

**Mountain Iron – Administration**

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**CHAPTER 30: CITY OFFICIALS**

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***GENERAL PROVISIONS***

**§ 30.01 CITY EMPLOYMENT.**

Employment with the City is herewith classified either as appointive or casual. Appointive employment shall include all employment on a monthly and half-monthly rate or basis while casual employment shall include all day labor or labor given on a day basis.  
(Prior Code, § 4.01)

**§ 30.02 EMPLOYEES OF GOOD MORAL CHARACTER.**

No person shall receive any appointive employment unless the person shall be a person of good moral character. The City Administrator shall solicit applications for all appointive employment positions.  
(Prior Code, § 4.02)

**§ 30.03 CASUAL EMPLOYMENT OR DAY LABOR.**

(A) Casual employment or day labor shall be given and distributed by the City Council as such Council deems expedient and to any persons selected for such employment by such Council.  
(Prior Code, § 4.03)

(B) Casual labor shall be paid at the legal minimum wage unless otherwise expressly approved by the Council.  
(Prior Code, § 4.04)

**§ 30.04 MAYOR AND CITY COUNCIL**

(A) The salary of the Mayor of the City of Mountain Iron shall be the sum of \$3,600.00 per year.

(B) The salary of each Councilmember of the City of Mountain Iron shall be the sum of \$2,700.00 per year.  
(Ord. 01-05, passed 1-18-2005)

***CITY ADMINISTRATOR***

**§ 30.20 OFFICE CREATED.**

The office of the City Administrator is created in the City of Mountain Iron.  
(Prior Code, § 1.01)

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### § 30.21 APPOINTMENT.

The Administrator shall be appointed by the City Council on the basis of his or her education, training, experience and administrative qualifications. The Administrator shall be appointed for an indefinite period of time and shall be paid for his or her services at such a salary as the Council from time to time may determine. The Administrator may be removed by the Council at any time; provided, however, that if the Administrator has served the City for a period of one year, he or she may demand written charges and a public hearing on the charges before the Council, prior to the date his or her removal is to take effect. Pending such hearing and removal, the Council may suspend him or her from his or her office. The Council may designate some qualified person to perform the duties of the Administrator during his or her absence or disability. If the Administrator is removed by the Council after one year of service, he or she will receive a separation allowance in an amount equal to one month's salary.  
(Prior Code, § 1.02)

### § 30.22 DUTIES.

The City Administrator shall:

- (A) Supervise the management and operation of the Department of Administration;
- (B) Coordinate the administration of all City departments and divisions;
- (C) Make ministerial decision affecting such departments, recommending procedures to the Council for adoption and make recommendations to the Council regarding the employment and/or dismissal of personnel;
- (D) Develop and issue all administrative rules, regulations and procedures necessary to ensure the proper functioning of and coordination with all departments. Such rules, regulations and procedures shall be consistent with Minnesota Statutes, City ordinances and Council policy. Said rules, regulations and procedures shall be effective upon issuance and shall continue to be in effect until rescinded by the Administrator or by express action by the Council;
- (E) Submit to the Council, at least 30 days prior to call by the County Auditor, a single, consolidated budget document which shall include statements relating to projected revenue and proposed sources of revenue and all proposed expenditures to be made and obligations to be incurred by the City in the forthcoming year;
- (F) Be personnel officer for the City and shall be responsible for the implementation of the City Personnel Policy;
- (G) Advise the Council on all matters pertaining to or affecting the operation of the City government and/or the City proper;

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(H) Be responsible for the enforcement of all laws and ordinances within the City and whenever necessary shall make recommendations for changes, amendments or repeal of existing ordinances;

(I) Be directly responsible to the Council for the faithful and satisfactory performance of his or her duties. He or she shall attend all Council meetings, provided, however, that he or she shall not have the right to vote. He or she shall, likewise, perform such additional duties and attend such committee and commission meetings as the Council may direct;

(J) Represent the City at all official or semi-official functions as may be directed by the Council;

(K) Make all purchases and acquisitions to be made in the name of the City in accordance with the purchasing policy established by the City Council;

(L) Limit spending to budgeted items and it shall be remembered that the appropriation of money is not a directive or a permit to spend, unless the item is needed, the price is reasonable and revenues are available to finance the purchase. Should actual revenues decline below estimate levels, expenditures shall be reduced accordingly through the application of budgetary controls;

(M) Keep the Council advised as to the financial condition and needs of the City and shall advise and recommend to the Council on the investment of idle funds;

(N) Be responsible for the application of approved financial accounting procedures and methods employed within the Department of Administration and shall recommend accounting procedures to be adopted by all departments;

(O) Maintain all City accounts and develop all reports required by law or requested by the Council in accordance with the generally accounting procedures and in accordance with classifications prescribed by the State Auditor's Office, wherever practicable;

(P) Performance of all other duties as required by state statutes, City ordinances or as the Council may so direct;

(Q) Be designated as the Clerk-Treasurer and shall assume all duties commensurate therewith as provided by Minnesota Statutes creating and defining and Optional "A" type of government.

(Prior Code, § 1.03)

### § 30.23 BOND.

The Administrator shall be bonded at City expense, through a position bond, which will indemnify the City in an amount to be determined by resolution of the City Council.

(Prior Code, § 1.04)

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***ZONING ADMINISTRATOR***

**§ 30.35 CREATION.**

There is created the office of Zoning Administrator.  
(Prior Code, § 2.01)

**§ 30.36 APPOINTMENT.**

The Zoning Administrator shall be appointed by the City Council at such a salary as the Council may from time to time determine, and he or she shall possess the following minimum qualifications:

- (A) Be a high school graduate;
  - (B) Posses knowledge of zoning requirements, enforcement and be able to interpret land use plat plans and specifications;
  - (C) Be able to communicate both orally and in writing;
  - (D) Be able to read and interpret property descriptions;
  - (E) Be able to investigate zoning appeals or violations;
  - (F) Be able to maintain effective communications and working relationships between various governmental agencies and with the general public.
- (Prior Code, § 2.02)

**§ 30.37 REMOVAL.**

The Zoning Administrator shall not be removed from office except for cause after full opportunity has been given him or her to be heard on specific charges. Nothing in this section shall be construed to limit or otherwise affect the authority of the State Building Inspector to dismiss or suspend the Zoning Administrator as provided for by law. During temporary absence or disability, the City Council shall designate an Acting Zoning Administrator.  
(Prior Code, § 2.03)

**§ 30.38 LIABILITY.**

The Zoning Administrator acting in good faith and without malice for the City in the discharge of his or her duties shall not thereby render himself or herself personally liable and is relieved for all personal liability for any damages that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Zoning Administrator or employee, because of such act or omission performed by him or her in good faith and without malice for the City in the discharge of his or

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her duties, shall be defended by the Legal Department of the City until final determination of the proceedings.

