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CHAPTER 101
OFFICIAL MUNICIPAL CODE

SECTION:

101.01: Purpose and Scope of Code
101.02: Title
101.03: Acceptance
101.04: Amendments
101.05: Code Alterations
101.06: Adoption of Codes, Statutes and Ordinances by Reference

101.01: PURPOSE AND SCOPE OF CODE: The codification of the ordinances of the Municipality contained in this instrument have been made pursuant to Minnesota Statutes. This Code is a new enactment and is intended to be a complete and current ordinance code and not only a compilation of existing ordinances. After adoption, an official copy of the Code shall be maintained at all times by the City Administrator and sufficient additional copies shall also be available at the Municipal Hall either for inspection by the public or for distribution at a reasonable charge. (1988 Code §1.04) (Amended, Ord. 844, 5-20-10)

101.02: TITLE: Upon the adoption by the Municipal Council, this Municipal Code is hereby declared to be and shall hereafter constitute the official Municipal Code of Mounds View. This Municipal Code of ordinances shall be known and cited as the MOUNDS VIEW MUNICIPAL CODE and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 101.04 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1993 Code)

101.03: ACCEPTANCE: The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 102.01 of this Title. (1993 Code)
101.04: **AMENDMENTS:** Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1993 Code)

101.05: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Municipal Council. The City Administrator shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Administrator. Any person having in their custody a copy of the City Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Each person shall see to the immediate insertion of new or replacement pages when such are delivered to them or made available to them through the office of the City Administrator. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Municipal City Administrator when directed so to do by order of the Municipal Council. (1993 Code) (Amended, Ord. 844, 5-20-10)

101.06: **ADOPTION OF CODES, STATUTES AND ORDINANCES BY REFERENCE:** Pursuant to Minnesota Statutes 471.62, various codes, statutes and new ordinances are adopted by reference in this Code. In all cases where codes, statutes and ordinances have been adopted by reference, three (3) copies thereof shall be marked as official copies and maintained on file with the Municipal City Administrator. These copies are available for public inspection. (1988 Code §1.12) (Amended, Ord. 844, 5-20-10)

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1 See also subdivisions 102.05(3) and (4) of this Title.
CHAPTER 102
SAVING CLAUSE

SECTION:

102.01: Repeal of General Ordinances
102.02: Public Utility Ordinances
102.03: Court Proceedings
102.04: Severability Clause
102.05: Conflicts in Provisions

102.01: REPEAL OF GENERAL ORDINANCES: All general ordinances of the City passed prior to the adoption of this Municipal Code are hereby repealed, except such as are included in this Municipal Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1993 Code)

102.02: PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Municipal Code or by virtue of the preceding section, excepting as the Municipal Code may contain provisions for such matters, in which case, this Municipal Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1993 Code)
102.03: **COURT PROCEEDINGS:**

Subd. 1. Offenses Against Former Ordinances: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

Subd. 2. Application of Provisions: This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Subd. 3. Effect of Provisions: Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this Municipal Code. (1993 Code)

102.04: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Municipal Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Municipal Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1993 Code)
102.05: **CONFLICTS IN PROVISIONS:** In all cases where various provisions or sections of this Code, whether fully set forth herein or adopted by reference, conflict or where, in any case, there arises a question concerning the application of a provision or section of the Code, the following rules shall apply:

Subd. 1. Conflict Between Code Provisions: If the provisions of different sections or chapters of the Code conflict with or contravene each other, the provisions of each section and each chapter shall prevail as to all matters growing out of the subject matter of such chapter.

Subd. 2. Conflict within Chapter: If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of the chapter.

Subd. 3. Provision Adopted by Reference in Conflict with Code: If one of the conflicting provisions has been adopted by reference and the other provision fully set forth in this Code, the provision or section fully set forth in this Code shall control.

Subd. 4. Provisions Adopted by Reference in Conflict with Each Other: If a provision of some code or material adopted by reference in this Code conflicts with a provision of some other code or material adopted by reference, the following rules shall govern:

a. If either of the sources adopted by reference is statutory, the statutory provision shall control.

b. If both of the sources adopted by reference are nonstatutory, the provision drawn from the code or material most closely related to the chapter of this Code which is sought to be applied shall control.

