

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

Police Department

- 31.01 Police Department continued
- 31.02 Chief of Police
- 31.03 Duties of police
- 31.04 Uniform and badge
- 31.05 Extra police
- 31.06 Police Department policies manual adopted

Volunteer Fire Department

- 31.20 Volunteer Fire Department continued; appointment of officers
- 31.21 Duties of Chief
- 31.22 Duties of Fire Marshal
- 31.23 Records
- 31.24 Practice drills
- 31.25 Assistant Chief
- 31.26 Firefighters
- 31.27 Loss of membership
- 31.28 Compensation
- 31.29 Interference with Volunteer Fire Department
- 31.30 Bylaws

Planning Commission

- 31.45 Establishment of the Planning Commission
- 31.46 Composition
- 31.47 Organization, meetings, minutes and expenditures
- 31.48 Powers and duties; comprehensive plan

POLICE DEPARTMENT**§ 31.01 POLICE DEPARTMENT CONTINUED.**

(A) The Police Department of the city is hereby continued. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

§ 31.02 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training and discipline of the members of the Police Department. The Chief of Police shall be responsible for the keeping of adequate records and shall report to the City Council on the needs of the Police Department and its work. Every member of the Police Department is subordinate to the Chief of Police and shall obey the instructions of the Chief of Police and any superior officer. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

§ 31.03 DUTIES OF POLICE.

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

§ 31.04 UNIFORM AND BADGE.

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

§ 31.05 EXTRA POLICE.

In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police and which are permitted by law.

§ 31.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.

The Police Department Manual, as amended, containing the general polices, procedures and rules for operation of the Police Department of the city is hereby adopted as the official departmental policy manual of the Police Department.

VOLUNTEER FIRE DEPARTMENT

§ 31.20 VOLUNTEER FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.

(A) There is continued in this city a Volunteer Fire Department, which department shall have the following officers: a Chief, and Assistant Chief, and a Fire Marshal.

(B) The Chief of the Volunteer Fire Department shall be appointed by the City Council. The Chief of the Volunteer Fire Department shall appoint each year an Assistant Chief and a Fire Marshal, subject to confirmation by the City Council. The Chief of the Volunteer Fire Department, the Assistant Chief and the Fire Marshal each shall hold office for one year and until the successor has been duly appointed or qualified. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than two weeks from the time the position becomes open. The officer so appointed is so appointed for the period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be appointed by the Chief of the Volunteer Fire Department, subject to confirmation by the City Council. Firefighters shall continue as members of the

Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council for cause after a public hearing.

§ 31.21 DUTIES OF CHIEF.

The Chief shall have control of all fire fighting apparatus and shall be responsible for its care and condition. The Chief shall make a report semi-annually to the City Council at its meeting in March and in September as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

§ 31.22 DUTIES OF FIRE MARSHAL.

The office of Fire Marshal may be held by the Chief or Assistant Chief, if the City Council approves. The Fire Marshal shall be charged with the enforcement of all city ordinances and laws of the state for fire prevention including, if authorized by the City Council, the Uniform Fire Code, Minn. Rules Ch. 7510, as it may be amended from time to time. The Fire Marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

§ 31.23 RECORDS.

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Volunteer Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation.

§ 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

§ 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

§ 31.26 FIREFIGHTERS.

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

§ 31.27 LOSS OF MEMBERSHIP.

Firefighters shall forfeit membership in the Volunteer Fire Department for unreasonable inattention to duties or lack of attendance at meetings or calls or disobedience of orders or other due cause, and any firefighter may be suspended by the Chief pending hearing upon his or her removal. Firefighters absent from three consecutive drills or calls, unless excused by the Chief, shall forfeit membership in the Volunteer Fire Department.

§ 31.28 COMPENSATION.

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

§ 31.29 INTERFERENCE WITH VOLUNTEER FIRE DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties. Penalty, see § 10.99

§ 31.30 BYLAWS.

The Volunteer Fire Department may adopt bylaws for its government, which bylaws shall be effective upon approval by the City Council.

*PLANNING COMMISSION***§ 31.45 ESTABLISHMENT OF THE PLANNING COMMISSION.**

A Planning Commission for the city is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. § 462.354 (1), as it may be amended from time to time.

§ 31.46 COMPOSITION.

(A) The Planning Commission shall consist of five members from the resident population of the city to be appointed by the Mayor with the approval of the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the Mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term.

(B) One member may be a Council Member or the City Clerk, to be appointed by the Mayor with the approval of the City Council. This member shall serve for a one-year term, to expire on December 31 of each year.

(C) Other persons may serve in an ex officio capacity as the City Council may, in its discretion, deem appropriate.

(D) Each of the five regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

§ 31.47 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

§ 31.48 POWERS AND DUTIES; COMPREHENSIVE PLAN.

(A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the Planning Commission has prepared and adopted the comprehensive plan, it shall periodically, but at least every three years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *Zoning Ordinance.* Pursuant to M.S. § 462.357 (3), as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the City Council, as may be prescribed by the zoning ordinance.

(D) *Special permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(E) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance. The Planning Commission shall report its recommendations to the City Council for action.

(F) *Variances.* All applications for variances shall be referred to the Planning Commission which shall have the powers of a Board of Appeals and adjustments as provided for in M.S. § 462.357, Subd. 6, as it may be amended from time to time, and forwarded with or without recommendations directly to the City Council for its decision. Variances may be granted from the literal provisions of an

ordinance only where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as authorized by M.S. § 462.357, Subd. 6 (2) as it may be amended from time to time.