(Prior Code, § 2.04)

### ***BUILDING OFFICIAL***

#### **§ 30.50 OFFICE CREATED.**

There is created the office of Building Official that will be one and the same as the office of Building Inspector as referred to in Title XV of this code.

(Prior Code, § 3.01)

#### **§ 30.51 APPOINTMENT.**

The Building Official shall be appointed by the City Council and must possess the following minimum qualifications:

(A) Be a high school graduate plus a graduate of a trade school in the construction trades field or have at least four years experience in the building trades;

(B) Possess knowledge of design, construction standards, materials, methods and zoning requirements and enforcement, be able to interpret blueprints and plans and specifications;

(C) Be able to communicate orally and in writing;

(D) Be able to attain Certified Building Official status under state regulations within one year of appointment;

(E) Be able to investigate appeals or violations;

(F) Be able to maintain effective communications and working relationships between various governmental agencies and with the general public.

(Prior Code, § 3.02)

#### **§ 30.52 REMOVAL.**

The Building Official shall not be removed from office except for cause after full opportunity has been given him or her to be heard on specific charges. Nothing in this section shall be construed to limit or otherwise affect the authority of State Building Inspector to dismiss or suspend the Building Official as provided for by law. During temporary absence or disability, the City Council shall designate an Acting Building Official.

(Prior Code, § 3.03)

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### **§ 30.53 VACANCY.**

In the event that a certified building official vacates his or her position, the City Council shall appoint a certified building official to fill the vacancy as soon as possible. If the City Council fails to appoint a certified building official within 90 days of the occurrence of the vacancy, the State Building Inspector may make such appointment or provide state employees to serve said function as provided by law.

(Prior Code, § 3.04)

### **§ 30.54 LIABILITY.**

The Building Official acting in good faith and without malice for the City in the discharge of his or her duties shall not thereby render himself or herself personally liable and is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Official or employee, because of such act or omission performed by him or her in good faith and without malice for the City in the discharge of his or her duties, shall be defended by the Legal Department of the City until final determination of the proceedings.

(Prior Code, § 3.05)

### **§ 30.55 AUTHORITY.**

The Building Official in the discharge of his or her official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour during the construction. If permission to enter is denied by the occupant, the Building Official shall contact the City Attorney in order to obtain a court order to enter the building.

(Prior Code, § 3.06)

### **§ 30.56 SALARY.**

The Building Official shall be paid a salary as the City Council may from time to time determine.

(Prior Code, § 3.07)

### **§ 30.57 DUTIES.**

The Building Official shall:

(A) Report to the City Administrator, Planning and Zoning Commission and the City Council;

(B) Conduct inspections that will insure that all buildings constructed in the City are built consistent with the Minnesota State Building Code and that all construction is carried out for safety, comfort and convenience of occupants;

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(C) Conduct building inspections on all types of building structures to assure that structures are built consistent with official building codes, take immediate action to correct violations, advise contractors and architects on most appropriate method to correct deficiencies and review corrective action taken by the contractors to insure that violations have been corrected in the time frame established;

(D) Review plans and specifications for new structures to be aware of unique construction practices or materials that need special attention and annotate corrections on plans in accordance with City and state standards;

(E) Review permit and permit applications to insure that they reflect work to be done and take action to correct permits and modify fees where the work being done is not consistent with that defined in such permit or in the codes;

(F) Review new or substitute materials used in building construction and make recommendations for their acceptance or rejection;

(G) Maintain an effective working relationship with contractors to insure a positive response and desire for conformance with codes;

(H) Keep abreast of new equipment, materials and construction practices, as well as new and changes in existing codes to insure thorough understanding of building industry and effective and fair administration of codes;

(I) Issue tags where violations persist in construction or advise the City Administrator and City Attorney of violations;

(J) Advise other departments or personnel on the desirability of condemning structures;

(K) Make and keep records of all permits and report same to the City Administrator, Planning and Zoning Commission and City Council.  
(Prior Code, § 3.08)

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### CHAPTER 31: DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES

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### ***PAID-ON-CALL FIRE DEPARTMENT and FIRST RESPONDERS***

#### **§ 31.001 ESTABLISHED.**

There is established in this City a Paid-On-Call Fire Department and First Responders (herein referred to as “the department”) consisting of a Chief, two Battalion Chiefs, Secretary/Financial Officer, Safety Officer, Training Officer, Apparatus/Maintenance Officer, Emergency Medical Services (First Responder) Director, Assistant Apparatus/Maintenance Officer, Assistant Training Officer, Assistant Safety Officer, and Community Outreach Coordinator. The department is not to exceed thirty-five (35) members with thirty (30) firefighter and/or firefighter/First Responder positions and five (5) First Responder only positions. See Standard Operating Guidelines for department officers Position Analysis.

(Prior Code, § 43.01) (Repealed and Amended 11.15.2021) (Amended 2.3.2025)

#### **§ 31.002 APPOINTMENT.**

The Chief of the Fire Department, the Battalion Chiefs, and First Responder Director shall be appointed by the Council, which body shall, in making such appointments, take into consideration recommendations of the members of the department. Each officer shall hold office until his or her successor has been duly appointed, except that he or she may be removed by the Council for cause and after a public hearing. Subject to the discretion of the City Council, all appointments to officer positions are to be approved by the Fire Chief. Firefighters, probationary firefighters and First Responders shall be appointed by the members of the Department subject to confirmation by the Council. Firefighters and First Responders shall continue as members of the Department during good behavior and may be removed by the Council only for cause and after a public hearing.

(Prior Code, § 43.02) (Amended 2.3.2025)

#### **§ 31.003 FIRE MARSHAL**

The office of Fire Marshal may be held by the Chief or by the Battalion Chiefs, if the Council so decides. The Fire Marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He or she shall have full authority to inspect all premises and to cause the removal or abatement of any fire hazards.

(Prior Code, § 43.03) (Amended 2.3.2025)

#### **§ 31.004 DUTIES OF CHIEF.**

The Chief or designated liaison shall make a report to the Public Safety and Health Board as to the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Public Safety and Health Board. He or she shall be responsible for the proper training and discipline of the members of the Fire Department and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her discharge or retention. See Position Analysis for Chief in Standard Operating Guidelines.

