

Chapter 2 ADMINISTRATION [\[1\]](#)

ARTICLE I. - IN GENERAL

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ARTICLE III. - OFFICERS AND EMPLOYEES

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FOOTNOTE(S):

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State Law reference— Municipalities generally, Minn. Stats. ch. 412. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Sec. 2-1. Abandoned motor vehicles.](#)

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[Secs. 2-4—2-22. Reserved.](#)

Sec. 2-1. Abandoned motor vehicles.

Abandoned motor vehicles shall be removed and disposed of in accordance with Minn. Stats. ch. 168B.

(Code 1984, § 310.01)

Sec. 2-2. Other abandoned property.

All other abandoned property lawfully coming into the possession of the city shall be disposed of as provided in this section.

- (1) *Storage.* The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

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- (2) *Claim by owner.* The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.
- (3) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police after ten days' published notice setting forth the time and place of the sale and the property to be sold.
- (4) *Disposition of proceeds.* The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

(Code 1984, § 310.03)

State Law reference— Disposal of unclaimed property, Minn. Stats. § 471.195.

Sec. 2-3. Administrative offenses.

- (a) *Purpose.* Administrative offense procedures established pursuant to this section 2-3 are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative fees, fines, or penalties as are provided for hereafter, the individual may withdraw from participation in the procedures in which event the city may bring criminal charges in accordance with the law. Likewise, the city, in its sole discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event that the party is charged and is adjudicated guilty of the criminal violation.
- (b) *Administrative offense defined.* An "administrative offense" is a violation of a provision of this Code and is subject to the administrative fees, fines, or penalties as set forth in the schedule of offenses and fees, fines, or penalties established by resolution of the city council, as may be amended from time to time, hereafter.
- (c) *Notice and fines.* Any officer of the Cold Spring/Richmond Police Department, upon determining that there has been a violation, shall notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the scheduled penalty or fine. These fines shall supercede all other fines previously imposed for the listed offenses.

(Ord. No. 2017-100, § 1, 4-20-2017)

Secs. 2-4—2-22. Reserved.

ARTICLE II. CITY COUNCIL [\[2\]](#)

[Sec. 2-23. Salaries.](#)

[Secs. 2-24—2-49. Reserved.](#)

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Sec. 2-23. Salaries.

The salary of the mayor is \$2,700.00 per annum. The salary of each member of the city council is \$2,100.00 per annum. In addition, it is hereby established that the city shall reimburse councilmembers and the mayor the sum of \$15.00 or \$5.00 per hour, whichever is greater, for out-of-town meetings. The mayor and/or councilmembers shall also receive \$25.00 per meeting for special meetings.

- (1) *Payment schedule.* The mayor and councilmembers shall have the option to be paid either monthly or annually for their salary and other per diem payments. Payments shall be made in accordance with the city's established wage and salary processing and payment schedule.
- (2) *Special meeting defined.* For purposes of this section, a special meeting shall be defined as any meeting (including meetings of the planning commission), other than a regular council meeting attended by the mayor or councilmembers in which members are either required, requested, or formally invited to attend a meeting in their capacity as elected representatives.
- (3) *Out-of-town meeting defined.* For purposes of this section, an out-of-town meeting shall be any meeting as defined in subsection (2) of this section, except that the location of the meeting is outside of the Rocori area (Rockville, Cold Spring, Richmond, Munson Township and Wakefield Township.) Any meeting taking place within the Rocori area will be considered a special meeting.

(Code 1984, § 200.03; Ord. No. 2007-100, 2-15-2007)

State Law reference— Salaries of governing body, Minn. Stats. § 415.11.

Secs. 2-24—2-49. Reserved.

FOOTNOTE(S):

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State Law reference— City council generally, Minn. Stats. § 412.191 et seq. ([Back](#))

ARTICLE III. OFFICERS AND EMPLOYEES

[Sec. 2-50. Office of city administrator/clerk.](#)

[Secs. 2-51—2-73. Reserved.](#)

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Sec. 2-50. Office of city administrator/clerk.

