agents or employees. Members shall inform the property owner and/or applicant prior to entering property. Members shall have no interaction with property owner and/or applicant in performance of duties.

(C) *Adoption of program.* The Planning Commission shall prepare and present to the City Council a program of work outlining the goals and activities for the year. The Commission may revise the work plan and resubmit to the City Council. The Commission may submit a budget request to the City Council based on the work program. Expenses shall be within the amount appropriated by the City Council.

(Ord. 250, passed 10-25-2010)

§ 31.35 CONFLICT OF INTEREST.

No person shall be appointed with private or personal interest likely to conflict with the general public interest. If any persons appointed shall find their private or personal interests are involved in any matter coming before the Commission, they shall notify the City Administrator of such conflict and shall disqualify themselves from taking part in any discussion or action on the matter. The Planning Commission may also disqualify a member by a 2/3 majority vote of the Commissioners in attendance.

(Ord. 250, passed 10-25-2010)

PARK COMMISSION

§ 31.40 ESTABLISHMENT.

A City Park Commission for the City of Maple Plain to consist of 5 members and 1 liaison from the City Council is hereby established. The 5 members shall be appointed by the City Council, and any such member shall be subject to removal at any time upon 4/5 vote of the City Council. The Council liaison shall be appointed to that position by the City Council and shall not have a vote. The City Council shall appoint to the Parks Commission 2 alternates. The alternate members shall have all of the powers and duties of a regular member during the absence or disability of a regular member. The alternate members shall fill any vacancy on the Commission created by the resignation or dismissal of a regular member.

(Ord. 198, passed 6-13-2005; Am. Ord. 218, passed 8-27-2007)

§ 31.41 TERMS OF COMMISSION MEMBERS.

The terms of the 5 regular members of the Park Commission shall be as follows. The first 2 members appointed shall serve for 2 years, and the next 3 members shall serve for 3 years. The 2 alternate members shall serve for 1 year. The terms of successors shall be 3 years. The term of the

Council member shall correspond to the tenure of office held. The regular members shall serve without compensation.

(Ord. 198, passed 6-13-2005; Am. Ord. 218, passed 8-27-2007)

§ 31.42 ORGANIZATION.

The Park Commission shall elect a Chair from among the regular members to serve for a period of 1 year and a Vice-Chair to serve in the absence of the Chair, and a Secretary to keep a record of the meetings and actions of the Park Commission. The Park Commission shall hold 1 regular meeting each month, or at the time as the Commission shall determine. The Commission shall adopt rules for transaction of business and keep a record of its resolutions, transactions, and findings.

(Ord. 198, passed 6-13-2005)

§ 31.43 EFFECTIVE DATE.

This subchapter shall have full force and effect upon its passage and publication.

(Ord. 198, passed 6-13-2005)

CHAPTER 32: LOCAL IMPROVEMENT CODE

Section

- 32.01 General policy
- 32.02 Definitions
- 32.03 Assessment policies applicable to all improvements
- 32.04 Method of assessment
- 32.05 Improvement classifications
- 32.06 Assessment computation and procedure
- 32.07 Deferred assessments
- 32.08 Assessment certification

§ 32.01 GENERAL POLICY.

When an improvement is of special benefit to properties in a definable area, it is the intent of this chapter to levy special assessments on the benefited properties to finance the improvements. Improvement costs shall, whenever possible, be assessed in full against the benefitted property. All special assessment improvements shall be made in accordance with this chapter and the requirements of M.S. Chapter 429, as it may be amended from time to time.
(Ord. 270, passed 10-22-2012)

§ 32.02 DEFINITIONS.

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

ADJACENT OR ABUTTING PROPERTY. A property directly adjacent to public improvements.

ACCESS. Properties shall be considered to have access to public street improvements when they may enter onto the improvement from their own private driveway, private road, common driveway, shared easement, or public street. Properties shall be considered to have access to underground utility improvements when they directly abut and are within 150 feet of the utility.

ADJUSTED FRONT FOOTAGE. The number of feet actually utilized in calculating an assessment for a particular property. This may differ from the actual front footage of the property.