(Prior Code, § 43.04)

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### **§ 31.005 RECORDS.**

The Secretary/Financial Officer shall keep in convenient form a complete record of all fires, such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the Department responding to the alarm and such other information as he or she may deem advisable or as may be required from time to time by the Council or State Insurance Department. See Position Analysis in Standard Operating Guidelines.  
(Prior Code, § 43.05)

### **§ 31.006 ATTENDANCE.**

All members shall be required to attend business meetings, training sessions, calls and other events or functions required by the Department. Attendance shall be noted, and these members will be compensated for required events.  
(Prior Code, § 43.06) (Amended 2.3.2025)

### **§ 31.007 BATTALION CHIEFS.**

In the absence or disability of the Chief, a Battalion Chief shall perform all the functions and exercise all of the authority of the Chief. See Position Analysis in Standard Operating Guidelines.  
(Prior Code, § 43.07) (Amended 2.3.2025)

### **§ 31.008 FIREFIGHTERS AND FIRST RESPONDERS.**

Membership to the department shall be restricted to those who live within a radius of fifteen minutes of the fire hall. Membership must obey all traffic laws in response. The minimum age requirement shall be 18 years of age. The department's active roster shall consist of a maximum of thirty (30) paid on call firefighter, firefighter/First Responder and five (5) First Responder only members. (Prior Code, § 43.08) (Repealed and Amended 11.15.2021) (Amended 2.3.2025)

### **§ 31.009 LOSS OF MEMBERSHIP.**

Firefighters absent from three consecutive drills or calls, unless excused by the Chief, shall forfeit membership in the Department.  
(Prior Code, § 43.09)

### **§ 31.010 COMPENSATION.**

The members and officers of the Fire Department shall receive such compensation as the City Council shall determine by resolution, and a record book of the amounts of compensation for each position shall be kept on file in the office of the City Administrator and Fire Department of and for the City.  
(Prior Code, § 43.10)

### **§ 31.011 MINIMUM PAY.**

In computing compensation for fires and first responder calls, one hour shall be considered as the minimum to be paid to any member.

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(Prior Code, § 43.11) (Repealed and Amended 11.15.2021)

### **§ 31.012 PRESENT MEMBERS.**

Persons, who are members of the Fire Department at the time of the adoption of this section, shall not be required to serve a probationary period before receiving firefighter's rating. All members shall be provided with a copy of the Policies and Procedures for The Paid-On-Call Mountain Iron Fire Department (Policy Number 2015-01 and 2016-01).  
(Prior Code, § 43.12)

**SECTION 2. INCONSISTENT ORDINANCES.** Any inconsistent Ordinances or parts thereof are hereby repealed and replaced with the provision of this Ordinance.

**SECTION 3. EFFECTIVE DATE.** This Ordinance becomes effective on the date of its publication, or upon the publication of a summary of the Ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

## ***UTILITY ADVISORY BOARD***

### **§ 31.040 SHORT TITLE.**

This subchapter shall be known and may be cited as the "Mountain Iron Utility Advisory Board Chapter."  
(Prior Code, § 38.01)

### **§ 31.041 DEFINITIONS.**

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

***BOARD.*** The Utility Advisory Board of the City as created by this subchapter.

***CHAIRPERSON.*** The Chairperson of the Utility Advisory Board as provided hereunder.

***SECRETARY.*** The Secretary of the Utility Advisory Board as provided hereunder.

***VICE-CHAIRPERSON.*** The Vice Chairperson of the Utility Advisory Board as provided hereunder.  
(Prior Code, § 38.02)

### **§ 31.042 ESTABLISHMENT.**

A Utility Advisory Board is established to be advisory to the City Council and which Utility Advisory Board shall have the powers and duties hereinafter set forth.  
(Prior Code, § 38.03)

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### **§ 31.043 TERMS OF OFFICE.**

Members of the Board shall be appointed upon majority consent of the Council for staggered terms of three years. Upon expiration of said initial terms, future appointees shall serve five year terms expiring in January of the appropriate year, provided, however, that members shall continue their terms until new appointments or reappointments are made by the City Council. The City Council shall make appointments to the Board at its second official meeting in January of each year or as soon thereafter as it desires. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

(Prior Code, § 38.04)

### **§ 31.044 QUALIFICATIONS.**

Members of the Board shall be residents of the City while serving on the Board and shall represent as broad a range as possible of the different geographical areas of the City.

(Prior Code, § 38.05)

### **§ 31.045 REMOVAL OF MEMBERS.**

The Council by a four-fifths vote of its members shall have the authority to remove any member of the Board from office whenever, in its discretion, the best interest of the City shall be served thereby.

(Prior Code, § 38.06)

### **§ 31.046 MEETINGS, OFFICERS.**

The Board will name its own officers to serve at its pleasure from the membership of the Commission.

(A) *Regular meetings.* The Board shall meet publicly in regular session at least once each month at a time and place selected by a majority of its members.

(B) *Special meetings.* The Chairperson or any two members of the Board shall have the authority to call a special meeting of the Board. Written notice of special meetings shall be given to all members at least 24 hours prior to the time of the meeting unless the time and place for the special meeting is set at a regular meeting.

(Prior Code, § 38.07)

### **§ 31.047 COMMISSION STAFF.**

The Board shall receive the staff services of the City Administrator and Public Works Director as approved by the City Council within the means provided by any appropriations made therefore by the City Council.

(Prior Code, § 38.08)

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### **§ 31.048 RULES AND PROCEDURES.**

The Board shall adopt a set of rules to govern its own meetings and procedures. The rules may be amended from time to time, but only upon notice to all members that the said proposed amendments shall be acted upon at a specified meeting. A majority vote of the Board shall be required for the approval of the proposed amendment.

(Prior Code, § 38.09)

### **§ 31.049 ABSENCE OF MEMBERS.**

Absence from three consecutive regular meetings without the formal consent of the Board shall be deemed to constitute a resignation of a member, and the vacancy thus created shall be filled thereafter by appointment of the City Council for the remainder of the term of the member so deemed to have resigned.

(Prior Code, § 38.10)

### **§ 31.050 POWERS AND DUTIES.**

The Board shall have the following powers and duties:

(A) To confer with and advise the Council on all matters concerning the management and operation of the water, wastewater and electric plants as the City may own or acquire;

(B) To advise the Council on setting charges against each class of consumer, public or private, of water, wastewater or electricity service as will meet all costs of production and transmission of such utilities consumed by such class of consumer as will in the judgment of the Board yield appropriate sums for depreciation and reserve accounts and for the retirement of any bonded indebtedness incurred by the City for capital expenditures of the departments.

(Prior Code, § 38.11)

### **§ 31.051 ANNUAL REPORT.**

The Board shall make a report to the City Council of its activities in December of each year.

