

**SPRING LAKE PARK
ORDINANCE DRAFT1**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “1.04.010 Title Of Code” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

1.04.010 Title Of Code

- A. All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as Spring Lake Park Code or "SLPC" as an acronym~~the “city code,”~~ for which designation “code of ordinances,” “codified ordinances,” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.
- B. All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designation “SLPC§” followed by the number, such as “SLPC 1.01.010~~§10.01.~~” Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

SECTION 2: **AMENDMENT** “1.04.020 Rules Of Interpretation” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

1.04.020 Rules Of Interpretation

- A. *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
- B. *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.
 - 1. *Acts by assistants.* When a statute, code provision, or ordinance requires an act

- to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.
2. *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
 3. *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
 4. AND or OR. Either conjunction shall include the other as if written "and/or," whenever the context requires.

SECTION 3:AMENDMENT “1.04.050 Definitions - General Provisions” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

1.04.050 Definitions - General Provisions

- A. *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - CITY.** The area within the corporate boundaries of the City of Spring Lake Park, Minnesota, as presently established or as amended by ordinance, annexation, or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.
 - CODE, THIS CODE, or THIS CODE OF ORDINANCES.** This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.
 - COUNTY.** Anoka County and Ramsey County, Minnesota, in which the city is located.
 - MAY.** The act referred to is permissive.
 - MONTH.** A calendar month.
 - OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.
 - OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.
 - PERSON.** Extends to and includes an individual, person, persons, firm, organization,

club, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING**. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write.

STATE. The State of Minnesota.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have SUBCHAPTERS.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

SECTION 4: **AMENDMENT** “1.04.200 General Penalty” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

1.04.200 General Penalty

- A. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.
- B. Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.
- C. Pursuant to M.S. § 631.48, as it may be amended from time to time, in either the case of a misdemeanor ~~or a petty misdemeanor~~, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- D. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

SECTION 5: AMENDMENT “3.04.010 City Council” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.04.010 City Council

A. *Initial Meeting; Organization.* At the first regular Council meeting of January of each year, the Council shall:

1. Designate the depositories of city funds;
2. Designate the official newspaper;
3. Choose an Acting Mayor from the Councilmembers, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
4. Appoint officers and employees and members of boards, commissions, and committees as may be necessary; and
5. The following appointment procedure will be used when there are multiple positions available with more candidates than positions:
 - a. Nominations will be accepted by the Mayor from any Councilmember;
 - b. Nominations will optionally be presented by the Mayor;
 - c. Nominations from the floor will be accepted;
 - d. Any written nominations will be honored;
 - e. Brief supporting statements will be allowed if desired;
 - f. The ~~Council Secretary~~ Administrator, Clerk/Treasurer will prepare the following chart on the board:

Councilmember Voting	Candidate A	Candidate B	Candidate C	Candidate D	Candidate (as needed)
Mayor					
Councilmember A					
Councilmember B					
Councilmember C					
Councilmember D					

- g. Each Councilmember and the Mayor will be asked to rank, on paper, his or her choice for the appointment. If there are three positions open, the first choice would get five points; if there are two positions open, the first choice would get four points; and if there is only one position open, the first choice would get three points. Everyone would then give his or her second choice one less point, third choice one less point, fourth choice one less point, and fifth choice one less point. If, for example, there are five candidates and two openings, everyone must give one candidate a four, one a three, one a two, and one a one;
- h. The Administrator, Clerk/Treasurer will collect the ballots and record the totals on the board; and
- i. The accumulation of the five votes will determine the appointee. Ties, when they are significant, will be broken by lot.

B. Regular And Special Meetings.

1. *Regular meetings.* Regular meetings of the City Council shall be held on the first and third Monday of each calendar month at 7:00 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 Council meetings, shall be held in the Community Center, 1301 81st Avenue NE, unless specially called for another location.
2. *Special meetings.* The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at his or her usual place of residence with some responsible person. Pursuant to M.S. Ch. 13D, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day. ~~Similar notice shall be given to the official publications of the city and posted at the Community Center.~~
3. Emergency meetings. Notice of emergency meetings shall be given as required by M.S. Ch. 13D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 13D, as it may be amended from time to time.
4. *Public meetings.* All Council meetings, including special and adjourned Council meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time ~~open to the public.~~

C. Presiding Officer.

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 Administrator, Clerk/Treasurer shall call the meeting to order and shall

preside until the Councilmembers present at the meeting choose one of their number to act temporarily as presiding officer.