The city administrator/clerk shall be appointed by the council for an indefinite term.

(Code 1984, § 300.01)

Secs. 2-51—2-73. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING COMMISSION

DIVISION 3. - PARKS AND RECREATION COMMISSION

DIVISION 4. - ECONOMIC DEVELOPMENT AUTHORITY

DIVISION 1. GENERALLY

[Sec. 2-74. Compensation.](#)

[Sec. 2-75. Rules of order and procedures.](#)

[Secs. 2-76—2-94. Reserved.](#)

Sec. 2-74. Compensation.

The compensation of the planning commission and the parks and recreation commission and the governing board of the economic development authority shall be a per diem of \$25.00 per regular or special meeting, payable on an annual basis. Except for official meetings, either regular or special, no compensation shall be paid for activities not first approved by the city council.

(Ord. No. 110-05, § 305.01(9), 5-10-2005; Ord. No. 2007-104, 3-7-2007; Ord. No. 2007-105, § 315.01(8), 3-22-2007)

Sec. 2-75. Rules of order and procedures.

All boards, commissions and authorities created by the city shall comply with chapter 7 of the 2009 Handbook for Minnesota Cities, published by the League of Minnesota Cities.

Secs. 2-76—2-94. Reserved.

DIVISION 2. PLANNING COMMISSION

[Sec. 2-95. Establishment.](#)

[Sec. 2-96. Membership, organization and meetings.](#)

[Sec. 2-97. Powers and duties of commission.](#)

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[Sec. 2-98. Zoning ordinances; public hearings.](#)

[Sec. 2-99. Plats.](#)

[Sec. 2-100. Procedure zoning plan changes, future street and public lands plan, or regulations governing the platting of land.](#)

[Secs. 2-101—2-128. Reserved.](#)

Sec. 2-95. Establishment.

The city planning commission is hereby established and continued. The commission shall be the city planning agency authorized by Minn. Stats. § 462.354.

(Code 1984, § 305.01(1); Ord. No. 305.01)

Sec. 2-96. Membership, organization and meetings.

- (a) *Generally.* The planning commission shall consist of five members. Four of such members shall be citizens of the city and shall be appointed by the city council and the fifth member shall be a member of the city council as designated by the city council. Members of the planning commission may be removed by a two-thirds vote of the city council.
- (b) *Terms, vacancies, and oath.* Citizen members of the planning commission shall be appointed for three-year terms. The member of the planning commission who is a member of the city council shall be appointed for a one-year term. All appointees shall hold the office until their successors are appointed and qualified. Vacancies during a term shall be filled by the council for the unexpired portion of the term. Every member shall, before entering upon the discharge of the duties of a planning commission member, take an oath that he will faithfully discharge duties of the office. All members shall serve without compensation.
- (c) *Organization, meetings, etc.* The planning commission shall elect a chairperson from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall appoint a person to act as the secretary of the commission. The commission shall hold at least one regular meeting per month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before January 1 of each year, the commission shall submit to the city council a report of its work during the preceding calendar year. Expenditures of the commission shall be within amounts appropriated for its purpose by the city council.

(Code 1984, § 305.01(2)—(4); Ord. No. 305.01)

Sec. 2-97. Powers and duties of commission.

The planning commission shall have the powers and duties given municipal planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this article and by the council. After the commission has prepared and adopted a comprehensive plan, the commission shall periodically, but at least once every five years, review the comprehensive plan, any ordinances, and any capital improvement program the council has adopted to implement the plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new

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comprehensive plan, and recommend it to the council in accordance with the law. After such review, the commission shall also recommend to the council any amendments it deems desirable to the capital improvement program and any ordinance implementing the plan.

(Code 1984, § 305.01(5); Ord. No. 305.01)

Sec. 2-98. Zoning ordinances; public hearings.

No zoning ordinance or amendment shall be adopted by the council until a public hearing has been held thereon by the planning commission or by the council as provided by Minn. Stats. § 462.357.