ASSESSED COST. Those costs of public improvements that have been determined to benefit specific properties. The assessed cost will be equal to the project cost minus the city cost.

COMMERCIAL. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

CURB AND GUTTER. A street improvement where concrete or other material is formed at the edge of a street to form a traffic channelizing barrier, drainage gutter, or otherwise to provide support the asphalt surface of the roadway.

DEFERMENT. A process of postponing the collection of the cost of public improvements and funding them as a system cost with the intention of collecting at a later date.

DRIVEWAY APPROACH. That area which lies between the existing pavement and the right-of-way line; curb cut to curb cut.

DWELLING. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels, boarding houses, bed and breakfast, mobile homes, or trailers.

FRONT FOOTAGE. The distance measured along the right-of-way line that directly abuts an improvement.

INDUSTRIAL. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

INSTITUTIONAL. Properties including, but not limited to school property (public or private) or land owned by educational businesses or organizations, churches, libraries, county and state.

LOT DEFINITIONS.

- (1) **CORNER LOT.** A lot located at a street intersection having both front and side-lot footage.
- (2) **DOUBLE FRONTAGE LOT.** A lot with access to 2 separate non-intersecting or intersecting streets but not a corner lot.
- (3) **SPECIAL CASE LOT RESIDENTIAL.** A lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be accessed.
- (4) **SPECIAL CASE LOT COMMERCIAL.** A lot which accesses the improvement but may have little or no real property fronting the improvement shall be assessed in a fair and equitable manner consistent with surrounding properties fronting the improvement. Adjusted frontage shall be considered.

MULTI-FAMILY. A structure of more than 2 units, the primary purpose of which is to provide rental or leased living space to the general public. Building characteristics include common hallways for access purposes and a common parking lot.

OVERSIZING. Replacement of a water and/or sanitary sewer main trunk line above and beyond the existing size.

PUBLIC IMPROVEMENT. Improvements as allowed by state statute that provide a special benefit to properties, including but not limited to streets, sidewalks, trails, curb, gutter, sanitary sewer systems, storm sewer systems, water treatment and distribution systems.

SPECIAL ASSESSMENT. A legal process defined by M.S. Chapter 429, as it may be amended from time to time whereby the benefited property is charged for all or a portion of the cost of public improvements.

SPECIAL BENEFIT. The increase in property value as a result of a public improvement such as, but not limited to, a street, sidewalk, trail, curb and gutter, water main, sanitary sewer, storm sewer, park, or street landscaping.

STREET. All public ways designed as means of access to the adjoining properties.

STREET TREATMENT.

(1) **MILL AND OVERLAY.** Work consists of grinding off the upper layer of asphalt and replacing it with a new layer of asphalt.

(2) **RECONSTRUCT.** Completely removing the existing roadway and underlying gravel and sand base material, bituminous curbing (or a majority of the existing concrete curb and gutter) and constructing a new road section.

STORM DRAINAGE. Stormwater runoff.

TWO-FAMILY. A dwelling structure on a single lot, having 2 units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

TOWNHOUSE. Single-family attached units in structures housing or 3 or more contiguous dwelling units, sharing a common wall, each having separate individual front and rear entrances; the structure is that of a row-type house as distinguished from multiple-dwelling apartment buildings.

TRUNK. Water and sanitary sewer lines that are larger mains requiring greater size capacity and deeper pipe construction than the immediate surrounding area requires.
(Ord. 270, passed 10-22-2012)

§ 32.03 ASSESSMENT POLICIES APPLICABLE TO ALL IMPROVEMENTS.

(A) Improvements for construction of water distribution lines, sanitary sewer lines, storm drainage, curb and gutter, streets, sidewalks, lighting, or other assessment improvements may be undertaken upon City Council initiation or petition of the affected property owners. Public improvements initiated by petition of property owners must have a minimum of 35% of frontage of properties abutting the proposed improvement.