(Prior Code, § 38.12)

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### ***PLANNING AND ZONING COMMISSION***

#### **§ 31.065 CREATION.**

The Planning and Zoning Commission is created to be known as the Planning and Zoning Commission of the City. The Commission shall consist of seven members, and each member shall be appointed for a term of three years. The City Administrator, Zoning Administrator and City Attorney shall be ex-officio members without the right to vote.

(Prior Code, § 20.01)

#### **§ 31.066 POWERS.**

The Planning and Zoning Commission of the City shall, with the consent and approval of the City Council, carry on City planning activities and adopt a plan for the future physical development of the City and shall perform such other duties as may from time to time be delegated to them by other ordinances of the City.

(Prior Code, § 20.02)

#### **§ 31.067 MAP.**

The Planning and Zoning Commission may provide for the future layout of streets outside of platted territory and extending across unplatted territory within the corporate limits of the City and may provide for the future widening or improvement of any existing streets or highways and may in cooperation with the consulting City Engineer prepare a map of the City to be known as the Official Map of the City, which map shall indicate thereupon the proposed future extension of widening of existing streets on the municipality. Before the map shall be adopted by the City Council as the official map, a public hearing shall be held after ten days notice thereof has been given in a legal newspaper.

(Prior Code, § 20.03)

### ***BIOSOLIDS DISPOSAL AUTHORITY***

#### **§ 31.080 TRI-CITIES BIOSOLIDS DISPOSAL AUTHORITY.**

There is created, pursuant to provisions of M.S. § 471.59, as it may be amended from time to time, a joint biosolids disposal authority to be known as the Tri-Cities Biosolids Disposal Authority. The Authority shall be composed of one member representing each of the participating municipalities, which member shall be appointed by a majority vote of the governing body. The members of the Authority will serve until their successors are duly appointed and qualified.

(Prior Code, § 33.01) (Ord. 02-97, passed 12-15-1997)

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### **§ 31.081 ESTABLISHMENT.**

The Tri-Cities Biosolids Disposal Authority has been established pursuant to the following ordinances:

- (A) City of Eveleth - Ordinance 168, amended by Ordinance 176;
- (B) City of Gilbert - Ordinance 1-81, amended by Ordinance 1-83;
- (C) City of Mountain Iron - Ordinance 33.  
(Prior Code, § 33.02) (Ord. 02-97, passed 12-15-1997)

### **§ 31.082 TERM OF OFFICE.**

The members of the first Authority shall be appointed by the governing body of each municipality for a term expiring as that municipality shall so direct. Each community, wherein a vacancy exists, shall appoint one member to fulfill such vacancy. Each municipality shall appoint an alternate member who may attend all meetings of the Authority and participate in all discussions and vote only in the absence of the regular member from his or her municipality.  
(Prior Code, § 33.03) (Ord. 02-97, passed 12-15-1997)

### **§ 31.083 OFFICERS.**

The Joint Authority shall elect one of its members to be Chairperson of the Authority, one member to be Vice-Chairperson and shall appoint a Secretary-Treasurer who may, but need not be, a member of the Authority. Each such appointee shall hold office for the term of one year and until his or her successor is appointed and qualified.  
(Prior Code, § 33.04) (Ord. 02-97, passed 12-15-1997)

### **§ 31.084 DUTIES AND POWERS.**

(A) The Authority shall have full authority and responsibility for the establishment, maintenance and regulation and operation of a biosolids truck or trucks. In carrying out such authority, it shall have all the powers and authority vested in the municipalities under the laws of the State of Minnesota relating to the establishment, operation and regulation of a biosolids disposal system. The Authority may contract with the East Mesaba Sanitary Disposal Authority to handle the administration of funds for the operation of the biosolids truck used by the Cities of Eveleth, Mountain Iron and Gilbert.

(B) Without limiting its general powers vested in it by law, the Authority shall have the following powers:

- (1) To acquire by purchase, lease, gift or otherwise property for and to establish, construct, enlarge, improve, maintain, equip, operate and regulate the operation of a biosolids truck or trucks;

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- (2) To gather information on the problem of biosolids removal insofar as the members are concerned and on the best means of meeting said problem and to disseminate such information;
- (3) To employ qualified engineers or other experts to prepare and submit studies and reports on said problem and propose solutions thereof;
- (4) To employ legal counsel, administrative and clerical personnel as necessary;
- (5) To secure appraisals of real property;
- (6) To expend monies and incur liabilities for such purpose;
- (7) To define its procedure, including the appointment of committees of less than all the members;
- (8) To submit findings and recommendations to the member municipalities;
- (9) To award contracts for the performance of any of the authorized services of the Authority;
- (10) To adopt such rules and regulations for the operation of the biosolids disposal system as they shall, in their discretion, deem necessary and advisable and to establish a penalty for violation thereof.  
(Prior Code, § 33.05) (Ord. 02-97, passed 12-15-1997)

### **§ 31.085 CONTRIBUTIONS TO CAPITAL AND OPERATION COST.**

Costs incurred in the establishment, operation and maintenance of said biosolids disposal system shall be divided among the participating municipalities based upon the number of loads of biosolids hauled from each community. For purposes of defraying the expense of the Authority for the first fiscal year following establishment, the participating municipalities shall pay to the Secretary-Treasurer of the Authority a predetermined fixed sum per capita. Such payment shall be made in quarterly installments. Title to any lands or equipment acquired by the Authority shall be taken in the name of the Authority in trust for the participating municipalities. Ownership of such purchases shall be divided among the participating municipalities in relation to their various populations.  
(Prior Code, § 33.06) (Ord. 02-97, passed 12-15-1997)

### **§ 31.086 BUDGET.**

(A) On or before July 1 of each year, the Authority shall prepare a budget for financing the operations of the Authority for the ensuing fiscal year. A copy of the budget shall, not later than July 1, be furnished to the governing boards of the participating municipalities. Such budget shall include an estimation of all income and their sources, as well as an itemized

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budget of estimated expenditures. Final decision of the respective governing bodies as to requested contributions shall be reported to the Authority which shall adjust its budget, if necessary, so that its budget may at all times be balanced. Money not expended in the budget may be carried over to the following year.

