

## CHAPTER 34: FEES, FUNDS AND FINANCE

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### Section

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## GENERAL FEES, FUNDS AND FINANCE

### § 34.01 EMERGENCY SERVICE AND SPECIAL EQUIPMENT CHARGES.

(A) *Purpose and intent.* It is the purpose of this section to establish emergency service and special equipment charges for emergency services provided by the Public Safety Department described in this section, pursuant to Minn. Stat. §§ 415.01, 366.011 and 366.012, as they may be amended from time to time.

(B) *Application.* This section applies to emergency services including, but not limited to, fire, rescue, technical rescue, hazardous materials, medical and related services.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EXCAVATOR.** A person who conducts an excavation.

**MOTOR VEHICLE.** Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self propelled vehicle. This includes semi trailers and boats. It does not include snowmobiles, manufactured homes or all terrain vehicles.

**MOTOR VEHICLE OWNER.** Any person, firm, association or corporation owning or renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.

**PERSON.** The state, a public agency, a local governmental unit, an individual, corporation, partnership, association or other business or public entity or a trustee, receiver, assignee or personal representative of any of them.

**PUBLIC SAFETY DEPARTMENT.** The Police Department and the Fire Department.

**SPECIAL EQUIPMENT.** Heavy or specialized public safety equipment that the Public Safety Department does not currently own but that it must rent or lease to render public safety services and includes, but is not limited to, cranes, bulldozers, back hoes and trench boxes.

**UNDERGROUND PIPELINE UTILITY.** An underground line, facility, system and its appurtenances used to produce, store, convey, transmit or distribute gas, oil, petroleum products and other similar substances.

(D) *Conflicts.* In the event of any conflict between the provisions of this section and applicable provisions of state law, rules or regulations, the latter shall prevail.

(E) *Emergency services charges.*

(1) *Authority.* The city may charge a property owner for all expenses associated with the use of any special equipment that is required to render emergency services.

(2) The collection of emergency services charges shall be conducted as authorized in Minn. Stat. § 366.011, as it may be amended from time to time.

(3) The collection of unpaid emergency services charges shall be conducted as authorized in Minn. Stat. § 366.012, as it may be amended from time to time.

(4) Emergency service charges incurred by the Public Safety Department shall be imposed pursuant to the fee schedule adopted by ordinance or resolution, in the following circumstances:

(a) *Technical rescue.*

1. Any incident response such as, but not limited to to a rescue on the water, ice, confined space, structured collapse, terrorism, trench, high or low level where special equipment is required.

2. An invoice will be sent to the persons, corporation, business owner receiving the service or the owner's insurance company, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

(b) *Underground pipeline utility breaks.*

1. Any incident response to an underground pipeline utility break.

2. An invoice will be sent to the excavator or person responsible for the pipeline utility break, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

(c) *Hazardous materials.*

1. Any incident response to a release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction or other potential emergency as the result of a hazardous material.

2. An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material, based on the number of hours spent responding to the incident, any special equipment and materials needed to respond to the incident, and personnel costs.

## **§ 34.02 WATERSHED MANAGEMENT TAX DISTRICT.**

(A) *Establishment.* Pursuant to Minn. Stat. § 103B.245, as it may be amended from time to time, the city establishes a Watershed Management Tax District for the purpose of paying capital costs, as well as normal and routine maintenance costs of the water management facilities described in the capital improvement program.

(B) *Boundary.* The boundary of the Watershed Management Tax District is the boundary of the city, and the area of the District is the area of the city.

(2001 Code, § 725)

### § 34.03 ZONING APPLICATION FEES AND DEPOSITS.

(A) *Forms.* Applications for zoning requests are made to the Zoning Administrator upon forms provided by the city.

(2001 Code, § 1020.01)

(B) *Payment of fees.*

(1) The fees required for zoning requests must be paid to the Zoning Administrator and must be submitted with the application.

(2) No application will be considered complete without payment of the fee.

(2001 Code, § 1020.03)

(C) *Deposit of planner's and attorney's fees.*

(1) At the time the application is submitted, applicants must deposit a fee for the City Planner and City Attorney, pursuant to § 153.034(B).

(2) The deposit will be a credit toward all reasonable fees and expenses charged by the City Planner and the City Attorney to investigate and make a recommendation to the City Council concerning the application. The applicant must pay all reasonable expenses and fees in excess of the deposit within 30 days of final action on the matter by the city.