2. *Procedure.* The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
3. *Appeal.* Any member may appeal to the Council from a ruling of the presiding officer. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.
4. *Rights of presiding officer.* The presiding officer may make motions or speak on any question except that on demand of any Councilmember, he or she shall vacate the chair and designate a Councilmember to preside temporarily.
5. *Variations from Robert's Rules of Order, Newly Revised.*
 - a. Motions will not need a second.
 - b. Any motion may be debated; debate may be limited by a successful motion to limit.

D. *Minutes.*

1. *Who keeps.* Minutes of each Council meeting shall be kept by the City Administrator, Clerk/Treasurer or, in his or her absence, by the Deputy City Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Administrator, Clerk/Treasurer and can be accurately identified from the description given in the minutes.
2. *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Administrator, Clerk/Treasurer, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular Council meeting following that 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.
3. *Official record.* The minutes of the City Council, once approved as provided in Paragraph D.2B, shall constitute the official record of the city. Following official approval of the minutes, any audio or video recordings~~stapes or videos~~ of the meeting may be disposed of per the General Records Retention Schedule as adopted by the City Council~~erased at the discretion of the Administrator, Clerk/Treasurer.~~

E. *Order Of Business; Agenda.*

1. *Order of business established.* Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in

the following order:

- a. Call to order;
 - b. Roll call;
 - c. Pledge of Allegiance;
 - d. Consent Agenda (includes routine, non-controversial items e.g. minutes, claims, disbursement/budget to date, licenses, and the like);
 - e. Public hearings;
 - f. Discussion from the floor (~~citizens only~~);
 - g. Presentations (proclamations and resolutions received from/given to the city, City Council, staff, and the like);
 - h. ~~Police report; public works report; code enforcement report; liquor store report; parks and recreation report~~ Department reports (police, public works, code enforcement, recreation);
 - i. ~~Items relating to police; public works; code enforcement; liquor store or parks and recreation report;~~
 - j. ~~Public hearings (if needed);~~
 - k. ~~Petitions, requests, and communications;~~
 - l. Ordinances and resolutions;
 - m. Unfinished business;
 - n. New business;
 - o. Engineering report;
 - p. Attorney's report;
 - q. Reports;
 - r. ~~Other~~ Miscellaneous; and
 - s. Adjournment.
2. *Varying order*. The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.
 3. *Agenda*. An agenda of business for each regular meeting shall be prepared and filed in the office of the Administrator, Clerk/Treasurer, not later than three days before the meeting. The agenda shall be prepared in accordance with the order of business, and copies thereof shall be delivered to each Councilmember and to the official newspaper and others who may request it as far in advance of the meeting as time for preparation will permit. If any member of the Council who is present objects, an item of business shall not be added to the agenda for the meeting.

F. *Quorum And Voting*

1. *Quorum*. At all Council meetings a majority of all the Councilmembers shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.
2. *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. The vote of each member shall be recorded on each appropriation of money, except for

payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes as to his or her name shall be marked "present -- not voting."

3. *Votes required.* A majority vote of all members of the Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.
4. *Roll call vote.* When a roll call is requested by the presiding officer, it will be called in the following order:
 - a. Non-presiding Councilmembers in order of seniority (most senior first, newest last); and
 - b. Presiding officer.

G. *Ordinances, Resolutions, Motions, And Petitions.*

1. *Readings.* Every ordinance shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.
2. *Signing and affidavit of publication.* Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Administrator, Clerk/Treasurer, and filed by him or her in the ordinance or resolution book. Affidavits of publication of every ordinance shall be attached and filed with the ordinance.
3. *Motions and petitions.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition shall be recorded in the minutes by title and filed with the minutes of the Administrator, Clerk/Treasurer.