Subd. 5. Conflict with Charter: If a provision or section of this Code conflicts with a provision or section of the Home Rule Charter, the Home Rule Charter shall prevail. (1988 Code §1.07)
CHAPTER 103

DEFINITIONS

SECTION:

103.01: Construction of Words
103.02: Definitions, General
103.03: Catchlines

103.01: CONSTRUCTION OF WORDS:

Subd. 1. Rules of Construction: When interpreting this Code, the following rules of construction shall be applied, except where the application of any rule of construction would result in an interpretation clearly contrary to the plain intent of a provision or of any section or chapter in which a given provision appears. The rules are as follows:

a. Common Usage: All words and phrases used in this Code shall be interpreted and understood in accordance with common and acceptable usage, but any technical words and phrases, or such others which have acquired a specific or peculiar meaning, shall be interpreted and understood in accordance with such technical, specific or peculiar meaning.

b. Gender; Singular and Plural: Every word in this Code expressing the masculine gender shall extend to and be applied to females as well as males, and every word expressing the plural number shall extend to and be applied to one person or thing as well as several persons or things.

c. Tenses: The use of any verb in the present tense shall include the future when applicable, and the use of any verb in the future tense shall include the present when applicable.
Subd. 2. Application of Minnesota Statutes:

a. Statutory Rules of Construction: In addition to the rules of construction contained in subdivision 1 hereof, the rules and canons of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, chapter 645 governing statutory construction are hereby adopted by reference and made a part hereof as if fully set forth herein. All references contained in these statutory provisions to laws and statutes shall be construed to apply and refer to the provisions of this Code and all references to the Legislature shall be construed to apply to the Municipal Council or appropriate governing body.

b. Final Authority: If, upon application of the rules and interpretive guides contained in this Section, further question remains, all words in this Code shall have the same meanings as ascribed to them in the Minnesota Statutes. (1988 Code §1.05)

Subd. 3. Changes for Clarification: The word “ordinance” contained in the ordinances of the City has been changed in the content of this Municipal Code to “Title”, “Chapter”, “Section” and/or “Subdivision” or words of like import for organizational and clarification purposes only. Such change to the City’s ordinances is not meant to amend passage and effective dates of such original ordinances. (1993 Code)

103.02: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

Subd. 1. AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

Subd. 2. CITY: The City of Mounds View, County of Ramsey, State of Minnesota. (1993 Code)

Subd. 3. CITY ADMINISTRATOR: City Administrator. (1988 Code §1.06) (Amended, Ord. 844, 5-20-10)


Subd. 5. COUNCIL: Mounds View Municipal Council.

Subd. 6. COUNTY: County of Ramsey. (1988 Code §1.06)
Subd. 7. EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words “of the City of Mounds View”.

Subd. 8. FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation. (1993 Code)


Subd. 10. HERETOFORE and HEREAFTER: Whenever the word “heretofore” occurs in any section of the Code, it shall be construed to mean any time previous to the day when the Code became effective, or if contained in a provision adopted after that date, it shall be construed to mean the date when said provision took effect, and whenever the word “hereafter” occurs it shall be construed to mean the time after the provision containing such word takes effect. (1988 Code §1.05)

Subd. 11. LICENSE: The permission granted for the carrying on of a business, profession or occupation. (1993 Code)

Subd. 12. MINNESOTA STATUTES: All of the statutory law of the State of Minnesota embodied in the latest official publication of the Minnesota Statutes including all Session Laws and amendments or additions thereto.

Subd. 13. MUNICIPALITY: City of Mounds View. (1988 Code §1.06)

Subd. 14. NUISANCE: Anything offensive to the sensibilities of reasonable persons or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

Subd. 15. OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

Subd. 16. OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Subd. 17. OFFICERS: Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words “of the City of Mounds View”.

City of Mounds View
Subd. 18. OPERATOR: The person who is in charge of any operation, business or profession.