(B) Where an improvement is of special benefit to properties in a definable area, it is the intent to levy special assessments on the benefitted properties. Improvement costs shall, whenever possible, be assessed in full against the benefitted property, thereby keeping the improvement costs chargeable to the city to a minimum. The following general principles shall be used as a basis of the city's assessment policy.

(1) The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing, rights-of-way, and other contingent costs.

(2) Where the project cost of an improvement is not entirely attributable to the need for service to the area served by the improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, the city, through the use of other funds, may pay the "city costs" which, in the opinion of the City Council, represents the excess cost not directly attributable to the area served.

(3) If financial assistance is received from the federal government, from the state, or from any other source to defray a portion of the costs of a given improvement, the aid will be used first to reduce the "project cost" of the improvement.

(4) The "assessable cost" of an improvement shall be defined as being those costs which, in the opinion of the City Council, are attributable to the need for service in the area served by the improvement. The "assessable cost" shall be equal to the "project cost" of the current project as defined above, minus other financial assistance credited as above described.

(5) Institutional properties, land under public ownership and city-owned properties, including municipal building sites, parks and playgrounds, but not including public streets and alleys, shall be regarded as being assessable on the same basis as if the property was privately owned.

(6) In the event the literal application of the provisions outlined herein would result in an inequitable distribution of special assessments, the City Council reserves the right to adjust the policy so as to achieve a more equitable distribution.

(Ord. 270, passed 10-22-2012)

§ 32.04 METHOD OF ASSESSMENT.

Each lot or parcel shall be assessed on the basis of its share of the appropriate assessable units. Assessable units shall be in terms of “unit (or lot),” “area,” “front footage,” and “adjusted frontage.”

(A) *Unit assessment.*

(1) A unit assessment shall be derived by dividing the total project costs by the number of Residential Equivalent Density (RED) units in the project area. A RED unit is defined as a single family residential unit. All platted and unplatted property will be assigned RED unit values equivalent to the underlying zoning or use of the property.

Type	RED	TYPE	RED
Single-Family	1.00	Mixed Use	SAC Unit
Two-Family	1.00	Office Park	SAC Unit
Multi-Family	2.00	Commercial	SAC Unit
Townhouse	1.00	Industrial	SAC Unit
Vacant Land	1.50	Institutional	1.50
		Public	1.00

(2) The unit approach has proven to be the best method in those instances whereby the improvement largely benefits everybody to the same degree and the cost and benefits of the improvement is not generally affected by parcel size.

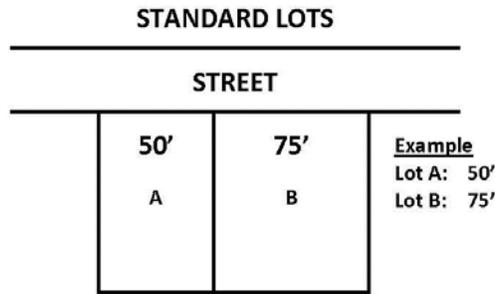
(B) *Area assessment.* An area assessment shall be defined as the number of square feet within the boundaries of the appropriate property lines of the area(s) benefitting from the project. The assessment rate - cost per foot - shall be calculated by dividing the total assessable cost by the total assessable area. The following items shall not be included in the area calculation: public rights-of-way, natural waterways and/or wetlands as designated by the Minnesota Department of Natural Resources. Storm water ponds, raingardens and other similar storm water retention facilities and structures shall not be excluded from the area calculation.

(C) *Front footage assessment.* The actual physical dimensions of a parcel abutting an improvement (i.e. street, water, sanitary sewer, and the like) shall be used to determine a cost per front foot. The assessable cost shall be determined by dividing the project cost by the total assessable front foot of all properties within the improvement area. All properties, including churches, institutions and public property, shall be included in calculation. This assessment method shall be based on the actual lineal foot of property lines adjacent to public rights-of-way. When an adjusted frontage calculation is necessary for a parcel within the improvement area the assessable cost shall be determined by calculating the adjusted frontage for all properties.