Cross-reference:

Ordinances which amend or supplement code, see SLPC 1.04.160

Repeal or modification of ordinance, see SLPC 1.04.150

H. *Committees And Appointments.*

1. *Committees and appointments designated.* The following committees shall be appointed by the Council at the first regular Council meeting in January of each year. ("*" indicates Mayoral appointment with Council approval.)
 - a. Agent of Record;
 - b. Attorney;
 - c. Auditor;
 - d. Engineer;
 - e. Weed Inspector;
 - f. *Assistant Weed Inspector;
 - g. Animal Control;
 - h. Park and Playground Commission;
 - i. Anoka County Joint Law Enforcement;
 - j. ~~Liquor Commission;~~ Anoka County Fire Protection Council;

~~k. Variance Committee;~~

l. Negotiations -- Police Patrol;

~~m. Negotiations -- Liquor;~~

n. Negotiations — Police Sergeants;

o. Negotiations -- Public Works;

p. Administrator, Clerk/Treasurer;

q. Police Chief;

~~r. Police Sergeant;~~

s. Parks and Recreation Director;

t. Public Works Director;

~~u. Director of Liquor Operations;~~

v. Assessor;

w. Building Official;

x. Plumbing Inspector;

y. Fire Marshal;

z. Planning ~~and Zoning~~ Commission;

aa. *Emergency Management Director;

~~ab. *Environmental Quality Commission;~~

ac. North Metro Mayor's Association Board;

ad. North Metro Cable Communications Commission; and

ae. North Metro Cable Commission Operating Committee.

2. *Referral and reports.* Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him or her for a written report and recommendation before it is considered by the Council as a whole.

I. *Suspension Of Rules.*

1. These rules, except as they relate to quorum and voting, may be suspended by a three-fourths vote of the Council.
2. By unanimous consent, the Council may in an individual circumstance waive Robert's Rules of Order.

SECTION 6: AMENDMENT “3.04.030 City Officials” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.04.030 City Officials

A. *Administrator, Clerk/Treasurer.* The offices of Clerk and Treasurer shall be combined into the office of Clerk/Treasurer. The office of Administrator shall be added and the new job title shall be Administrator, Clerk/Treasurer. The Administrator,

Clerk/Treasurer shall be appointed by the City Council for an indefinite term.

- B. *Audit.* City financial affairs shall be audited by the ~~Public Examiner~~Office of the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the Office of the State Auditor~~Public Examiner~~. The Council shall, at the first meeting each year, designate the Office of the State Auditor~~Public Examiner~~ or a public accountant to make the audit for the ensuing year.

SECTION 7: REPEAL “3.08.030 International Code Board Of Appeals” of the Spring Lake Park Municipal Code is hereby *repealed* as follows:

REPEAL

~~3.08.030 International Code Board Of Appeals~~ (*Repealed*)

- A. *Establishment.* There is hereby established an International Code Board of Appeals (the Board) pursuant to Minn. Rules part 1300.0230.
- B. *Membership; Qualifications.* The Board shall consist of a minimum of three and a maximum of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city. Members must live within the city limits of the city of Spring Lake Park. The Building Official shall be an ex-officio member of the Board but shall have no vote on any matter before the Board. Members shall be appointed by the Mayor with approval of the Council. Members shall be appointed for a term of three years and shall serve until a successor has been appointed. Regular terms shall commence on January 1. Initial terms shall be shortened or lengthened and thereby staggered so that there will be continuity of representation on the Board. Vacancies shall be filled by the Mayor with approval of the Council to fill any portion of an unexpired term. Members may be appointed to serve successive terms. Members shall serve without compensation.
- C. *Organization.* At the first meeting of each calendar year, the Board shall elect from its members a chair and a vice chair, each to serve throughout the year and until a successor is chosen. The Board shall follow the rules of the state and the city, provided that it may establish additional procedures and policies so long as they are not inconsistent with any provision of state or local law. The city shall provide a secretary who shall attend all meetings of the Board, take minutes, and keep the records of the Board.
- D. *Meetings.* The Board shall hold an annual meeting in January each year, at which it shall select officers and review its obligations under this section. Otherwise the Board shall meet upon receipt of an appeal, or upon the call of the chair or any three members of the Board. Written notice of all meetings shall be given to the members by the secretary, setting forth the purpose of the meeting. All meetings shall be properly noticed and open to the public unless otherwise provided by state law. A majority of all members of the Board shall constitute a quorum to conduct business, but less than a

quorum may adjourn from time to time.