Subd. 19. OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land. (1993 Code)

Subd. 20. PERSON: Any natural individual, firm, partnership, trust, estate, club, association or corporation; as applied to partnerships or associations, the term includes the partners or members thereof; as applied to corporations, the term includes the officers agents or employees thereof. (1988 Code §1.06)

Subd. 21. PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

Subd. 22. RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

Subd. 23. RIGHT OF WAY: The privilege of the immediate use of the roadway or other property. (1993 Code)


Subd. 25. STREET: Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

Subd. 26. TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

Subd. 27. WHOLESALER: The term “wholesaler” and “wholesale dealer” as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

Subd. 28. WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by their proper mark. (1993 Code)
103.03: **CATCHLINES:** The catchlines of the several sections of the Municipal Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such section, including the catchlines, are amended or re-enacted. (1993 Code)
CHAPTER 104

GENERAL PENALTY

SECTION:

104.01: General Penalty
104.02: Application of Provisions

104.01: GENERAL PENALTY:

Subd. 1. Misdemeanors: Unless another penalty is expressly provided in this Code and except for the provisions of subdivision 2 hereafter, any person violating any provisions of this Code or any rule or regulation adopted or issued in pursuance thereof or any provision of any Code adopted herein by reference shall, upon conviction, be punished by a fine of not more than seven hundred dollars ($700.00) or by imprisonment for not more than ninety (90) days or both.\(^1\)

Subd. 2. Petty Misdemeanors: Any person convicted of a petty misdemeanor shall be subject to a fine of not more than two hundred dollars ($200.00).\(^2\)

Subd. 3. Administrative Offenses\(^3\): Any person violating an administrative rule shall be subject to the scheduled penalty not to exceed one hundred dollars ($100.00) for each offense.

Subd. 4. Separate Violations: Unless otherwise provided, each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

Subd. 5. Failure of Officers to Perform Duties: The failure of any officer or employee of the Municipality to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code unless a penalty is specifically provided for such conduct or omission.

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\(^{1}\text{M.S.A. §§412.231, 609.03(3), 609.33 and 609.034.}\)

\(^{2}\text{M.S.A. §609.0332.}\)

\(^{3}\text{See Section 702.02 of this Code for administrative offenses.}\)
Subd. 6. Non-Peace Officer Citations or Administrative Offenses:

a. Non-peace officer employees that are specifically authorized herein may issue citations or administrative offenses as authorized pursuant to the following sections, chapters and titles of this Code:

Chapter 502; Intoxicating Liquor: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 503; Nonintoxicating Liquor: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 506; Amusement Devices and Amusement Centers: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 507; Bowling Alleys: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 508; Rides, Carnivals and Circuses: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 509; Gasoline Stations: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 510; New and Used Cars Dealers: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 511; Recuperative Homes and Half-Way Houses: City Planner

Chapter 601; Emergency Services: Director of Emergency Services and City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 603; Garbage and Rubbish: City Administrator (Amended, Ord. 844, 5-20-10)

Chapter 604; Nuisances: Community Service Officer

Chapter 605; Tree Disease Control: Director of Parks, Recreation and Forestry

Chapter 701; Animals and Animal Control: Community Service Officer

Section 702.02; Administrative Offenses: As set forth in Section 702.02

Chapter 802; Parking Regulations: Community Service Officer

Chapter 902; Streets Openings; Driveways: Building Official
b. In the event that non-peace officer employee position is vacant, the City Administrator or a designee is authorized to issue citations as provided in this subdivision. (1993 Code) (Ord. 434, 6-27-88; Ord. 844, 5-20-10)
104.02:  **APPLICATION OF PROVISIONS:**

Subd. 1. The penalty provided in this Chapter shall be applicable to every section of this Municipal Code the same as though it were a part of each and every separate section. (1993 Code)

Subd. 2. The penalties provided by this Chapter or any section of this Code apply to the amendment of any section of this Code or any Code adopted herein by reference to which the penalty relates, whether or not such penalty is re-enacted in the amendatory provision, unless otherwise provided in the amendment.