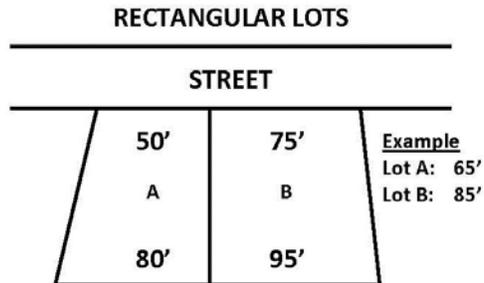
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(D) *Adjusted frontage assessment.* The following procedures shall be used to calculate adjusted front footages. The method used shall be based on the configuration of the parcel. All measurements shall be scaled from available plat and section maps and will be rounded to the nearest 0.1 (tenth) foot.

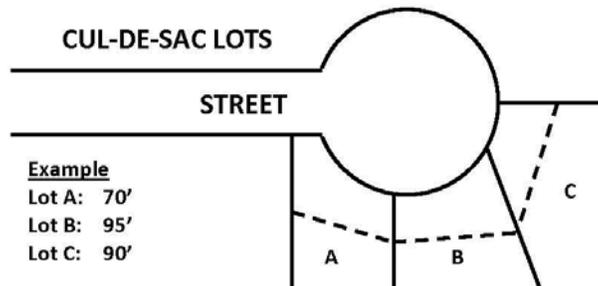
(1) *Standards lots.* The adjusted front footage for rectangular lots will be the actual front footage of the lot. The frontage measured shall be the lot width at the front lot line.



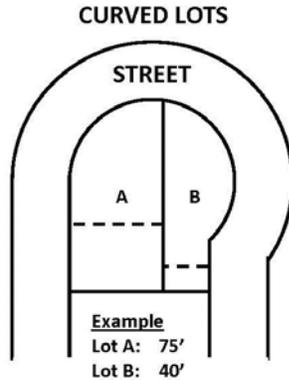
(2) *Rectangular variation lots.* For a lot which is rectangular in shape, the adjusted front footage shall be calculated by averaging the front and rear lot lines of the lot.



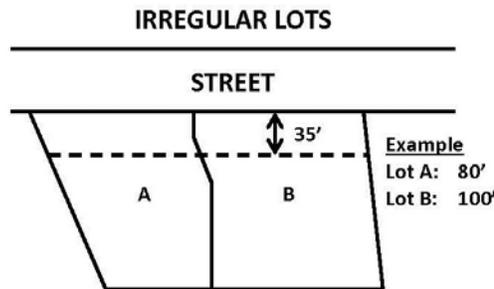
(3) *Cul-de-sac lots.* The adjusted front footage for those lots that exist on cul-de-sacs will be calculated at the midsection of the lot based on the mid-way point of the shortest sideyard lot line. This line will be computed by connecting the midpoints of the 2 side lot lines.



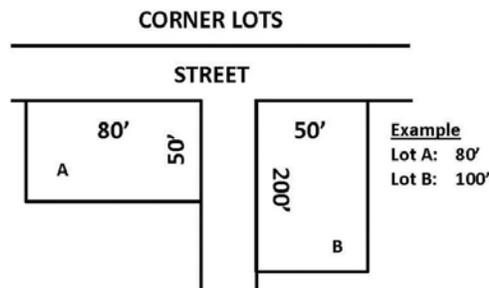
(4) *Curved lots.* Where lots are located along a curved street and adjusted front footage shall be calculated at the midsection of the lot based on the mid-way point of the shortest sideyard lot line. This line will be computed by connecting the midpoints of the 2 side lot lines.



(5) *Irregularly shaped lots.* Parcels of irregular shape, and not matching the lot descriptions listed above, shall have their adjusted front footage calculated by measuring the lot width at the 35 foot building setback line.