E. *Powers And Duties.*

1. The Board shall fulfill duties imposed upon it by, and in accordance with, Minn. Rules, part 1300.0230.
2. The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the building code. A decision on appeal shall be limited to:
 - a. Whether the true intent of the international code or the rules legally adopted hereunder has been incorrectly interpreted;
 - b. Whether the provisions of the building code do not fully apply; or
 - c. Whether an equally good or better form of construction is proposed.The Board shall have no authority to waive requirements of the international code.
3. The Board shall come to a decision within five working days of the completion of the hearing on an appeal. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official and to the State Building Official within five working days of the decision. The decision and findings of the Board shall be submitted to the State Building Official by first class mail, accompanied by a letter stating that if the State Building Official has concerns about the decision of the Board, the State Building Official is requested to so notify the local building official within ten days of the date of the letter to the State Building Official and to inform the local building official of how the State Building Official's concerns will be addressed.
4. The Board shall study and review new types of materials and methods of construction and the suitability of alternate materials and methods of construction as such issues arise in the context of an appeal.

F. *Appeals.*

1. *Limitation.* An application for appeal shall be based on a claim that the true intent of the international code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the international code do not fully apply, or an equally good or better form of construction is proposed. An application shall explain how the appeal meets this limitation. The Board shall make an initial determination whether the appeal meets this limitation. An application which does not make such a claim shall not be heard by the Board.
2. *Filing.* Appeals to the Board shall be made by filing a written appeal with the Building Official within 30 days of the date of the order, decision, or determination being appealed, containing the following information.
 - a. A heading in the words: "Appeal to the International Code Board of Appeals."
 - b. A caption reading: "Appeal of _____," giving the name and year of the international code, the section, and names of all appellants participating in the appeal.
 - c. A brief statement setting forth the legal interest of each of the

- appellants in the property involved in the appeal.
- d. A brief statement in ordinary and concise language of the specific order, decision or determination appealed from, the basis for the appeal as required by Paragraph A, and any material facts claimed to support the contentions of the appellant.
 - e. A brief statement in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified or otherwise set aside.
 - f. The signatures of all parties named as appellants and their official mailing addresses.
3. *Fee.* At the same time as an appeal is filed, the appellant shall pay a fee for the processing of the appeal in the amount established by the City Council by resolution from time to time.
 4. *Scheduling of hearing.* The Building Official shall schedule a hearing within ten working days from the date of receipt of a properly completed application for appeal. If a hearing is not held within this time, the applicant may appeal directly to the State Building Code Appeals Board. The hearing may be continued as the Board deems necessary to gather the information needed to make a decision on the appeal but shall not be unnecessarily delayed. The appellant(s) and the Board may mutually agree in writing to postpone any deadlines provided by this paragraph.
 5. *Notice of hearing.* Upon the filing of an appeal and the scheduling of a hearing, the Building Official shall give notice of the date, time and place of the hearing to the appellant and the Board. Written notice of the date, time and place of the hearing shall be given to the appellant at least five working days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof by first class mail, postage prepaid, addressed to the appellant at the address shown on the appeal. If notice is sent by mail, three calendar days shall be added to the five working day notice requirement.
 6. *Record of proceedings.* A record of the entire proceedings shall be made by tape recording or audio-video recording.
 7. *Form of decision.* The Board shall render its decision and findings in writing, and serve its decision and findings as provided in Paragraph E,3.
- G. *Final Interpretive Authority.*
1. Under state law, the State Building Official has final interpretive authority for all codes adopted as part of the building code except for the following.
 - a. International Fire Code which is enforced by the state Fire Marshal and locally appealed through the Spring Lake Park, Blaine, Mounds View Fire Department.
 - b. International Property Maintenance Code which is enforced by the local municipality.
 - c. Plumbing Code which is enforced by the Commissioner of Health.
 - d. Electrical Code which is enforced by the State Board of Electricity.

2. All requests for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the State Building Official are as established in M.S. § 16B.63. In addition, if any person is aggrieved by the final decision of the local board of appeals and the decision is not rectified by the State Building Official following submission of the decision to the State Building Official, the person aggrieved may appeal to the Commissioner of Administration within 180 days of the decision, as provided by M.S. § 16B.67.