Subd. 3. Reference to any sections of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided. (1988 Code §1.11)

Subd. 4. In all cases where the same offense is made punishable or is created by different clauses or sections of this Municipal Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Subd. 5. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Municipal Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1993 Code)
CHAPTER 105

MAYOR AND CITY COUNCIL

SECTION:

105.01: Composition Of Council
105.02: Powers And Duties
105.03: Compensation
105.04: Meetings
105.05: Ordinances And Resolutions
105.06: Workers’ Compensation Coverage For Elected Officials

105.01: COMPOSITION OF COUNCIL:

Subd. 1. Membership: The Council shall consist of the Mayor and four (4) Councilmembers. Three (3) members shall constitute a quorum although a smaller number may adjourn from time to time. (1988 Code §2.10)

Subd. 2. Acting Mayor: At its first meeting each year the Council shall choose an Acting Mayor from the Councilmembers. He shall perform the duties of Mayor during the disability or absence of the Mayor from the Municipality or, in the case of vacancy in the office of Mayor, until a successor has been elected or appointed and qualifies. (1988 Code §2.11)

1 See also Charter Section 2.03.
2 See also Charter Section 3.03.
3 See also Charter subdivision 2.06(3).

City of Mounds View
105.02: **POWERS AND DUTIES:**

Subd. 1. Meetings\(^1\); Written Instruments: The Council may preserve order at its meetings and shall be the judge of the election and qualification of its members. The Council shall have power to regulate its own procedure.\(^2\) Every current contract, conveyance, license or other written instrument shall be executed on behalf of the Municipality by the Mayor and City Administrator, with the Corporate Seal affixed and only pursuant to authority from the Council. (1988 Code §2.10) (Amended, Ord. 844, 5-20-10)

Subd. 2. Appointment Of Officers, Employees And Agents\(^3\): The Council may appoint such officers, employees and agents for the Municipality as may be deemed necessary for the proper management and operation of Municipal affairs. The Council may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees and agents, when not otherwise prescribed by law. The Council may, except as otherwise provided, remove any appointive officer or employee when, in its judgment, the public welfare will be promoted by the removal. Such power of removal is subject to veterans’ preference and civil service laws that may be applicable. (1988 Code §2.12)

105.03: **COMPENSATION:**\(^4\)

Subd. 1. Mayor’s Compensation: The salary of the Mayor is fixed at six thousand three hundred dollars ($6,300.00) per year. (Ord. 705, 10-28-02)

Subd. 2. Councilmembers’ Salaries: The salary of the Councilmembers is fixed at five thousand seven hundred dollars ($5,700.00) per year. (Ord. 527, 7-26-93; Ord. 705, 10-28-02)


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\(^1\) See also Charter Section 3.01.

\(^2\) See also Charter Section 3.03.

\(^3\) See Section 106.01 of this Title for conflict of interest provisions.

\(^4\) See Charter Section 2.07.
105.04: **MEETINGS:**

Subd. 1. Regular Meetings: Regular meetings of the Council shall be held on the second and fourth Mondays of each month at seven o’clock (7:00) P.M. at the Municipal Hall. If any such Monday is a legal holiday or Christmas or New Year’s Eve, the meeting will be cancelled or held on another date and time as established by Council action. (1988 Code §2.01)

Subd. 2. Special Meetings: Special meetings may be called by the Mayor or by any two (2) members of the Council by a written notice filed with the City Administrator who shall notify members of the time and place of meeting at least twenty four (24) hours before the meeting. (1988 Code §2.02) (Amended, Ord. 844, 5-20-10)

Subd. 3. Agenda Meetings: Agenda meetings of the Council may be held on the first and third Mondays of each month at a time set by Council resolution at the City Hall. The purpose of the meeting(s) is to discuss and prepare the agenda for the regular meeting following. An agenda meeting may be called to order, and the regular business of the Council can be conducted if the Mayor and three (3) Councilmembers are present at said meeting. (Ord. 563, 6-12-95)

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1 See also Charter Section 3.01.
Subd. 4. Rules Of Order:

a. Presiding Officer: The Mayor or, in the Mayor’s absence, the Acting Mayor shall preside at Council meetings, preserve order and decorum and decide questions of order. The Mayor’s duties under this subdivision shall be in addition to the duties, rights and privileges as a Councilmember.

b. Special Rules: The following special rules shall be applied:

(1) A member may be excused from voting in the case of conflict of interest on a matter before the Council only with the unanimous consent of the other members present.  