(Code 1984, § 305.01(6); Ord. No. 305.01)

Sec. 2-99. Plats.

Any subdivision plat submitted to the council for approval shall, prior to final approval, be referred to the planning commission for review and recommendation. Any plat so referred shall be returned to the council by the commission with its recommendations within 30 days, and failure of the commission to report within that period is deemed to have satisfied the requirements of this section.

(Code 1984, § 305.01(7); Ord. No. 305.01)

Sec. 2-100. Procedure zoning plan changes, future street and public lands plan, or regulations governing the platting of land.

No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after such plans or regulations have been adopted by the city council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the council; and no ordinance or resolution establishing any of such plans or specifications shall be adopted by the city council until such ordinance or resolution has been referred to the planning commission for a report thereon and an attested copy of such report has been filed with the council. Failure of the planning commission so to report within 30 days or such other period as may be designated by the council after such reference shall be deemed to be approval of the proposed change.

(Code 1984, § 305.01(8); Ord. No. 305.01)

Secs. 2-101—2-128. Reserved.

DIVISION 3. PARKS AND RECREATION COMMISSION

[Sec. 2-129. Established; purpose.](#)

[Sec. 2-130. Membership; organization; meetings; oath.](#)

[Sec. 2-131. Powers and duties.](#)

[Secs. 2-132—2-160. Reserved.](#)

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Sec. 2-129. Established; purpose.

There is hereby established a parks and recreation commission for the purpose of advising the council on the operation of public recreation, parks, playgrounds, ice arena and trailways and the ongoing promotion of their use, pursuant to the authority of this chapter. The parks and recreation commission is referred to herein as the commission.

(Ord. No. 2006-104, 3-16-2006)

Sec. 2-130. Membership; organization; meetings; oath.

- (a) *Appointment of members.* The commission shall consist of nine members appointed by the city council from a list of qualified applicants. Because of the regional economic and recreational impact of the city's recreational facilities and programs, commission membership shall include representation consisting of city residents, representatives of specific civic groups and from the adjacent townships, delineated as follows:
- (1) Three members shall specifically be city residents;
 - (2) Two members shall be township representatives, one from Munson Township and one from Wakefield Township;
 - (3) One member shall be a representative from the Richmond Royals Baseball Association;
 - (4) One member shall be a representative from the Richmond Lions Club;
 - (5) One member shall be a representative from the city civic and commerce organization; and
 - (6) One member from the city council shall be selected by the council membership to serve on the commission.
- (b) *Staggered terms.* All members shall be appointed for terms of three years except for the council representative, who shall be appointed annually by the city council at its first regular council meeting of each calendar year.
- (c) *Filling of expired terms.* Upon completion of the terms, the council shall appoint replacements to fill those expired terms from a list of qualified applicants. The council shall make an effort to appoint members to the commission with who have diverse backgrounds and interests as related to parks and recreation. Members whose terms are set to expire shall serve in the positions until their successors have been appointed and sworn in.
- (d) *Organization.* At the first meeting of each calendar year, the commission shall elect a chair and vice-chair from among its appointed members and they shall serve as chair and vice-chair of the commission for one year. Also at the first meeting of each calendar year the commission shall also appoint a person as to act as the secretary of the commission whose duties shall be to keep a record of all resolutions, transactions, findings and official actions taken by the commission; which record shall be a public record. The commission may create and fill additional offices as it may determine. The parks, recreation and arena director shall serve as the executive director of the commission, and staff liaison between the commission and the council.
- (e) *Meetings.* The commission shall hold at least one regular meeting every three months, but may schedule additional meetings as required. All meetings shall be given proper notice provided as to the date, time, location and subject matter of the meeting as required by the Minnesota Open Meeting Law, Minn. Stats. ch. 13D. Expenditures of the commission shall be within the amounts appropriated for its purpose by the city council.
- (f) *Oath of office.*