SECTION 8: AMENDMENT “3.12.030 Establishment Of Emergency Management Organization” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.12.030 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, called the “Director.” The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by ~~him or her~~the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration, and operation of the emergency preparedness organization, subject to the direction and control of the ~~Mayor~~Council. The emergency management organization shall conform to and be consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 CFR part 201, as may be amended from time to time.

SECTION 9: REPEAL “3.16.010 Voter Registration” of the Spring Lake Park Municipal Code is hereby *repealed* as follows:

REPEAL

~~3.16.010 Voter Registration~~ (Repealed)

- A. *System Established.* A permanent system of registration of voters is hereby established. M.S. Ch. 201, as it may be amended from time to time, is hereby expressly adopted.
- B. *Voting; Registration Required.* No person shall be permitted to vote, hereafter, unless registered in accordance with the provisions of M.S. Ch. 201, as it may be amended from time to time.

SECTION 10:**AMENDMENT** “3.16.020 Issuance Of Citations” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.16.020 ~~Issuance Of Citations~~Enforcement

- A. ~~Employees Authorized To Issue Citations. The following city employees and independent contractors performing services for the city may issue citations in lieu of arrest or continued detention for violation of this code:~~Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.
- B. As permitted by M.S. § 626.862, as it may be amended from time to time, the Administrator, Clerk/Treasurer shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Administrator, Clerk/Treasurer or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.
- C. The Administrator, Clerk/Treasurer and any other city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.
- D. If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the Administrator, Clerk/Treasurer, Peace Officer or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there is probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.
- E. Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the Administrator, Clerk/Treasurer or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance onto the property shall be grounds for termination of any and all permits, licenses or city service to the property.

Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the Administrator, Clerk/Treasurer to object to the termination before it occurs, subject to appeal of the Administrator, Clerk/Treasurer's decision to the City Council at a regularly scheduled or special meeting.

F. Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is imminent danger in order to protect the public health, safety and welfare.

- ~~1. Full-time peace officers;~~
- ~~2. Building Inspector;~~
- ~~3. Fire Inspector; and~~
- ~~4. Animal Warden.~~

Cross-reference:

Administrative Offenses, see SLPC 3.20.

SECTION 11: **REPEAL** “3.16.040 Employment Background Checks” of the Spring Lake Park Municipal Code is hereby *repealed* as follows:

REPEAL

~~3.16.040 Employment Background Checks (Repealed)~~

~~A. *Purpose.* The City Council finds it to be in the best interest of the public, and further finds that public safety and welfare concerns require that certain prospective employees and volunteers must be screened for criminal history prior to any possibility of employment or volunteer position with the city. The purpose and intent of this paragraph is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Paragraph B.~~

~~B. *Criminal History Background Investigations.*~~

- ~~1. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for all regular part-time and full-time city employment, and for other positions involving work with children or vulnerable adults, unless the city's hiring authority concludes that a background investigation is not needed.~~
- ~~2. In conducting the criminal history background investigation, in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the~~

Police Department under the care and custody of the chief law enforcement official, or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator or other city staff involved in the hiring process.

- C. *Procedure; Consent.* Before the investigation is undertaken, the applicant must authorize the Police Department, by written consent, to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought, and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:
1. The grounds and reasons for the denial;
 2. The applicant complaint and grievance procedure set forth in M.S. § 364.06;
 3. The earliest date the applicant may reapply for employment;
 4. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 12: ADOPTION “3.16.040 Background Information” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

3.16.040 Background Information(*Added*)

A. Applicants for City employment.

1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Paragraph A.2 below.
2. Criminal history employment background investigations.
 - a. Pursuant to M.S. § 364.021 as it may be amended from time to time, with the exception of the applicants for employment listed in M.S. § 364.09, the city shall not inquire into or consider the criminal record or history of an applicant for public employment until the applicant has been selected for an interview by the city or, if there is not an interview, before a conditional offer of employment is made to the applicant.
 - b. The City Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on

the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

- (1) Employment positions. All regular part-time or full-time employees of the City and other positions that work with children or vulnerable adults.
- (2) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his/her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the Administrator, Clerk/Treasurer or other city staff involved in the hiring process.

c. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for positions set forth in M.S. § 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor for which a jail sentence may have been imposed. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

B. Applicants for City licenses.

1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.
2. Criminal history license background investigations. The Police Department is hereby required, as the exclusive entity within the City, to do a criminal

history background investigation on the applicants and their employees for the following licenses or permits within the city:

a. Any applicants under Title 11 of this Code.