(B) The Authority shall not have the power to levy taxes or borrow money and it shall not approve any claim or incur any obligation for expenditures unless there is unencumbered cash in the appropriate fund to the credit of the Authority with which to pay the same. (Prior Code, § 33.07) (Ord. 02-97, passed 12-15-1997)

### **§ 31.087 FINANCES.**

All receipts of money shall be deposited in the bank or banks selected by the Authority or the bank or banks selected by the agent chosen by the Authority to administer the funds of the Authority. No disbursement shall be made except by check in such manner as the Authority may determine, nor unless a verified claim for services and commodities actually rendered or delivered be submitted to and approved for payment by the Authority or the agent selected by the Authority. An audit of the funds of the Authority shall be made annually. Such audits may be made independently or in conjunction of any audit that may be made of the funds of any of the participating municipalities. An employee of the Authority who handles cash in the process of collection shall, if the Authority so requires, furnish a surety bond in such amount as may be determined by the Authority. The cost of such bond shall be paid out of the Authority funds. (Prior Code, § 33.08) (Ord. 02-97, passed 12-15-1997)

### **§ 31.088 REPORTS.**

The Authority, as soon as possible, at the end of each fiscal year, shall prepare and present to each municipal board a comprehensive report of its activities and finances. The Authority shall also prepare and present federal and state officials with such reports as may be required by law, regulation or contract. (Prior Code, § 33.09) (Ord. 02-97, passed 12-15-1997)

### **§ 31.089 TERMINATION.**

This chapter, when adopted by the various participating municipalities, shall constitute a contract between the municipalities. It shall be in full force and effect for one year thereafter, provided, however, that the provisions thereof, except as to the duration of the contract, may be amended by mutual agreement of the municipalities. Thereafter it shall be continued in force from year to year. By written notice mailed or delivered to the Secretary-Treasurer of the Authority, at any time following the initial one-year period, any member may discontinue membership or extend membership in the Authority at the end of the fiscal year in which such notice is given. If upon termination of one or more of the municipalities, the expenses of and liabilities of the Authority exceed the sum of the amounts paid by such members, the member so terminating their membership shall pay to the Authority their pro-rate thereof. This agreement shall continue from year to year so long as at least two members continue to participate. If one of the last two remaining municipalities desires to terminate the Authority, it shall notify the other

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municipality to that effect and the Authority shall proceed immediately to dispose of all of the property which it may have acquired. Upon such termination, if the expenses and liabilities of the association exceed the proceeds received from such sale, the loss shall be divided between these two municipalities on the same basis as the contributions to capital and operation cost stated in § 31.085. If upon termination the assets of the Authority exceed its liabilities, the net proceeds from the sale thereof shall be divided between these two municipalities on the same basis as the contributions to capital and operation cost stated in § 31.085.  
(Prior Code, § 33.10) (Ord. 02-97, passed 12-15-1997)

### ***BIOSOLIDS DISPOSAL SITE AUTHORITY***

#### **§ 31.100 AUTHORITY CREATED.**

There is created, pursuant to provisions of M.S. § 471.58, as it may be amended from time to time, and Acts amendatory thereof, a joint sanitary disposal authority to be known as the Biosolids Disposal Site Authority. The Authority shall be composed of one member representing each of the participating municipalities, which member shall be appointed by a majority vote of the governing body. The members of the Authority shall serve without compensation except for the Secretary-Treasurer.  
(Prior Code, § 39.01) (Ord. 03-97, passed 12-15-1997)

#### **§ 31.101 TERM OF OFFICE.**

(A) The members of the first Authority shall be appointed as follows:

(1) One member shall be appointed by the governing body of the City of Mountain Iron for a term expiring on the first Monday in January, 1991;

(2) One member shall be appointed by the governing body of the City of Eveleth for a term expiring on the first Monday in January, 1992;

(3) One member shall be appointed by the governing body of the City of Gilbert for a term expiring on the first Monday in January, 1993;

(4) One member shall be appointed by the governing body of the City of Virginia for a term expiring on the first Monday in January, 1994.

(B) Thereafter, each community wherein a vacancy exists shall appoint one member for a term of four years. All members shall serve until their successor are appointed and qualified. In the event of a vacancy, the municipality wherein such vacancy occurs shall appoint a replacement who shall serve for the balance of the term of the replaced member.

(C) Each municipality may appoint an alternate member who may attend all meetings of the Authority. He or she may participate in all discussions and may vote only in the absence of the regular member from his or her municipality.

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(D) All members currently on the East Mesaba Sanitary Disposal Authority shall be members of the Biosolids Disposal Site Authority until the Council of the community appoints a new member.

(Prior Code, § 39.02) (Ord. 03-97, passed 12-15-1997)

### **§ 31.102 OFFICERS.**

The Joint Authority shall elect one of its members to be Chairperson of the Authority, one member to be Vice Chairperson and shall appoint a Secretary-Treasurer who may, but need not be, a member of the Authority. Each such appointee shall hold office for the term of one year and until his or her successor is appointed and qualified.

(Prior Code, § 39.03) (Ord. 03-97, passed 12-15-1997)

### **§ 31.103 DUTIES AND POWERS.**

(A) The Authority shall have full authority and responsibility for the establishment, maintenance and regulation of the Biosolids Disposal Site Authority. In carrying out such authority, it shall have all of the powers and authority vested in the municipalities under the laws of the State of Minnesota relating to the establishment, operation and regulation of a sanitary disposal system.

(B) Without limiting its general powers vested in it by law, it shall have the following powers:

(1) To acquire, by purchase, lease, gift or otherwise property for and to establish, construct, enlarge, improve, maintain, equip, operate and regulate a biosolids site and to accomplish these purposes to apply for and receive federal and state grants;

(2) To gather information on the problem of collection and disposal of biosolids insofar as the members are concerned and on the best means of meeting said problem and to disseminate such information;

(3) To employ qualified engineers or other experts to prepare and submit studies and reports on said problem and proposed solutions thereof;

(4) To employ legal counsel and administrative and clerical personnel as necessary;

(5) To secure appraisals of real property;

(6) To expend monies and incur liabilities for such purposes;

(7) To define its procedure, including the appointment of committees of less than all the members;

(8) To submit findings and recommendations to the member municipalities;

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(9) To award contracts upon proper bid for the performance of any of the authorized services of the Authority;

(10) To adopt such rules and regulations for the operation of the biosolids disposal site as they shall, in their discretion, deem necessary and advisable and to establish a penalty for violation thereof;

(11) To establish the procedures for new communities to joint the Authority.  
(Prior Code, § 39.04) (Ord. 03-97, passed 12-15-1997)

### **§ 31.104 CONTRIBUTIONS TO CAPITAL AND OPERATION COST.**

Costs incurred in the establishment, operation and maintenance of said biosolids disposal site shall be divided among the participating municipalities on a per capita basis. The first fiscal year shall be financed by the transfer of funds from the East Mesaba Sanitary Disposal Authority. These are the unspent funds that were appropriated to the East Mesaba Sanitary Disposal Authority by the Cities of Eveleth, Gilbert, Mountain Iron and Virginia for the purpose of operating the biosolids disposal site. Title to any lands acquired by the Biosolids Authority shall be transferred to the name of the Authority in trust for the participating municipalities. Ownership of such purchases shall be divided among the participating municipalities in relation to their various populations.