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- (1) *Required.* Every appointed member shall, before entering upon the discharge of their duties, take an oath that they will faithfully discharge the duties of their office. The oath of office shall be administered by the executive director of the commission, or their designate. The oath shall be given orally as well as presented in writing to be signed by both newly appointed and reappointed members.
- (2) *Oath.* The oath attested to by the members shall be as follows:

I, (insert name) do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, and to discharge faithfully the duties of the office of parks and recreation commissioner for the City of Richmond, Minnesota, to the best of my judgment and ability, so help me God.
- (g) *Removal from office.* An appointed member of the commission may be removed from office for just cause and on written charges by at least four-fifths of the entire city council. Such member may be entitled to a public hearing before such vote is taken. In addition, an appointed member may be removed by the city council for nonattendance at commission meetings if a member does not attend two of the four regularly scheduled meetings in a calendar year. Furthermore, if any representative from an organization noted in subsection (a) of this section is no longer recognized as an official representative of said organization, they can be removed and replaced with a another representative of the organization, upon official request to the council by the organization in question.
- (h) *Vacancies filled.* It shall be the duty of the chair of the commission to notify the city council promptly of any vacancies occurring in membership. The city council shall fill such vacancies for the unexpired term of the original appointment in accordance with subsection (a) of this section.
- (i) *Conflicts of interest.* No member shall be personally interested in any contracts in which the commission may enter. Any member having any personal interest in said contracts shall immediately declare such interests to the commission and shall abstain from discussing or voting on such matters. The official meeting record must note the abstention of any member due to a conflict of interest, along with a brief summary of the reason for abstention.

(Ord. No. 2006-104, § 315.01, 3-16-2006)

Sec. 2-131. Powers and duties.

In order to carry on its mission and purpose, the duties of the commission shall include:

- (1) *Operation of city parks, playgrounds and other recreational facilities.* Advise city staff, under the direction of the city council, to operate a program of public recreation, playgrounds and other recreational facilities upon property which is owned or otherwise made available to the city for such public recreation purpose.
- (2) *Lease and acquisition of property.* Recommend to the council the leasing or acquisition of real or personal property for public recreational use as it deems desirable but shall not have the authority to acquire land or construct buildings in its own name. Any equipment or recreational facilities shall belong to the city.
- (3) *Oversight of maintenance and care of public recreation property.* Provide input on the maintenance and care for all property which has been assigned for public recreation purposes.
- (4) *Inventories of services.* Make periodic inventories of recreation and park services which exist or may be needed and to interpret the needs of the public to the council.
- (5) *Cooperation with other agencies.* Cooperate with other park and recreation departments, schools and private agencies for establishment of a joint powers agreement to provide for and promote

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the parks and recreation services to the city residents, as well as residents from the immediate region.

- (6) *Policies and functions of department.* Interpret the policies and functions of the park and recreation department to the public.
- (7) *Capital improvement plans and budgets.* Advise the council and city administrator/clerk in the preparation of the annual budget and long-range capital improvement programs.
- (8) *Rules and regulations.* Formulate and prescribe reasonable rules and regulations for the use of the general public of any facilities in any park area.
- (9) *Construction of improvements.* Advise the council and planning commission on maintaining and constructing roadways, sidewalks, trails, paths, buildings, fountains, docks, boat houses, refreshment booths, community center, pavilions and other necessary structures and improvements in parks. The commission shall be familiar with the city's comprehensive land use plan and will advise the council and the planning commission of any recommended changes or additions to the land use plan as it pertains to parks and recreation issues.
- (10) *Communication.* Communicate regularly with the city council and the planning commission through joint meetings, distribution of meeting minutes and other correspondence.
- (11) *Athletic awareness.* Be aware of the role and services provided by athletic organizations within the community and assist in the promotion of those services.
- (12) *Fees and charges.* The commission shall advise the council to establish charges or fees for the restricted use of any facilities or to make any phase of the recreation program wholly or partially self-sustaining.

(Ord. No. 2006-104, § 315.02, 3-16-2006)

Secs. 2-132—2-160. Reserved.