3. In conducting the criminal history background investigation in order to screen license or permit applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his/her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the Administrator, Clerk/Treasurer or other City staff involved in the license approval process.

4. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor for which a jail sentence may have been imposed. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

a. The grounds and reasons for the denial.

b. The applicant complaint and grievance procedure set forth in M.S. § 364.06.

c. The earliest date the applicant may reapply for the license.

d. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 13: AMENDMENT “3.16.050 Acceptance Of Credit Card Payments” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3.16.050 Acceptance Of Credit Card Payments

A. *Purpose.* The City Council finds it necessary for the convenience of its citizens to implement a program to accept credit card payments for various accounts due the city, such as but not limited to, utility payments, applications fees, permits fees, parks and recreation services, and administrative fines.

B. *Implementation.* The City Council may enter into an agreement with a suitable vendor(s) for a software program to accept credit card payments and a suitable merchant(s) to process the payments. The Mayor and City Administrator are authorized to execute such documents and agreements as necessary to implement the program.

C. *Fees.*

1. The city will incur certain fees for the use of credit cards and is authorized by state law to pass on to the customer a reasonable fee for the use of credit cards.
2. The City Council is hereby authorized to establish service fees to be charged to the user for the use of credit cards to make payments for various accounts due the city for permits, fines and/or other administrative activities. These fees shall be included in the city's fee schedule and reviewed on an annual basis.
3. Fees for the payment of recreation program charges ~~may~~shall be included in the program fees, with no additional service charge to the registrant.

SECTION 14: AMENDMENT “3.20.010 General Provisions” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.010 General Provisions

A. *Definitions; Violations.*

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

ADMINISTRATIVE OFFENSE. A violation of any section of this code when one performs an act prohibited, or fails to act when that failure is thereby prohibited; and subject to the penalties set forth in this code and the adopted schedule.

CITY. The City of Spring Lake Park.

CITY CODES. The City of Spring Lake Park code of ordinances.

2. *Violations.* Any person violating a section of this code, for which no other specific penalty is provided, shall be subject to the scheduled penalty, as a petty misdemeanor. Any person that continues to violate the same section of this code after initial offense and/or payment of penalty may be subject to an additional penalty fee as ~~often~~low as every 14 days such initial offense exists and double penalty fee every 60 days such initial offense exists.

B. *Notice.* Any member of the Police Department or any other person employed by the city with authority to enforce this code shall, upon determining that there has been a

violation, notify the violator, or person responsible for the violation, or in the case of a vehicular violation attach to the vehicle notice of the violation; that notice setting forth the nature, date, time of the violation, the name of the official issuing the notice, and the amount of the scheduled initial penalty, and where applicable, any charges relating thereto.

- C. *Payment.* Once notice is given, the person responsible for the violation shall, within seven days of the time of issuance of the notice, pay full satisfaction of the stated violation schedule to the City Administrator, Clerk/Treasurer. The penalty may be paid in person or by mail and payment shall be admission of the violation. A late charge shall be imposed for each seven days the administrative ticket remains unpaid.
- D. *Hearing Officer.* The Administrator, Clerk/Treasurer shall appoint a qualified person to serve as the Hearing Officer, ~~or his or her designee, is authorized to hear or determine a cause of controversy under this chapter.~~ The Hearing Officer is not a judicial officer but is a public officer as defined by M.S. § 609.415, as it may be amended from time to time, and is subject to Minnesota Statutes relating to public officers.
- E. *Hearing.* Any person aggrieved by this chapter may request, within seven days of the time of issuance of the notice, to be heard by the Hearing Officer, who shall hear and determine the grievance. The Hearing Officer shall have the authority to dismiss the violation for cause, or reduce or waive the penalty upon terms and conditions as can be agreed upon by the parties; however, reasons for dispositions of this type shall be stated in writing by the Hearing Officer. If the violation is sustained by the Hearing Officer, the violator shall pay satisfaction of the penalty or shall sign an agreement to pay upon terms and conditions as set forth by the Hearing Officer.
- F. *Failure To Pay.*
1. If a violator fails to pay the penalty imposed by this chapter, or as agreed upon following hearing before the Hearing Officer, the matter may be processed as a code violation through the Anoka or Ramsey County Court system.
 2. Alternatively, for property violations, pursuant to M.S. §§ 429.101 and 514.67 and any other applicable law, as they may be amended from time to time, a lien in the amount of the penalty and any accrued late charges may be assessed against the property on which the code offense occurred and collected in the same manner as taxes. Any such assessment shall not preclude the city from issuing additional citations for a continuing code offense, nor shall it preclude the city from making additional assessments against the same property resulting from a continuing or new code offense.
 3. The city may suspend or revoke a license or permit or other approval issued for a property associated with the code offense if the penalty and accrued late charges are not paid in a timely manner.
- G. *Disposition Of Penalties.* All penalties collected shall be paid over to the Administrator, Clerk/Treasurer. The Administrator, Clerk/Treasurer may receive negotiable instruments in payment of penalties as conditional payment and shall not be held accountable therefor. Receipt shall be issued for cash payments.
- H. *Powers And Duties Of Administrator, Clerk/Treasurer.* In addition to all other duties set forth in the code, the Administrator, Clerk/Treasurer may delegate and supervise