(3) The city will return any excess amount to the applicant upon final action.

(2001 Code, § 1020.05)

(D) *Fees.* The following fees and deposits apply to zoning requests:

<b><i>Zoning Request</i></b>	<b><i>Fee</i></b>	<b><i>Deposit</i></b>
Conditional use permit	\$275 Residential \$275 Commercial	\$400 Residential \$800 Commercial
Interim use permit	\$175	No deposit
Proposed preliminary plat	\$275+\$2/lot	\$600 for 1-2 lots \$1,600 for 3 or more lots
Zoning Ordinance Text or Map Amendment	\$325	\$800
Special meetings of the Planning Commission	\$275	No deposit
Site plan approval	\$275	\$1,300
Vacation of rights-of-way	\$175	No deposit
Variance	\$100 Residential	\$400 Single \$500 Multiple variances
Variance	\$200 Commercial	\$600 Single \$700 Multiple variances

Zoning Letter	\$75 Standard Letter \$150 Detailed Letter	No deposit
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**§ 34.04 ALARM FEES.**

(A) *Purpose.* The purpose of this section is to protect the public safety services of the city from misuse and to provide for efficient sendee to public safety alarm users.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALARM BUSINESS OR RESIDENCE.** Any premises within the city utilizing an alarm system which, when activated, necessitates a public safety response.

**ALARM SYSTEM.** Any alarm installation system designed to be used for the prevention or detection of burglary, robbery, fire or any other type of emergency situation occurring on or at the alarm business or residence.

**ALARM USER.** The person, firm, partnership, association, corporation, company or organization of any kind who is in control of any building, structure or facility where an alarm system is maintained.

**FALSE ALARM.** An alarm signal eliciting a response by public safety personnel at an alarm business or residence when a situation requiring a response does not in fact exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunctions, improper installation or the inadvertence of the owner or another. **FALSE ALARMS** do not include alarms caused by climactic conditions such as tornadoes, thunderstorms, utility line mishaps, violent conditions of nature or any other conditions that are clearly beyond the control of the alarm manufacturer, installer, owner or occupant. **FALSE ALARMS** do not include alarms occurring within the first 30 days of operation of a new alarm system.

**PUBLIC SAFETY COMMUNICATIONS CENTER.** The city facility used to receive emergency requests for service, usually resulting in the dispatching of a public safety response.

**PUBLIC SAFETY PERSONNEL.** A duly authorized city public safety employee, including an independent contractor.

(C) *False alarm fees.*

(1) *Number of responses.* Alarm users may report up to three false alarms requiring a public safety response per 12-month period without charge. A false alarm fee shall be imposed for more than three false alarms, as established by City Council resolution.

(2) *Appeal.* An alarm user required by the city to pay a false alarm fee as the result of a false alarm, may make a written appeal to the Police Chief within ten days of receipt of notice by the city of the false alarm fee. The Police Chief has authority to make a final determination whether the appellant should be charged with a false alarm fee, based on the circumstances.

(3) *Payment.* Payment of security false alarm fees must be paid to the city. Payment of fire false alarm fees must be paid to the Fire Department.

(D) *Alarm report.* When a security alarm user has incurred a security false alarm to which the Police Department responded, the alarm user will be sent a false alarm report, which must be completed and returned to the Police Department within ten days after it was received. The report shall describe actions taken or to be taken to discover and eliminate the cause of the false alarm. Failure to return a written report will be considered a violation of this section.

(Ord. 13-01, passed 4-8-2013)

**§ 34.05 UNPAID SPECIAL ASSESSMENTS OR SERVICE CHARGES.**

As provided in Minn. Stat. § 429.101, as it may be amended from time to time, unpaid special or service charges for all or any part of the cost of the activities set forth in division (A) below may be specially assessed against the benefitted property.

(A) *Service charges.* Service charges may be made by the city for all or any part of the cost of:

- (1) Snow, ice or rubbish removal from sidewalks;
- (2) Weed elimination from streets or private property;
- (3) Removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minn. Stat. § 463.15 through 463.26, as they may be amended from time to time;
- (4) Installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) The trimming and care of trees and the removal of unsound trees from any street;
- (6) The treatment and removal of insect infested or diseased trees on private property;
- (7) The repair of sidewalks and alleys;
- (8) The operation of a street lighting system;
- (9) The operation and maintenance of a fire protection system; and
- (10) The operation and maintenance of a pedestrian skyway system.