DIVISION 4. ECONOMIC DEVELOPMENT AUTHORITY ^[3]

[Sec. 2-161. Background; findings.](#)

[Sec. 2-162. Enabling resolution.](#)

[Sec. 2-163. Limitations.](#)

[Sec. 2-164. Implementation.](#)

[Secs. 2-165—2-181. Reserved.](#)

Sec. 2-161. Background; findings.

- (a) The city is authorized by Minn. Stats. ch. 469 (Act) to establish an economic development authority (EDA) to coordinate and administer economic development and redevelopment plans and programs of the city.
- (b) It is found and determined by the city council that the encouragement and financial support of economic development and redevelopment in the city is vital to the orderly development and financing of the city and in the best interests of the health, safety, prosperity and general welfare of the citizens of the city.

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- (c) It is further found and determined that the economic development and redevelopment of the city can best be accomplished by the establishment of an EDA as authorized by the Act.
- (d) The city council has in accordance with the Act provided public notice and conducted a public hearing on August 2, 2006, concerning the establishing of an EDA at which all persons wishing to be heard expressed their views.

(Res. No. 2006-107, § 1, 8-2-2006; Ord. No. 2006-107, § 1, 8-2-2006)

Sec. 2-162. Enabling resolution.

- (a) The economic development authority of the city (EDA) is hereby established. The EDA is a public body corporate and politic and a political subdivision of the state.
- (b) The EDA has all the powers and duties set forth in Minn. Stats. §§ 469.091 through 469.108, and other applicable laws, except as limited by this resolution.
- (c) The EDA shall consist of a governing body of five commissioners.
- (d) Those commissioners initially appointed shall be appointed for terms expiring on the January 31 in the years 2008, 2009, 2010, 2011, and 2012 respectively. Thereafter all commissioners shall be appointed for six year terms. A vacancy is created in the membership of the commission when a city councilmember of the authority ends his council membership.

(Res. No. 2006-107, § 2, 8-2-2006; Ord. No. 2006-107, § 2, 8-2-2006)

State Law reference— Members of authority, Minn. Stats. § 462.095.

Sec. 2-163. Limitations.

The following limits apply to the EDA and its operation:

- (1) The sale of bonds or other obligations of the EDA must be approved by the city council.
- (2) The EDA must follow the budget process for city departments in accordance with city policies, ordinances and resolutions.
- (3) Development and redevelopment actions of the EDA must be in conformance with the city comprehensive plan and official controls implementing the comprehensive plan.
- (4) The EDA must submit its plans for development and redevelopment to the city council for approval in accordance with city planning procedures and law.
- (5) The administrative structure and management practices and policies of the EDA must be approved by the city council.
- (6) As provided in Minn. Stats. ch. 469, it is the intention of the city council that nothing in this resolution nor any activities of the EDA are to be construed to impair the obligations of the city under any of its contracts or to affect in any detrimental manner the rights and privileges of a holder of a bond or other obligation heretofore issued by the city.

(Res. No. 2006-107, § 3, 8-2-2006; Ord. No. 2006-107, § 3, 8-2-2006)

State Law reference— Authority to so provide, Minn. Stats. § 469.092.

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Sec. 2-164. Implementation.

- (a) The city council will from time to time and at the appropriate time adopt such ordinances and resolutions as are required and permitted by Minn. Stats. ch. 469 to give full effect to this division.
- (b) The mayor, the city administrator/clerk, and other appropriate city officials are authorized and directed to take the actions and execute and deliver the documents necessary to give full effect to this division.
- (c) Nothing in this division is intended to prevent the city from modifying this enabling resolution to impose new or different limitations on the EDA as authorized by Minn. Stats. ch. 469.

(Res. No. 2006-107, § 4, 8-2-2006; Ord. No. 2006-107, § 4, 8-2-2006)

Secs. 2-165—2-181. Reserved.