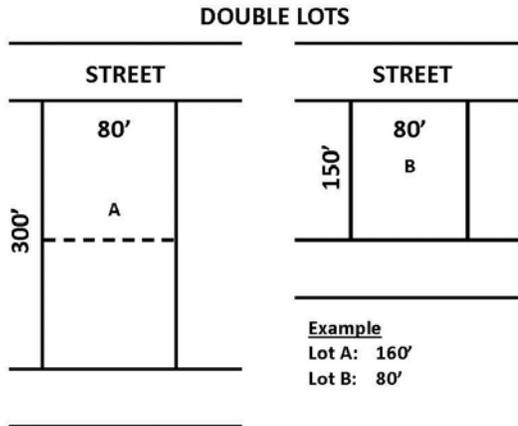


(6) *Corner lots.* The adjusted front footage shall be assessed based on the side abutting the improvement and using the footage method shall be based on the type or shape of the parcel. Where improvements occur on both sides of a corner lot the adjusted front footage shall be based on the longest side, plus the adjusted front footage for the second side. Residential lots shall receive a 150-foot footage allowance credit for the second side; any remaining footage shall be added to the total assessable frontage.



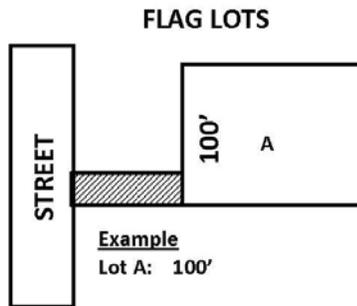
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(7) *Double frontage lot.* If a parcel, other than a corner lot, comprises frontage on 2 streets and is eligible for subdivision, then an adjusted front footage assessment will be charged along each street. For double frontage lots lacking the necessary depth for subdivision or those backing onto a collector or arterial street with no access to the collector or arterial, only a single adjusted front footage will be computed.



(8) *Flag lots.*

Properties which utilize a narrow private easement or maintain ownership of such access to their property, thereby having a small frontage on a street, will be assigned an adjusted front footage of the width of the property at the base of the "flag" where the driveway access the main part of the property.



(9) *Other.* The City

Council may deem a property not immediately adjacent to an improvement to benefit from that improvement. The assessment shall be based the selected assessment method selected by the City Council for the improvement.

(Ord. 270, passed 10-22-2012)

§ 32.05 IMPROVEMENT CLASSIFICATIONS.

Classifications. Public improvement classifications are: sidewalk/trail installation; new construction; street rehabilitation and reconstruction; street maintenance; sanitary sewer and water trunk improvements; storm water drainage improvements; and streetscaping improvements.

(A) *Surface improvements.*

(1) Surface improvements shall normally include all improvements visible on or above the ground within the right-of-way, and includes, but is not limited to trees, lighting, sidewalks, trails, signage; streets, including removal of existing surface, grading and base, and accessory improvements such as curb and gutter, drainage ponds and facilities, parking lots, parks and playgrounds.

(2) In all streets, prior to street construction and surfacing, or prior to resurfacing, all utilities and utility service lines (including sanitary sewers, water lines, gas and electric service) shall be installed to serve each known or assumed building location. No surface improvements to less than both sides of a full block of street shall be approved except as necessary to complete the improvement of a block which has previously been partially completed.

(B) *Sub-surface improvements.* Sub-surface improvements normally include such items as water distribution lines, sanitary sewer mains and storm drainage system, and electric and gas utilities.

(1) Main lines are the publicly owned and maintained lines or facilities such as trunk lines, interceptors, mains and service stubs. Services lines, or "laterals," are those privately owned lines or facilities extending from the main line to the property line.

(2) Subsurface improvements shall be made to serve current and projected land use. All installations shall conform to applicable standards established by local, state and/or federal agencies or competent jurisdiction.

(Ord. 270, passed 10-22-2012)

§ 32.06 ASSESSMENT COMPUTATION AND PROCEDURE.

The following is the typical city assessment procedure for improvements.

(A) *Street and curb and gutter improvements.*

(1) *New construction.* All new surface improvements shall be assessed at 100% of the cost of the improvements, not to exceed the amount of the benefit to the property at the time of installation. Cost of construction of streets shall be based on a minimum design of 7-ton axel weight for residential streets and 9-ton axel weight for non-residential areas.

(2) *Reconstruction.* Reconstruction of an existing city street shall be assessed up to 50%, but no less than 20%, of the assessable cost of the improvement. New curb and gutter as assessed up to 100% of the assessable cost.