(Prior Code, § 39.05) (Ord. 03-97, passed 12-15-1997)

### **§ 31.105 BUDGET.**

(A) On or before June 1 of each year, the Authority shall prepare a budget for financing the operations of the Authority for the ensuing calendar year. A copy of the budget shall, not later than September 1, be furnished to the governing boards of the participating municipalities. Such budget shall include an estimation of all income and their sources, as well as an itemized budget of estimated expenditures. Final decision of the respective governing bodies, as to requested contributions, shall be reported to the Authority which shall adjust its budget, if necessary, so that its budget may at all times be balanced. Money not expended in the budget may be carried over to the following year.

(B) The Authority shall not have the power to levy taxes or borrow money and it shall not approve any claim or incur any obligation for expenditures unless there is unencumbered cash in the appropriate fund to credit the Authority with which to pay the same.

(Prior Code, § 39.06) (Ord. 03-97, passed 12-15-1997)

### **§ 31.106 FINANCES.**

All receipts of money shall be deposited in the bank or banks selected by the Authority and credited to the account of the Biosolids Site Disposal Authority. No disbursement shall be made except by check in such manner as the authority may determine, nor unless a verified claim for services and commodities actually rendered or delivered be submitted to and approved for

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payment by the Authority and authenticated by the signature of the Chairperson and Secretary-Treasurer. An audit of the funds of the Authority shall be made annually. Such audits may be made independently or in conjunction with any audit which may be made of the funds of any of the participating municipalities. An employee of the Authority who handles cash in the process of collection shall, if the Authority so requires, furnish a surety bond in such amount as may be determined by the Authority. The cost of such bond shall be paid out of Authority funds.  
(Prior Code, § 39.07) (Ord. 03-97, passed 12-15-1997)

### **§ 31.107 REPORTS.**

The Authority, as soon as possible, at the end of each calendar year, shall prepare and present to each municipal council a comprehensive report of its activities and finances. The Authority shall also prepare and present federal and state officials with such reports as may be required by law, regulation or contract.  
(Prior Code, § 39.08) (Ord. 03-97, passed 12-15-1997)

### **§ 31.108 TERMINATION.**

This subchapter, when adopted by the City Council of the City of Mountain Iron, and when concurrent ordinances are adopted by other participating municipalities, shall constitute a contract between the municipalities. It shall be in full force and effect for five years thereafter; provided, however, that the provisions thereof, except as to the duration of the contract, may be amended by mutual agreement of said municipalities. Thereafter, it shall continue in force from year to year. By written notice mailed or delivered to the Secretary-Treasurer of the Authority, at any time following the initial five-year period, any member may discontinue membership in the association at the end of the year in which such notice is given. If upon such termination by one or more of the municipalities, the expenses of and liabilities of the Authority exceed the sum of the amounts paid by such members, the member so terminating their membership shall pay to the Authority their pro-rata share thereof. This agreement shall continue from year to year so long as at least two members continue to participate. If one of the last two remaining municipalities desires to terminate the Authority, it shall notify the other municipality to that effect and the Authority shall proceed immediately to dispose of all the property which it may have acquired. Upon such termination, if the expenses and liabilities of the Association exceed the proceeds received from such sale, the last two remaining municipalities shall share the deficit on a per capita basis. If upon such termination the assets of the Association exceed its liabilities, the net proceeds from the sale thereof shall be divided between these two municipalities on the same per capita basis. Anyone who ceases to participate in the Authority shall be responsible for their share of closure costs.

(Prior Code, § 39.09) (Ord. 03-97, passed 12-15-1997)

### **§ 31.109 ESTABLISHMENT.**

Biosolids Disposal Site Authority has been established pursuant to the following ordinances:

- (A) City of Virginia - Ordinance 103A;

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(B) City of Eveleth - Ordinance 196;

(C) City of Gilbert - Ordinance 1-90;

(D) City of Mountain Iron - Ordinance 39.  
(Prior Code, § 39.11) (Ord. 03-97, passed 12-15-1997)

### ***PARKS AND RECREATION BOARD***

#### **§ 31.120 BOARD ESTABLISHED.**

There is established in the City a Parks and Recreation Board.  
(Prior Code, § 40.01)

#### **§ 31.121 MEMBERS.**

The Board shall consist of seven members, and each member shall be appointed for a term of three years. When the Board is first created, the Council shall appoint two members for the term of one year, two for the term of two years and three for the term of three years. Each year thereafter, the Council shall appoint members of the Board, whose term of office shall be for three years. Members of the Board shall hold their offices until their successors are appointed. In case of a vacancy, such vacancy shall be filled by appointment for the unexpired term by the Council.

(Prior Code, § 40.02)

#### **§ 31.122 OFFICERS; QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall elect necessary officers at the beginning of each fiscal year and shall adopt rules and regulations as it may deem proper for the conduct of its work and functions.

(Prior Code, § 40.03)

#### **§ 31.123 POWERS.**

The Board shall have the following powers and duties:

(A) To confer with and advise the Council on all matters concerning Parks and Recreation;

#### **§ 31.124 ANNUAL REPORT.**

(A) The Recreation Board shall annually prepare and submit a report in writing to the Council.

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(B) Such report shall be submitted on or before October 1 of each year and such report shall contain:

(1) A description of the program activities for the past year;

(2) A plan for a comprehensive program of public recreation activities for the ensuing year together with an estimate of cost for the operation of such program. Such estimate of cost for the operation of such program shall also include an estimate of the amount and purpose of expenditures contemplated.

(Prior Code, § 40.05)

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### **CHAPTER 32: ELECTIONS**

#### **§ 32.01 VOTING.**

(A) M.S. Chapter 201, known as the Registration of Voters Act, as it may be amended from time to time, is adopted as the registration of voters section of the City. Every provision contained in such chapter is adopted and made a part of this chapter by reference as fully as if set forth herein.

(Prior Code, § 7.01)

(B) No person shall be permitted to vote at any election in the City unless he or she is registered as provided in M.S. Chapter 201, as it may be amended from time to time.