(B) *Notice of work.* The city may, where it deems practical, allow the property owner or occupant to do the work upon reasonable notice, before the work is undertaken by or on behalf of the city.

(C) *Payment.* The city must provide the property owner or occupant 30 days after notice of billing, to make payment before the unpaid charges are made a special assessment.

(2001 Code, § 830.01)

#### **§ 34.06 SIDEWALK AND TRAIL SPECIAL IMPROVEMENT DISTRICT.**

(A) *Findings.* The City Council finds that all areas within the city should have safe pedestrian walkways and trails to and from schools and school bus stops, public transportation facilities and other services to the neighborhood and community. Minn. Stat. § 435.44, as it may be amended from time to time, authorizes a city to establish sidewalk and trail improvement districts to defray all or part of the total costs of sidewalk and trail construction and repair and apportion the cost to all parcels located within the district on a direct or indirect basis. The Council finds that the costs apportioned for such sidewalk and trail improvements are reasonably related to the improvements or repairs within the sidewalk and trail improvement district hereby established.

(B) *District established.* Based on Minn. Stat. § 435.44, as it may be amended from time to time, and the city's police powers, the City Council hereby establishes the Sidewalk and Trail Improvement District (the "District"), which includes all of the streets, sidewalks, trails, land and parcels within the boundaries of the city.

(C) *Assessment.* The City Council shall establish an assessment policy for all sidewalk or trail improvements or repairs within the District, as long as such assessments are applied on a uniform basis as to each classification of real estate. Where sidewalk or trail widths are wider than the standard width of a typical sidewalk or trail, the additional costs may be assessed as a direct benefit to the abutting property. An indirect benefit assessment may involve all parcels or tracts of land located in the District without regard to the location of the sidewalks or trails, as it is deemed that all parcels or tracts of land within the District are benefitted equally.

(D) *Assessment period.* The city may assess the costs on all sidewalk and trail improvements up to a maximum of five years on equal annual installments, plus interest on the unpaid balance.

#### **§ 34.07 ELECTRIC UTILITY; TAX.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ELECTRIC COMPANY.** Every person, firm, company, joint stock association or corporation engaged in the business of selling electricity for light, heat, power and other purposes for public or private use in the city.

**GROSS EARNINGS.** All sums received by the electric company from the sale of electric energy within the city, except all sums received by the company for electric energy supplied to the city for municipal services.

(B) *Tax imposed.* Every electric company must pay the city 5% of its monthly gross earnings derived from the sale of electricity within the city. The payment of the gross earnings tax must be in two installments. The first installment must be paid on or before July 31 and shall cover the period from January 1 through June 30. The second installment must be paid on or before January 31 and shall cover the period from July 1 through December 31.

(C) *Accounting.* For the purpose of ascertaining the gross earnings, each electric company must keep an accurate account of all sales within the city and must annually furnish the City Treasurer with an accounting of the sales. A qualified person from the electric company must verify the accounting.

(2001 Code, § 710)

## REPEAT NUISANCE SERVICE CALLS FEE

### § 34.15 PURPOSE.

(A) The purpose of this subchapter is to protect the public safety, health and welfare by preventing over-consumption and misuse of law enforcement, emergency and city services.

(B) By adopting this subchapter, the city intends to impose and collect repeat nuisance service call fees from the persons responsible for the nuisance service call.

(2001 Code, § 955.01) (Ord. 09-06, passed - -)

### § 34.16 DEFINITIONS.

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

***NUISANCE SERVICE CALL.*** A response to any activity, conduct or condition occurring within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. A ***NUISANCE SERVICE CALL*** includes, but is not limited to, a response to the following:

- (1) Any activity, conduct or condition violating the following provisions of the city code:
  - (a) Sections 150.020 through 150.023 (International Property Maintenance Code);
  - (b) Section 92.01 (public health nuisances);
  - (c) Sections 94.35 through 94.38 and § 95.01 (weeds), §§ 150.060 through 150.073 (vacant and hazardous buildings);
  - (d) Chapter 93 (parks and recreational areas);
  - (e) Chapter 90 (animals), Chapter 112 (sale, consumption and display of liquor, beer and wine);
  - (f) Chapter 72 (parking regulations);
  - (g) Section 72.05(D) (parked or stored motor vehicles);
  - (h) Section 94.18 (unsheltered storage of junk and inoperable or abandoned motor vehicles);
  - (i) Section 130.02 (assaults);
  - (j) Section 130.02 (falsely reporting a crime);
  - (k) Section 130.02 (negligent fires, dangerous smoking);
  - (l) Section 130.02 (dangerous weapons);
  - (m) Chapter 94 (nuisances).
- (2) Any activity, conduct or condition violating, the following provisions of the Zoning Code:

- (a) Section 153.346(D) (location of parking facilities); and
- (b) Section 153.348 (number of required off-street parking spaces).
- (3) Any activity or conduct violating Minn. Stat. § 609.78(4), as it may be amended from time to time (Misuse of 911);
- (4) Any activity, conduct or condition violating state laws prohibiting or regulating prostitution, gambling, controlled substances or use of firearms; or
- (5) Loud and boisterous conduct, noise and activity that disturbs the peace, or constitutes a public nuisance or disorderly conduct as defined by the state statutes.

**REPEAT NUISANCE SERVICE CALL FEE.** The fee upon the responsible party if the city has rendered services or responded for a nuisance service call on three or more occasions within the 12 months immediately preceding the current offense. The **REPEAT NUISANCE SERVICE CALL FEE** under this section shall be an amount set forth and duly adopted by City Council resolution.

**RESPONSIBLE PARTY OR PARTIES.** The owner, occupant or anyone having control of real property where the nuisance service call occurred, or the person or persons responsible or involved in the nuisance service call, regardless of where the nuisance service call occurred.

(2001 Code, § 955.03) (Ord. 05-06, passed - -)

### § 34.17 NUISANCE SERVICE CALL FEE IMPOSED.

(A) *Notice.* After two nuisance service calls within 12 months, the city shall provide written notice to the responsible party or parties that subsequent nuisance service calls may result in the imposition of the repeat nuisance service call fee. The written notice shall:

- (1) State the nuisance conduct, activity or condition that is or has occurred or is being maintained or permitted, and the dates of the nuisance conduct, activity or condition;
- (2) State that the responsible party or parties may be subject to a repeat nuisance service call fee for a third nuisance service call and for every nuisance service call occurring thereafter within the noticed time period that involves the same property, unit, complex or persons, in addition to the city's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law;
- (3) State the amount of the nuisance service call fee that will be due and payable;
- (4) State that failure to pay may result in the costs being assessed against the owner's property or in the issuance of a criminal citation to the responsible party; and
- (5) Be served personally or by U.S. mail upon the responsible party or parties at the last known address.

(B) *Imposition of the fee.* If, after written notice is served pursuant to this section, a subsequent nuisance service call occurs within that time period provided in the notice, then the city may impose the repeat nuisance service call fee upon the responsible party or parties, for the third nuisance service call and every nuisance service call occurring thereafter within the same noticed time period. The responsible party who received notice pursuant to division (A) above shall be responsible for payment of the repeat nuisance service call fee. The city may impose the nuisance service call fee on all responsible parties.

(2001 Code, § 955.05)

### § 34.18 APPEAL.

The responsible party or parties may appeal the imposition or amount of the fee by filing written notice pursuant to § 10.98(F) and requesting an administrative hearing, which shall be conducted as provided in § 10.98(G).

(2001 Code, § 955.07)

### § 34.19 EXCEPTIONS.

(A) *Medical emergencies.* Fees shall not be imposed for any medical-related emergency response except for medical-related emergencies, that are violations of Minn. Stat. § 609.78(4), as it may be amended from time to time.

(B) *Domestic incidents.* Fees shall not be imposed against the victim for a response to circumstances involving domestic-assault incidents or order for protection violations, except when the victim consented to a violation of a court order and the violation resulted in the response.

(C) *Landlords.* Fees shall not be imposed against a landlord for a response initiated by a tenant, unless the landlord was sent notice as set forth in § 34.17(A) and the landlord has not taken the necessary steps outlined in division (D) below.

(D) *STAR program participants.* Notices shall be sent according to § 34.17(A), but fees shall not be imposed against an owner who actively participates in the STAR Program, pursuant to § 150.042 as a Level 2 participant and if the owner and complex are actively working with the City Police Department on a coordinated plan to reduce and prevent future repeat nuisance service calls. If the city, in its sole discretion, finds that coordinated plan does not significantly reduce repeat nuisance service calls within six months after notice has been sent in accordance with § 34.17(A), this exception no longer applies and the fees shall be immediately due and payable.

(2001 Code, § 955.09)