(3) *Overlays and maintenance.* Crackfilling, pothole repairs, seal coating and mill and overlay projects shall be treated as a general maintenance expense and shall be supported 100% by property taxes. No assessments shall be associated with these maintenance activities.

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(4) *Oversizing.* Property owners shall be assessed for the cost of reconstructing a city street up to the minimum design (axel weight) and existing width of street. The city shall be responsible for oversizing costs; the City Council shall determine the funding method.

(B) *Sidewalks, trails and other pedestrian safety enhancements.*

(1) *New construction.* New sidewalks shall be assessed 100% to the benefitting area or properties. When construction occurs on only 1 side of the street the pedestrian safety improvement is regarded as an overall neighborhood or area benefit.

(2) *Reconstruction.* Replacement of existing sidewalks, trails and/or other pedestrian safety enhancements shall be assessed up to 50%, but no less than 20%, of the assessable cost of the improvement.

(C) *Utilities improvements.*

(1) *New construction.* All new sub-surface improvements shall be assessed at 100% of the cost of the improvements, not to exceed the amount of the benefit to the property at the time of installation. Cost of construction of new watermains shall be based on a minimum design of 6 inches for residential areas and 12 inches for non-residential areas. Cost of construction of new sanitary sewer mains shall be based on a minimum design of 8 inches for residential areas and 12 inches for non-residential areas.

(2) *Reconstruction.* Reconstruction of existing water and sanitary sewer mains shall be assessed up to 50%, but no less than 20%, of the assessable cost of the improvement.

(3) *Oversizing.* Property owners shall be assessed for the cost of reconstructing water and sanitary sewer mains up to the minimum design. The city shall be responsible for oversizing costs; the City Council shall determine the funding method.

(4) *Other.* Benefit, including potential benefit, derived from either or both watermain or sanitary sewer main improvements may be assigned and assessed to properties defined by the City Council, including the cost of oversizing that results in a potential benefit.

(D) *Storm water improvements.*

(1) *New construction.* All new surface water management improvements shall be assessed at 100% of the cost of the improvements, not to exceed the amount of the benefit to the property at the time of installation. As storm water improvements may encompass an area greater than that of the improvement project boundaries the City Council may assign and assess the cost of the improvement on an area basis.

(2) *Reconstruction.* Reconstruction of existing storm sewers and/or other surface water management facilities shall be assessed up to 50%, but no less than 20%, of the assessable cost of the improvement. As with new construction projects the City Council may assign and assess the cost of the improvements on an area basis.

(E) *Other improvements; street boulevard trees, street lights, streetscaping and/or other improvements.* The cost of installing boulevard trees, street lighting, streetscaping, and/or other improvements determined by the City Council as part of an improvement project shall be included as part of the overall project cost included in the assessment calculations. The assessable cost shall be based on whether the project is classified as new construction or reconstruction.

(F) *Duration.* Special assessments shall be collected in equal annual installments of principal for a period of years as determined by the City Council.

(G) *Interest rate.* The city shall charge interest on special assessments at a rate specified in the resolution approving the assessment roll. If bonds were sold to finance the improvement project, the interest rate shall be 1.5% more than the average interest rate of bonds, rounded up to the nearest quarter of a percent. If no bonds were sold, the interest rate shall be set at 1.5% more than the current 10-year treasury bonds, rounded up to the nearest quarter of a percent.

(H) *Payment options.* Property owners have 3 available options when considering payment of assessments:

(1) *Property taxes.* If no action is undertaken by a property owner, then special assessment installments with interest will appear annually on the tax statement for the duration of the assessment term.

(2) *Prepayments.*

(a) *Prepayment.* No interest will be charged if the entire assessment is paid off within 30 days from the date of the adoption of the assessment roll.

(b) *Partial prepayment.* Any property owner assessed for an improvement may, within 30-days from the adoption of the assessment roll, pay to the City Administrator/Clerk any portion of the assessment. The remaining unpaid balance shall be spread over the period of time established by the Council for installment payment of the assessment.