(Prior Code, § 7.02)

#### **§ 32.02 ABSENTEE BALLOT BOARD**

(A) Absentee Ballot Board Established. There is hereby established an Absentee Ballot Board pursuant to Minnesota Statutes Section 203B.121 for the purpose of processing absentee ballots cast by Mountain Iron Citizens. The Board shall consist of a sufficient number of election judges appointed as provided in Minnesota Statutes Sections 204B.19 to 204B.22. (01-12, October 1, 2012)

(B) Duties of the Absentee Ballot Board. The Absentee Ballot Board Election Judges shall meet and take receipt of all returned absentee ballot envelopes from the City Clerk at the Mountain Iron City Hall. Two or more election judges shall examine and process said absentee ballots pursuant to Minnesota Statutes Chapter 203B. (01-12, October 1, 2012)

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### CHAPTER 33: EMERGENCY MANAGEMENT

#### Section

- 33.01 Policy and purpose
- 33.02 Definitions
- 33.03 Establishment of an Emergency Management Agency
- 33.04 Department not to participate in certain activities
- 33.05 Powers and duties of Director
- 33.06 Control center
- 33.07 Coordination of goods and services
- 33.08 Local emergencies
- 33.09 Emergency regulations
- 33.10 Emergency powers of City
- 33.11 Termination of emergency regulations
- 33.12 Director’s responsibilities during emergencies
- 33.13 Cooperation with federal and state authority
- 33.14 Emergency management a governmental function
  
- 33.98 Violations

#### § 33.01 POLICY AND PURPOSE.

To insure that the City is prepared for such disasters as enemy attack, sabotage or other hostile action or from fire, flood, earthquake, drought, tornado, storm or other natural causes and to generally provide for the common defense and the protection of the public welfare, peace, health and safety, the City Council establishes the Department of Emergency Management for the following general purposes:

- (A) To provide for the exercise of necessary powers during public emergencies;
  - (B) To provide for the rendering of mutual aid between the City and other political subdivisions of the state and of other states in carrying out emergency services;
  - (C) To coordinate the emergency services with comparable functions of the federal government, of other states and localities and private agencies of every type to the end that effective preparations may be made and the maximum use may be made of the work force of the City, state and nation.
- (Ord. 04-00, passed 12-18-2000)

#### § 33.02 DEFINITIONS.

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

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***DEPARTMENT OF EMERGENCY MANAGEMENT.*** An organization created by this chapter.

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

***EMERGENCY.*** An unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.

***EMERGENCY MANAGEMENT.*** The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

***IMMINENCE.*** Clear and present danger to life and/or property rights as a result of an emergency or disaster.

***ORGANIZATIONAL EQUIPMENT.*** Equipment and supplies essential for emergency management in excess of equipment and supplies provided for normal operation of the state or a political subdivision to the acquisition of which the federal government will contribute.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.03 ESTABLISHMENT OF AN EMERGENCY MANAGEMENT AGENCY.**

There is created a Department of Emergency Management that shall be under the supervision and control of the Director of Emergency Management. The Mayor shall appoint the Director for an indefinite term and the Director may be removed by the Mayor at any time with or without cause. The Director may be compensated at a rate to be determined by the City Council and shall be reimbursed for expenses necessarily incurred in the performance of duty. The Director shall have responsibility for the organization, administration and operation of the Department of Emergency Management, subject to the direction and control of the Mayor. The Department of Emergency Management shall perform both civil defense functions and emergency management functions both within and without the City as may be required by the Minnesota Civil Defense Act of 1951, as amended; Pub. L. 920, 21st Congress, as amended; or by this chapter.

(Ord. 04-00, passed 12-18-2000)

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### **§ 33.04 DEPARTMENT NOT TO PARTICIPATE IN CERTAIN ACTIVITIES.**

The Emergency Management Department shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in any legitimate labor dispute.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.05 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director with the consent of the Mayor and/or the City Administrator shall represent the City on any federal, state, regional or local organization for emergency management.

(B) The Director shall perform the following duties and exercise the following powers.

(1) The Director shall prepare an Emergency Management Plan for the delivery of emergency services for the City and shall present such plan to the City Council for its action. The plan may be modified in like manner from time to time. The plan shall be coordinated with such similar plans of the federal government and the State of Minnesota.

(2) The Director shall develop mutual aid agreements with other political subdivisions for reciprocal emergency services and shall present such agreements to the Council for its action. Such arrangements shall be consistent with the duties of the Emergency Management Department to render assistance in accordance with the provisions of such mutual aid arrangements.

(3) The Director may recommend the procurement of supplies and equipment for the preparation of training programs and public information programs and shall conduct practice, drills and other training exercises that may be necessary to fully train and equip emergency management personnel for their duties in time of need.

(4) The Director may survey the training and education of the work force of the City, the industries and resources and facilities of the City in order to ascertain their capability to function in time of emergency.

(5) The Director shall cooperate with federal, state and local officials in matters pertaining to the training, equipping and functioning of efforts and emergency of every kind.

(6) The Director may prepare a budget for the acquisition of organizational equipment which meets standards set by the State of Minnesota and, subject to the approval of the City Council, take the necessary administrative steps to procure such equipment and any state, federal or local financial assistance available in connection therewith.

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(7) The Director shall formulate and to the extent required shall execute plans for the control of traffic in time of or for the delivery of emergency services.

(8) The Director shall report to the City Council annually and as otherwise required by the Council on the operation of the Emergency Management Department.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.06 CONTROL CENTER.**

Consistent with the Emergency Management Plan the Director shall provide and equip in the City a control center and, if necessary, an auxiliary control center to be used during an emergency as headquarters for the direction and coordination of emergency services. The Director shall arrange for installation at the control center of communication systems with heads of emergency services, the station and operating units of municipal services and other agencies concerned with emergency services and for communications with other communities and control centers within the surrounding area and with the federal and state agencies concerned.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.07 COORDINATION OF GOODS AND SERVICES.**

In carrying out the duties hereunder, the Director shall use the services, equipment, supplies and facilities of existing departments, offices, personnel and agencies of the City to the maximum extent practicable and all City employees are directed to cooperate with the Director in carrying out emergency management functions.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.08 LOCAL EMERGENCIES.**

The Mayor upon making a finding that a clear and present danger to life and/or property exists as a result of an emergency or disaster or the imminent approach thereof may declare a local emergency. When necessitated by the declaration of a local emergency, the Mayor may, by proclamation, promulgate regulations which are consistent with applicable federal and state laws or regulations relating to protection against hostile attack, the sounding or publication of appropriate warnings, the conduct of persons and the use of private property during emergencies, the safeguarding of essential public services and all other matters necessary to protect the public health, safety and welfare during and in the aftermath of such local emergency.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.09 EMERGENCY REGULATIONS.**

Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated and shall describe the nature of the local emergency to which it pertains. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists. A copy thereof shall be kept on file by the City Administrator and shall be available for public inspection at all reasonable times. A copy of the regulations shall be posted at the City Hall or

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such other headquarters location as may be designated. All changes in such regulations shall be promulgated in like manner.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.10 EMERGENCY POWERS OF CITY.**

During an emergency the City is empowered through its Council to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies and the appropriation and expenditure of public funds.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.11 TERMINATION OF EMERGENCY REGULATIONS.**

Emergency regulations promulgated by the Mayor may be terminated by the City Council at any time. If not sooner terminated, each such regulation shall expire at the end of 30 days after its effective date or at the end of the local emergency, whichever occurs first.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.12 DIRECTOR'S RESPONSIBILITIES DURING EMERGENCIES.**

(A) The Director shall, in cooperation with existing City departments, organize, recruit and train City personnel and local volunteers to carry out emergency management plans of the City and the state. Volunteers shall be assigned to and shall be under the command of the Director. The Director may dismiss with or without cause any volunteer at any time and require said volunteer to surrender any equipment, identification or other semblance of authority furnished by the City.

