

TITLE III: ADMINISTRATION

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- 31. CITY OFFICIALS**
- 32. FIRE DEPARTMENT**
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CHAPTER 30: EMERGENCY MANAGEMENT

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• 30.01 PURPOSE.

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

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

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

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

(D) To comply with the provisions of M.S. ' 12.25, as it may be amended from time to time, which require that each political subdivision of the state shall establish a local organization for emergency management.

▸ 30.02 INTERPRETATION AND EFFECT.

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

▸ 30.03 DEFINITIONS.

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

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

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

EMERGENCY MANAGEMENT.

(1) 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 caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions.

(2) ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as Acivil defense@ functions.

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

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

▸ **30.04 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.**

There is hereby created within the city government, the Emergency Management Organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed at any time. The Director shall serve with a salary and shall be paid necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

▸ **30.05 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the state emergency plan.

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

(C) (1) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time.

(2) The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and political subdivisions within the state.

(D) In accordance with state and city emergency plans, the Director shall institute training programs and public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the city emergency plan when a disaster occurs.

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(E) (1) The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city=s Emergency Management Organization and to the Governor upon request.

(2) The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of emergency activities as will involve the utilization of the facilities of the department or agency.

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

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. ' 12.25, as it may be amended from time to time.

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

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

' 30.06 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk-Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

§ 30.07 EMERGENCY REGULATIONS.

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

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

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

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 10.99

§ 30.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

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

CHAPTER 31: CITY OFFICIALS

Section

- 31.01 Annual elections
- 31.02 Clerk-Treasurer; combined positions

▸ **31.01 ANNUAL ELECTIONS.**

The regular city election shall be held on the first Tuesday after the first Monday in November of even numbered years.
(Ord. 67, passed 8-11-66)

▸ **31.02 CLERK-TREASURER; COMBINED POSITIONS.**

(A) The offices of Clerk and Treasurer in the city are combined into the office of City Clerk-Treasurer.

(B) There shall be an annual audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.
(Ord. 112, passed 8-15-84)

CHAPTER 32: FIRE DEPARTMENT

Section

- 32.01 Establishment
- 32.02 Officers; appointment
- 32.03 Fire Chief; responsibilities
- 32.04 Assistant Chief; responsibilities
- 32.05 Fire Marshal; responsibilities
- 32.06 Firefighters; duties and compensation
- 32.07 Relief Association

Cross-reference:

Open burning, see ' ' 90.60 through 90.70

▮ 32.01 ESTABLISHMENT.

A Volunteer Fire Department consisting of a Chief, an Assistant Chief and firefighters, is hereby established in the city. A Volunteer Fire Department may pass their own by-laws and rules of operation subject to final approval by the city.
(Ord. 34A, passed 9-10-31)

▮ 32.02 OFFICERS; APPOINTMENT.

The Chief of the Fire Department, the Assistant Chief and the Secretary-Treasurer shall be appointed by the Fire Department for terms of one year each commencing on the first day of January in each year and until their successors are appointed and qualified. All appointments must be approved by the city.
(Ord. 34A, passed 9-10-31)

▮ 32.03 FIRE CHIEF; RESPONSIBILITIES.

(A) The Chief shall have full control over all the firefighting apparatus of the city, and shall be solely responsible for its care and condition. 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. Every suspension shall be reported to the Council at its next regular session.

(B) The Chief shall keep in a convenient form a complete record of all fires, and shall submit to the Council at its regular meeting in January of each year a complete copy of the record. The 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, amount of loss, member of the Department responding to the alarm, the exact time of the first alarm, of arrival at fire, and of final return to the fire station and other information as he or she may deem advisable or as may be required from time to time by the Council or the State Insurance Department. He or she shall also submit to the Council at the meeting a written report as to the condition of the firefighting equipment, and the needs of the Fire Department.

(C) The Chief shall, four times a year, hold a practice drill of at least a one-hour duration for the Fire Department and give the firefighters instructions in approved methods of firefighting and fire prevention.

(Ord. 34A, passed 9-10-31)

▪ **32.04 ASSISTANT CHIEF; RESPONSIBILITIES.**

The Assistant Chief shall, in the absence or disability of the Chief, perform all the functions and exercise all of the authority of the Chief.

(Ord. 34A, passed 9-10-31)

▪ **32.05 FIRE MARSHAL; RESPONSIBILITIES.**

(A) (1) The Fire Marshal shall be charged with the enforcement of all ordinances and code sections aimed at fire prevention. He or she shall make a semi-annual inspection of all buildings within the city to ascertain and cause to be corrected any conditions likely to cause fire or any violation of the ordinances affecting fire hazards.

(2) In private dwellings, inspections shall be restricted to chimneys, electrical wirings, basements, closets and attics.

(B) (1) Whenever he or she shall find upon any premises an accumulation of waste paper or any other inflammable materials, so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he or she shall order the same to be removed or abated. He or she shall inspect all buildings in course of construction or moving and see that the construction and moving are proceeding in all respects in accordance with the ordinances.

(2) Before any buildings so constructed or moved away may be occupied, the owner or prospective occupant thereof shall secure from the Fire Marshal a certificate of occupancy which shall certify that the building complies with all the state statutes and city ordinances to the best of his or her knowledge and belief.

(Ord. 34A, passed 9-10-31)

▪ **32.06 FIREFIGHTERS; DUTIES AND COMPENSATION.**

(A) The Assistant Chief and the members of the Fire Department shall not be less than 18 years of age and able-bodied. They shall be subject to a six month=s probationary period of service with the Department. If, at the end of the probationary period, the Chief is satisfied that the person will make a satisfactory firefighter, and the person is otherwise qualified under the provisions of this chapter, the Chief shall so report to the Council, and the Council shall confirm the appointment, and the person shall then become a member of the Fire Department and subject to removal only for cause.

(B) Firefighters shall respond to emergencies as directed by the Chief, attend regular meetings and keep their training up to date as directed by the Chief.

(C) The members and officers of the Fire Department shall be compensated as set by resolution of the City Council.

(Ord. 34A, passed 9-10-31)

▪ **32.07 RELIEF ASSOCIATION.**

The members and officers of the Fire Department are hereby permitted and authorized to organize themselves into a Firefighters= Relief Association.

(Ord. 34A, passed 9-10-31)

CHAPTER 33: POLICE DEPARTMENT

Section

- 33.01 Police Department continued
- 33.02 Chief of Police
- 33.03 Duties of police
- 33.04 Uniform and badge
- 33.05 Reserve officers
- 33.06 Police Department policies manual adopted

▸ **33.01 POLICE DEPARTMENT CONTINUED.**

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

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

▸ **33.02 CHIEF OF POLICE.**

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

▸ **33.03 DUTIES OF POLICE.**

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

▸ **33.04 UNIFORM AND BADGE.**

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

▸ **33.05 RESERVE OFFICERS.**

The Chief of Police may appoint, for a specified time, as many reserve officers as may be necessary. Reserve officers shall be subordinate to the Chief of Police. Under the provisions of M.S. ' 626.84, Subd. 1(g), as it may be amended from time to time, a **RESERVE OFFICER** is an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer=s duties shall not include enforcement of the general criminal laws of the state, and the reserve officer does not have full powers of arrest or authorization to carry a firearm on duty.

▸ **33.06 POLICE DEPARTMENT POLICIES MANUAL ADOPTED.**

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