(3) *Early pay off of assessment.* A property owner may, at any time prior to November 15 of any year, make payment to Hennepin County to pay off the balance of the assessment with interest accrued to December 31 of that year.

(Ord. 270, passed 10-22-2012)

§ 32.07 DEFERRED ASSESSMENTS.

(A) *Generally.* If the city installs utility facilities which benefit property which lies outside the corporate limits, that area and the allocable costs shall be included in the original public hearing for the improvement. The city may attempt to negotiate a contract with the property owner of the property lying outside the city which will provide for payment to the city on the same basis as if the property were within the city and to be assessed for the improvement as a prepayment upon completion of the project. If a contract cannot be executed, the city will assume the temporary responsibility for payment of the cost allocable to the property lying outside the city limits. In that event, the original principal amount of the assessment, if it had been assessed, plus accumulated interest, shall be increased annually by a percentage to be determined by Council up to a maximum of 15 years for which no payment is made. At the time of annexation of the property to the city, a subsequent public hearing may be held for that property and an assessment roll prepared, adopted, and certified to the County Auditor, payable at the same rate and terms except for the total amount, as were applicable to other property owners included in the original assessment. The city shall reserve the right to delay the assessment of benefit for facilities previously installed, and to make the assessment at the same time it causes to be constructed other public improvements on the property following its annexation. When property lies outside the city limits, no physical connection to the city's utility or drainage system will be permitted until a utility agreement and contract, including satisfaction of costs or assessments, is executed.

(B) Deferment of special assessments for senior citizens and/or persons with disabilities.

(1) *Criteria.* In determining whether or not a senior citizen is eligible for deferral of special assessment installment payments, the following criteria are established.

(a) Senior citizens special assessment hardship deferral applies to special assessments levied after the date of the adoption of this chapter.

(b) Senior citizens special assessment hardship deferral applies to qualifying special assessments against all properties classified as "homestead" pursuant to M.S. Chapter 273, as it may be amended from time to time, where 1 or more of the owners of the property is 65 years of age or older and it would create a hardship for the owner or owners of the property to pay the special assessment installments as they become due.

(c) It shall be presumed that a hardship exists if:

1. The annual assessment installment exceeds 1% of the previous year's total adjusted gross incomes, for federal income tax purposes, for all owners of the property; in no event shall "total adjusted gross income" include social security benefits, railroad retirement benefits, retirement benefits attributable to employee contributions, disability benefits, personal injury awards, or workmens compensation payments; and/or

2. All owners of the property verify, under oath, that they meet the criteria for establishing a hardship by completing an application provided by the city.

(d) In cases where exceptional and unusual circumstances exist, the City Council may determine that a hardship exists despite the fact that the minimum income requirements of division (B)(1)(c)1. above are not met; the cases shall be decided by the Council on a case by case basis.

(2) *Interest.* Interest shall be charged on any assessment deferred pursuant to this chapter at a rate equal to the rate charged on other assessments for the particular public improvement project the assessment is financing.

(3) *Termination of deferment.* The option to defer the payment of special assessments pursuant to this chapter shall terminate and all installment amounts previously deferred, plus applicable interest, shall become due upon the occurrence of any of the following events:

(a) Request of property owner;

(b) Death of property owner 65 years of age or older, providing the surviving owner is otherwise not eligible for the deferral;

(c) Sale, transfer, or subdivision of the property or any part thereof;

(d) The city determines that hardship no longer exists; and/or

(e) The property, for any reason, loses its homestead status.

(C) *Deferment granted.* If the Council grants the deferment, the Administrator/Clerk shall notify the County Auditor and the County Assessor, who shall, in accordance with M.S. Chapter 435, as it may be amended from time to time, record a notice of the deferment with the Register of Deeds setting forth the amount of the assessment.

(Ord. 270, passed 10-22-2012)

§ 32.08 ASSESSMENT CERTIFICATION.

After the adoption of any special assessment by the Council, the City Administrator/Clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the county.