(2) A motion before the Council shall be reduced to writing by the City Administrator at the request of any Councilmember. (Amended, Ord. 844, 5-20-10)

(3) Such other special rules may be adopted and included in this subdivision as the Council, from time to time, deems necessary.

c. General Rules: In all other matters of parliamentary procedure, the Council shall be governed by the latest printed edition of “Robert’s Rules of Order”.

d. Suspension Of Rules: The operation and effect of any rule established or followed pursuant to this Section may be suspended upon the unanimous vote of the Council. (1988 Code §2.07)

Subd. 5. Attendance At Council Meetings: The attendance at Council meetings of each member of the Council is deemed to be one of the most important duties imposed by law upon them. Their presence to participate in the hearings, deliberations and decisions of the Council is essential to the proper discharge of their official duties. Recognizing that it is not always possible for each member of the Council to be present at all meetings, and that by reason of business demands, state of health, personal problems, vacations and other matters occasional absences are excusable, the Council may compel the attendance of members and punish nonattendance by resolution adopted by a majority. A vacancy in the Council, whether it be in the office of Mayor or Councilmember, shall be deemed to exist by reason of the failure of any member of the Council, without good cause, to attend Council meetings for a period of three (3) consecutive months. (1988 Code §2.08)

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1 See Charter Section 3.03 for authority.

2 See Section 106.01 of this Title for conflict of interest provisions.
Subd. 6. Order Of Business: At the hour appointed for the meeting, the members shall be called to order by the Mayor or, in the Mayor’s absence, by the Acting Mayor. The City Administrator shall call the roll and note the absentees. If a quorum is present, the Council shall then proceed with its business in the order established by resolution of the Council. (1988 Code §2.04) (Amended, Ord. 844, 5-20-10)

Subd. 7. Minutes:

a. Approval Of Minutes: The City Administrator shall provide a printed copy of the minutes of each meeting to each Councilmember. Amendments or corrections proposed by any member of the Council shall be made by the City Administrator, but no amendments to which objection is raised by any Councilmember shall be made without the approval of a majority of the Council. (Amended, Ord. 844, 5-20-10)

b. Contents Of Minutes: The City Administrator shall record all material matters considered by the Council in the minutes. Ordinances, resolutions, communications and claims considered by the Council need not be recorded in full in the minutes if they appear in other permanent records of the City Administrator and can be accurately identified from the description given in the minutes. The Council may, in its discretion, direct that any one of the above be fully set out in the minutes. (1988 Code §2.05) (Amended, Ord. 844, 5-20-10)
105.05:  **ORDINANCES AND RESOLUTIONS:**

Subd. 1. Preparation And Introduction: All legislation of the Municipality shall be by ordinance. Ordinances, resolutions and other matters requiring Council action shall be prepared at the direction of the Council; provided, however, that the City Administrator or Attorney may present ordinances, resolutions and other matters for consideration. (Amended, Ord. 844, 5-20-10)

Subd. 2. Enactment Of Ordinances And Amendments: Every ordinance and amendment of an ordinance shall be enacted by a majority vote of all of the members of the Council, except where a larger number is required by law. It shall be signed by the Mayor or, in the Mayor’s absence, by the Acting Mayor, attested by the City Administrator and published once in the legal newspaper. Proof of the publication shall be attached to and filed with the ordinance book within thirty (30) days after its publication. All ordinances shall be suitably entitled to clearly express its subject.