the work of city employees implementing and administering this chapter. The Administrator, Clerk/Treasurer shall make and have custody of all records necessary and shall keep proper accounts of the proceeds received.

- I. *Penalty Schedule Adopted.* Penalties shall be imposed for violation of the scheduled administrative offenses according to a schedule duly established and adopted, from time to time, by ~~ordinance resolution of the City Council~~.

SECTION 15: AMENDMENT “3.20.020 Implementation; Policies And Procedures” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.020 Implementation; Policies And Procedures

~~A. *Hearing Officers; Appointment And Duties:*~~

- ~~1. The Administrator, Clerk/Treasurer shall act as a Hearing Officer or shall appoint at least four additional Hearing Officers as follows:
 - a. Police Chief;
 - b. Sergeant;
 - c. Public Works Director; and
 - d. Building Official.~~
- ~~2. These individuals shall be responsible as primary Hearing Officers for the following general subject matter offenses:
 - a. Police Chief and Sergeant:
 - (1) Traffic and parking;
 - (2) Animals;
 - (3) Snowmobiles;
 - (4) Trespass;
 - (5) Beer and alcohol in parks;
 - (6) Fireworks;
 - (7) Public nuisance; and
 - (8) Water ban violations.
 - b. Building Official:
 - (1) Housing Code;
 - (2) Construction; and
 - (3) Building and Fire Code.
 - c. Public Works Director:
 - (1) Sewer and water;
 - (2) Garbage and rubbish;
 - (3) Signs;
 - (4) Water ban violations;
 - (5) Streets and driveways; and
 - (6) Wetlands.~~

~~d. Administrator, Clerk/Treasurer:~~

- ~~(1) Zoning;~~
- ~~(2) Housing Code;~~
- ~~(3) Subdivision regulations; and~~
- ~~(4) Regulated business activity.~~

- ~~3. The Administrator, Clerk/Treasurer may conduct hearings on all offenses when primary Hearing Officers are unavailable.~~
- ~~4. The Hearing Officers shall meet from time to time as needed as a committee chaired by the Administrator, Clerk/Treasurer to discuss their duties as Hearing Officers and review individual cases to ensure equitability and consistency in their findings from time to time as needed.~~

~~5. In the absence of all of the appointed Hearing Officers, the Administrator, Clerk/Treasurer may appoint a temporary Hearing Officer.~~

- B. *Payments; Receipt.* Only those municipal personnel authorized by the Administrator, Clerk/Treasurer to receipt monies may receive payment of penalties and provide receipt to the person responsible for the violation.
- C. *Records Management.* Each municipal department having authority to enforce SLPC 3.20.010 Paragraph A shall maintain the office copy of administrative offenses issued by members of the respective department until a hearing is conducted or penalty payment received. At that time the department shall turn over to the Hearing Officer or employee receiving payment the office copy. That copy shall be dated and stamped “paid” or shall include a notation regarding the determination of the hearing before it is turned over to the Administrator, Clerk/Treasurer’s office attached to the violator’s copy for filing and retention pursuant to the city’s records retention schedule as approved by the state.