(Ord. 270, passed 10-22-2012)

CHAPTER 33: EMERGENCY MANAGEMENT

Section

- 33.01 Policy and purpose
- 33.02 Definitions
- 33.03 Establishment of emergency management organization
- 33.04 Powers and duties of Director
- 33.05 Local emergencies
- 33.06 Emergency regulations
- 33.07 Emergency management a government function
- 33.08 Participation in labor disputes or politics
- 33.09 Authorizing dispatch and use of city equipment and services by the Director in emergency situations

- 33.99 Penalty

§ 33.01 POLICY AND PURPOSE.

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

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions with respect to the carrying out of emergency-preparedness functions;

(D) To comply with the provisions of M.S. Ch. 12, known as the Minnesota Emergency Management Act of 1996.

- (E) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and accept its emergency plan as the city's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this chapter and M.S. Ch. 12.

(Ord. 170, passed 7-14-1998.)

§ 33.02 DEFINITIONS.

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

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

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

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as "Civil Defense" or Emergency Preparedness" functions.

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

EMERGENCY MANAGEMENT MUTUAL AID. Any disaster or major incident which requires the dispatching of city personnel, equipment or other necessary resources within or without the city limits.

EMERGENCY MANAGEMENT ORGANIZATION. The staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this chapter and assures implementation of federal, state and county and other program requirements.

LAKE MINNETONKA REGIONAL EMERGENCY MANAGEMENT, PREPAREDNESS PLANNING AND REVIEW COMMITTEE. A committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this chapter.

MAJOR INCIDENT. Any incident which exhausts local resources.
(Ord. 170, passed 7-14-1998.)

§ 33.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, hereinafter called the "Director". The Director shall be appointed by the Mayor. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

(Ord. 170, passed 7-14-1998.)

§ 33.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City for its action. Such arrangements shall be consistent with the Emergency Plan. The Director shall also be the city's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.

(B) The Director shall make assessments of personnel, business and industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the city for its approval. When the Council has approved the plan by resolution, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the basic emergency management activities of the city to the end that they shall be consistent and fully integrated with the basic emergency plans of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and federal and state governments.

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(D) In accordance with the Emergency Plan, the Director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the Emergency Plan when a disaster, major incident or mutual aid occurs.

(E) The Director, during an emergency, major incident or mutual aid, shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, be cooperative with and extend services and facilities to the emergency management organization. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting, and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) The Director shall carry out all orders, rules, and regulations issued by the governing authority with reference to emergency management.

(H) The Director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.
(Ord. 170, passed 7-14-1998.)

§ 33.05 LOCAL EMERGENCIES.

(A) A local emergency, including a disaster, major incident or mutual aid response, may be declared only by the Mayor, the Director, or their legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the City Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local records-keeping agency of the city.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures which are consistent with this chapter.

(C) No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.
(Ord. 170, passed 7-14-1998.) Penalty, see § 33.99

§ 33.06 EMERGENCY REGULATIONS.

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

(B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the City Administrator's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the Director is, notwithstanding any statutory or Charter provision to the contrary, empowered through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The Director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for budgets. (Ord. 170, passed 7-14-1998.) Penalty, see § 33.99

§ 33.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

(Ord. 170, passed 7-14-1998.)

§ 33.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The Director may express professional opinions on legislative or other legal regulations consistent with the areas found in M.S. Ch. 12.

(Ord. 170, passed 7-14-1998.)

§ 33.09 AUTHORIZING DISPATCH AND USE OF CITY EQUIPMENT AND SERVICES BY THE DIRECTOR IN EMERGENCY SITUATIONS.

(A) The city finds it desirable and necessary to authorize the Director to dispatch city equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this chapter.

(B) The Director shall evaluate the internal needs of the city, and dispatch appropriate available aid. The Director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the city. Aid requested from outside the Lake Minnetonka Regional area, or extended local aid, shall require mutual agreement between the Director and the City Administrator or their designee.

(C) The Director shall be fully authorized as an act of the city, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the city, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provide for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the city.

(Ord. 170, passed 7-14-1998.)

§ 33.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