FOOTNOTE(S):

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State Law reference— Economic development authorities, Minn. Stats. § 460.091 et seq. ([Back](#))

ARTICLE V. FINANCE [\[4\]](#)

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DIVISION 2. - CHARGE FOR EMERGENCY SERVICES OUTSIDE CITY

FOOTNOTE(S):

--- (4) ---

State Law reference— Municipal finance, Minn. Stats. chs. 426—435. ([Back](#))

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[Sec. 2-182. Fees or charges.](#)

[Sec. 2-183. Public health and safety hazards.](#)

[Sec. 2-184. Administrative fees, fines, and penalties.](#)

[Secs. 2-185—2-204. Reserved.](#)

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Sec. 2-182. Fees or charges.

Whenever in this Code it is provided that a fee or charge is to be as established by the city or that a fee or charge is as established by city council or the fee schedule, or other language of similar import is used, such language shall be interpreted as providing that the fee or charge may be established by ordinance, resolution or such other formality as is permissible under law. This section does not prevent the council from delegating authority to fix or establish a charge to a city officer or city employee.

Sec. 2-183. Public health and safety hazards.

When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the city administrator/clerk. This section does not apply to hazardous buildings under the hazardous building law, Minn. Stats. §§ 463.15 through 463.26.

(Ord. No. 800, § 805.07, 1-31-2001)

Sec. 2-184. Administrative fees, fines, and penalties.

The administrative fees, fines, and penalties as provided in section 2-3 provides that the penalties for such administrative offenses shall be established by resolution of the city council, as may be amended from time to time, hereafter. Through the adoption of Ordinance No. 2017-100, the city council established a procedure for enforcing certain administrative offense.

- (1) *Animals.* The penalty for the following animal nuisance related offenses shall be as prescribed.
 - a. Barking dog.
 1. First offense.
 2. Second offense.
 3. Three or more offenses.
 - b. At large.
 - c. Unlicensed.
 - d. Unvaccinated.
 - e. Failure to clean up pet litter.
 1. First offense.
 2. Second offense.
 - f. Other animal violation.
- (2) *Fires.* The penalty for the following fire related offenses shall be as prescribed.
 - a. Illegal open fire.
 - b. Burning without permit when required or during an active ban.

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- (3) *Parking*. The penalty for the following parking offenses shall be as prescribed.
- a. Handicap zone.
 - b. Fire hydrant.
 - c. Improper position.
 1. First five offenses.
 2. Six or more offenses.
 - d. Other illegal parking.
- (4) *Miscellaneous*. The penalty for the following miscellaneous offenses shall be as prescribed.
- a. Possess alcohol in unauthorized places.
 - b. Urinating in public.
 - c. Public nuisance.
 - d. Nuisance.
 - e. Unlawful sale of tobacco.
 1. 2nd offense.
 2. 3rd offense.
 3. 4nd offense.
 - f. Unauthorized use of compost site.
 - g. Curfew.
 - h. Other.

(Ord. No. 2017-101, § 1, 4-20-2017)

Secs. 2-185—2-204. Reserved.

DIVISION 2. CHARGE FOR EMERGENCY SERVICES OUTSIDE CITY

[Sec. 2-205. Purposes and intent.](#)

[Sec. 2-206. Definitions.](#)

[Sec. 2-207. Parties affected.](#)

[Sec. 2-208. Rates.](#)

[Sec. 2-209. Billing and collection.](#)

[Sec. 2-210. Status of collected charges.](#)

Sec. 2-205. Purposes and intent.

This division is adopted for the purpose of authorizing the city to charge for emergency services outside of the city limits and contracted coverage areas as authorized by Minn. Stats. §§ 415.01, 366.011, and 366.012. The intent is to recover costs for services rendered outside of the city limits or contracted service

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areas, so that city residents and parties contracting with the city are not subsidizing the provision of fire services to other areas.

(Ord. No. 2009-105, § 1, 10-22-2009)

Sec. 2-206. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City limit means the corporate boundaries of the City of Richmond, Minnesota.

Department means the city fire department.

Deployment means the dispatch of the department firefighting personnel or equipment from the city fire hall.