SECTION 16: **REPEAL** “3.24 TAXATION” of the Spring Lake Park Municipal Code is hereby *repealed* as follows:

REPEAL

3.24.010 Watershed Management Tax District

- A. *Purpose.* The purpose of this section is to establish a watershed management tax district and to authorize the city to levy a special tax on all taxable property within the watershed district or a sub-watershed district to pay for the capital costs and maintenance of the water management facilities within those districts pursuant to M.S. § 103B.245, as it may be amended from time to time.
- B. *District Established.* There is hereby established a watershed management tax district (“district”) within the portion of the city that encompasses the Stoney Brook Creek Watershed. The land to be included in the special tax district is described and shown in

the Watershed Management Tax District Exhibit, available for public inspection at the City Clerk's office during regular city business hours.

- C. *Authority To Tax.* The City Council is authorized to annually levy a tax on all taxable property within the district to recover the cost of capital improvements and maintenance of the water management facilities authorized by the capital improvements program, in accordance with M.S. § 103B.245, as it may be amended from time to time.

3.24.020 Collection Of Assessments For Ramsey County

A. *Purpose; Authority Of County Officers.*

1. *Reason for section.* The city deems it necessary to enact this section because the legislature of the state did, in 1969, enact Chapter 1095 whereby amendment was made to M.S. § 429.061(3), providing that the remaining balance of an assessment, if paid in advance of the regular scheduled procedure for payment, shall be paid to the municipal treasurer.
2. *Purpose.* This section is made for the purpose of authorizing county officers to collect remaining balances of assessments for improvements in order to afford property owners and other members of the public the convenience of making that payment in the same place and in the manner that they pay general taxes and installments of assessments.

- B. *Authority To Establish Payment Procedure.* Whenever any property owner or other person desires to pay the remaining unpaid installments of any assessment for improvement, the assessment roll of which has been certified to the Ramsey County Auditor for collection with general taxes, the Ramsey County Treasurer and the Ramsey County Auditor are hereby authorized to establish whatever procedure is necessary to make possible the payment of that balance to those county officials in lieu of paying same to the municipal treasurer as provided in M.S. § 429.061(3), 1967, as it may be amended from time to time. Those county officials are hereby designated as agents for the city to collect such assessments and the mechanics thereof shall be set up by the County Auditor, County Treasurer, and the City Administrator, Clerk/Treasurer so that the intent and purpose of this section is accomplished.

~~3.24 TAXATION (Repealed)~~

~~3.24.010 Watershed Management Tax District (Repealed)~~

~~3.24.020 Collection Of Assessments For Ramsey County (Repealed)~~

SECTION 17: REPEAL “11.52 LICENSE BACKGROUND CHECKS” of the Spring Lake Park Municipal Code is hereby *repealed* as follows:

REPEAL

11.52.010 Purpose

The purpose and intent of this chapter is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non- criminal purposes of licensing background checks.

11.52.020 Criminal History License Background Investigations

- A. The Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:
1. Peddlers, solicitors and transient merchants;
 2. Tobacco or edible cannabinoid products;
 3. Intoxicating liquor;
 4. Wine and 3.2% malt;
 5. Liquor pawnbrokers;
 6. Second hand goods;
 7. Dealer vehicles for hire;
 8. Sauna;
 9. Massage services;
 10. Sexually oriented business;
 11. Lawful gambling premises;
 12. Permit bingo hall;
 13. Kennel license; and
 14. Used car dealership.
- B. *Conducting the criminal history background investigation.* In order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator or other city staff involved in the license approval process.
- C. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:
1. The ground and reasons for the denial;

2. The applicant compliant and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
3. The earliest date the applicant may reapply for the license; and
4. That all competent evidence of rehabilitation will be considered upon reapplication.

11.52.030 Investigation Fee

Upon application, the potential licensee must pay an investigation fee which shall be set from time to time by Council resolution to cover the cost of the investigation.

~~11.52 LICENSE BACKGROUND CHECKS (Repealed)~~

~~11.52.010 Purpose (Repealed)~~

~~11.52.020 Criminal History License Background Investigations (Repealed)~~

~~11.52.030 Investigation Fee (Repealed)~~

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake Park

Daniel R. Buchholtz, Administrator, Clerk/Treasurer, Spring Lake Park