(B) The Director shall carry out all orders, rules and regulations issued by the Governor or by the Mayor pertaining to emergency management.

(C) The Director shall provide and equip emergency headquarters, hospitals, conveyances and other facilities as are necessary to carry out the Emergency Management Plan.

(D) The Director shall direct and control the general operations of all emergency services in conformity with state and local plans, regulations and instructions; emergency management volunteers shall be called into service only in case of an emergency for which regularly employed municipal personnel are inadequate or for the necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

(E) Each emergency management volunteer shall be provided with a means of identification as may be required by the Director, in keeping with the form and style of such

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identification required by the state or local government. No person other than an authorized volunteer shall use such identification or otherwise impersonate an authorized volunteer. No volunteer shall exercise authority over any person or property without identification and authorization.

(F) No emergency management volunteer shall carry any firearm while on duty except on written order of the Director.  
(Ord. 04-00, passed 12-18-2000)

### **§ 33.13 COOPERATION WITH FEDERAL AND STATE AUTHORITY.**

Every officer and agency of the City shall cooperate with the federal and state authority and with authorized agencies engaged in emergency management to the fullest extent possible consistent with the performance of their duties. The provisions of this chapter and of all regulations made hereunder shall be subject to all applicable and controlling provisions of federal and state laws and regulations and orders issued hereunder and shall be deemed to be suspended and inoperative so far as they may be in conflict therewith.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.14 EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION.**

All functions authorized and carried out hereunder and all other activities relating to emergency management are declared to be governmental functions. Except in cases of willful conduct, the City, its officers, agents and employees while engaged in authorized emergency management activities shall not be liable for an injury or death of any person or damage to property as a result of such activity. The provisions of this chapter shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter or under the worker's compensation law, any pension law, any loan or benefit or compensation resulting from an Act of Congress, State of Minnesota or other governmental agency.

(Ord. 04-00, passed 12-18-2000)

### **§ 33.98 VIOLATIONS.**

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

(Ord. 04-00, passed 12-18-2000) Penalty, see § 10.99

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### CHAPTER 34: BACKGROUND CHECKS

#### §34.01 APPLICANTS FOR CITY EMPLOYMENT

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 Section 34.02. (Ord 05-10, Passed 10-4-10)

#### §34.02 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS.

(A) The Saint Louis County Sheriff’s Office is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on all regular part-time or full-time employees of the City of Mountain Iron and other positions that work with children or vulnerable adults within the city, unless the city’s hiring authority concludes that a background investigation is not needed. (Ord 05-10, Passed 10-4-10)

(B) In conducting the criminal history background investigation in order to screen employment applicants, the Saint Louis County Sheriff’s Office 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 Saint Louis County Sheriff’s Office 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 Saint Louis County Sheriff’s Office to the hiring authority, including the City Council, the City Administrator, or other city staff involved in the hiring process. (Ord 05-10, Passed 10-4-10)

(C) Before the investigation is undertaken, the applicant must authorize the Saint Louis County Sheriff’s Office by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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: (Ord 05-10, Passed 10-4-10)

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

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### **§34.03 APPLICANTS FOR CITY LICENSES**

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. (Ord 05-10, Passed 10-4-10)

### **§34.04 CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS**

(A) The Saint Louis County Sheriff's Office is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the licenses granted under Chapters 112, 113, 114 and 115 of the Mountain Iron City Code. (Ord 05-10, Passed 10-4-10)

(B) In conducting the criminal history background investigation in order to screen license applicants, the Saint Louis County Sheriff's Office 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 Saint Louis County Sheriff's Office 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 the license approval process. (Ord 05-10, Passed 10-4-10)

(C) Before the investigation is undertaken, the applicant must authorize the Saint Louis County Sheriff's Office by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, 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: (Ord 05-10, Passed 10-4-10)

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- (3) The earliest date the applicant may reapply for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

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### CHAPTER 35: PROCEDURE FOR ENFORCING ADMINISTRATIVE OFFENSES

#### 35.01 PROCEDURES FOR ENFORCING ADMINISTRATIVE OFFENSES.

- Subd. 1. Purpose. Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Mountain Iron with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code 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 penalty as is provided for hereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance with law. Likewise, the City of Mountain Iron at its 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 of Mountain Iron will seek to collect the costs of the administrative offense procedure as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.
- Subd. 2. Administrative Offense Defined. An administrative offense is a violation of a provision of the portions of the City Code presented in Exhibit “A” and is subject to the administrative penalties set forth in the schedule of offenses and penalties as set forth in Subdivision 9 of this Section.
- Subd. 3. Any officer of the Mountain Iron Sheriff’s Department or authorized City employee shall, upon determining that there has been a violation, notify the violator. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.
- Subd. 4. Payment. Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The payment shall be deemed to be an admission of the violation.
- Subd. 5. Hearing. Any person contesting an administrative offense pursuant to this Section may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty within seven (7) days.
- Subd. 6. Hearing Officer. A City of Mountain Iron employee or employees designated in writing by the Mayor and approved by the Mountain Iron City Council shall be designated individually or collectively as hearing officer. The hearing officer shall serve until such point the Mayor and City Council appoint a new hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.
- Subd. 7. Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged

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violator in accordance with applicable statutes. If a penalty is paid and an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City of Mountain Iron for the same violation.

Subd. 8. Disposition of Penalties. All penalties collected pursuant to this section shall be paid to the City of Mountain Iron and deposited in the City's General Fund.

Subd. 9. Offenses and Penalties. Offenses which may be charged as administrative offenses and penalties for such offenses may be established by Resolution of the City Council from time to time. Copies of such Resolution shall be maintained in the office of the City Administrator.

Subd. 10. Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty-five percent (25%) above the initial administrative penalty, except as otherwise provided by Resolution.

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### EXHIBIT “A”

#### City of Mountain Iron Administrative Offenses

Tobacco Violations	City Code, Chapter 12
Nuisance Violations	City Code, Chapter 28
Nuisance Violations	City Code, Chapter 52
Land Use Violations	City Code, Chapter 22
Garbage Violations	City Code, Chapter 57