False alarm means a request for fire and emergency services, when a fire, medical situation, or motor vehicle accident does not exist. The malfunction of an electronic alarm is not a false alarm.

Fire and emergency services means any deployment of the department firefighting personnel or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire or to provide fire suppression, rescue, extrication, medical and any other services related to fire and rescue as may occasionally occur.

Fire protection contract means a contract between the city and a township, which provides for the provision of fire and emergency services, including payment by the township.

Motor vehicle means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks, including semi-trailers but not including snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

Noncontract service area means any area outside of the city limits, and not subject to a fire protection contract, to which the department provides fire and emergency services.

Service charge means the charge imposed by the city for receiving fire and emergency services.

(Ord. No. 2009-105, § 2, 10-22-2009)

Sec. 2-207. Parties affected.

- (a) Owners of property in a noncontract service area who receive fire and emergency services shall receive a service charge.
- (b) Any nonresident of the city or resident of a township not subject to a fire protection contract who receives fire and emergency services in a noncontract service area shall receive a service charge.
- (c) Residents of the city and residents of township areas covered by a fire protection contract shall not receive a service charge for fire and emergency services, regardless of where fire and emergency services are provided.
- (d) A service charge shall not be charged for any fire and emergency services provided within the city limits.

(Ord. No. 2009-105, § 3, 10-22-2009)

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Sec. 2-208. Rates.

- (a) The city shall charge affected parties for fire and emergency services rendered, including any consumables used in association with the provision of such services. Rates for service charges shall be set forth in the city's fee schedule and shall be reviewed annually.
- (b) Service charge rates are determined by the nature and extent of the fire and emergency services received. Service charge rates will be assigned using the standard National Fire Department Incident Reporting System, fire and rescue service categories, and shall be included in the city's fee schedule. The classification of fire and emergency services rendered shall be determined by the department chief, or chief's designee. For hourly charges, time will be calculated from when the first department vehicle deploys, to the time the last department vehicle leaves the scene.

(Ord. No. 2009-105, § 4, 10-22-2009)

Sec. 2-209. Billing and collection.

- (a) A service charge is incurred upon deployment.
- (b) Parties requesting or receiving fire and emergency services are billed directly by the city. Additionally, if the party receiving fire and emergency services did not request services but a fire or other situation exists, which at the discretion of the department chief or chief's designee requires fire and emergency services, the party will be charged and billed. All parties are billed whether or not the fire and emergency services are covered by insurance. Any billable amount of the service charge not covered by a party's insurance remains a debt of the party receiving the fire and emergency services.
- (c) Parties billed for fire and emergency services have 30 days to pay. If the service charge is not paid by that time, it is considered delinquent and the city shall send a notice of delinquency.
- (d) The city shall impose late charges, as it does for other invoices, with a 1.5 percent interest penalty per month.
- (e) If the service charge remains unpaid for 30 days after the notice of delinquency is sent, the city may use all practical and reasonable legal means to collect the service charge. The party receiving fire and emergency services shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.
- (f) If the service charge remains unpaid for 30 days after the notice of delinquency is sent, the city may also, on or before October 15 of each year, certify the unpaid service charge to the county auditor of the county in which the recipient of the services owns real property for collection with property taxes levied against the property. The county auditor shall be responsible for remitting to the city all service charges collected on behalf of the city. The city must give the property owner written notice of its intent to certify the unpaid service charge to the auditor by September 15. The service charge shall be subject to the same penalties, interest and other conditions provided for the collection of property taxes.
- (g) A service charge shall not be incurred for the deployment of the department to assist in a mutual aid fire.
- (h) False alarms will not be billed a service charge.

(Ord. No. 2009-105, § 5, 10-22-2009)

PART I - CODE OF ORDINANCES

Chapter 2 ADMINISTRATION

Sec. 2-210. Status of collected charges.

All collected service charges will be city funds and used in the manner deemed appropriate by the city council.

(Ord. No. 2009-105, § 6, 10-22-2009)