Subd. 3. Emergency Ordinances: An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of available members of the City Council. An emergency ordinance must be in writing but may be enacted without previous filing or voting and may be adopted finally at the meeting at which it is first introduced and voted upon by the Council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the provisions of an emergency ordinance until twenty four (24) hours after the ordinance has been adopted, filed with the City Administrator and has either been posted in three (3) conspicuous places in the City or published as provided for by the Home Rule Charter or the person charged with violation thereof had actual notice of the ordinance prior to the act or omission resulting in the prosecution. (1988 Code §2.06) (Amended, Ord. 844, 5-20-10)

105.06:  **WORKERS’ COMPENSATION COVERAGE FOR ELECTED OFFICIALS:**

Pursuant to Minnesota Statutes, section 176.011, subdivision 9, clause 6, the elected officials of the City and those Municipal officers appointed for a regular term of office are hereby included in the coverage of the Minnesota Workers’ Compensation Act. (Ord. 459, 2-27-89)

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1 See also Charter Section 3.04.

2 See Section 108.01 of this Title for legal newspaper.

3 See Charter Section 3.07.
CHAPTER 106

CITY OFFICERS AND EMPLOYEES

SECTION:

106.01: Conflict of Interest
106.02: Indemnification and Legal Defense of Officers and Employees
106.03: City Administrator
106.04: Municipal Finance Director/Treasurer
106.05: Director of Parks, Recreation and Forestry

106.01: CONFLICT OF INTEREST:

Subd. 1. Procedures: Any officer, employee or agent appointed by the Council pursuant to subdivision 105.02(2) of this Title, and any member of a committee or commission who has been appointed by the Council or Mayor who, in the discharge of their duties, would be required to take an action or make a decision which in any way would affect their financial interests or those of a business with which they are associated shall take the following actions:

a. Disclosures: Disclose to the Council or to the chairperson and other members of the commission of which that person is a member that person’s participation in the matter prior to the time the matter is considered by the Council, committee or commission.

b. Removal from Influence: Remove themselves in a manner prescribed by the Council or the chairperson of the committee or commission of which that person is a member, from any consideration or influence over the action and decision in question.

c. Representation of Interested Party: Not appear before the Council or the committee or commission of which that person is a member on their own behalf or as a representative for any other person, firm, corporation, partnership or association operated either for profit or nonprofit.

Subd. 2. Removal from Office: Any officer, employee, agent or member of a committee or commission who intentionally violates the provisions of this Section can be removed as an officer, employee, agent or member of a committee or commission by majority action of the entire City Council after a hearing held by the Council pursuant to written charges and at least ten (10) days’ personal notice, or in the event the individual cannot be served after due diligence, by ten (10) days’ published notice or both. (1988 Code §2.15)

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1 See Section 105.06 of this Title for workers’ compensation coverage.

City of Mounds View
106.02: INDEMNIFICATION AND LEGAL DEFENSE OF OFFICERS AND 
EMPLOYEES: In the lawful and good faith performance of the function and duties of their 
respective offices and employment and enforcement of the Code of the Municipality and all the 
laws, ordinances and resolutions and regulations of the Municipality as a part thereof, the 
officers and employees of the Municipality act as agents and representatives and police officers 
of the Municipality and are entitled to all rights, privileges and immunities to their persons and 
properties as are accorded by the laws of the State. No officer or employee is or shall be held 
personally liable by any person for any claim or loss arising from or out of the lawful and good 
faith performance of the duties and functions of that office or employment. The Municipality is 
authorized to and shall defend such officer or employee against the same, providing legal 
counsel as necessary to such defense and pay such losses and damages as may be necessary to 
hold such officer or employee free of claim therefor. (1988 Code §5.04)

106.03: City Administrator:1 (Amended, Ord. 844, 5-20-10)

Subd. 1. Duties: The duties of the City Administrator of the Municipality shall include the 
duties of the clerk in a statutory city.2 The City Administrator shall give the required 
otice of each regular and special election, record the proceedings thereof, notify officials 
of their election or appointment to office, certify to the County Auditor all appointments 
and the results of all Municipal elections. (Amended, Ord. 844, 5-20-10)

a. Records:

(1) The City Administrator shall keep a minute book, noting therein all proceedings 
of the Council. Ordinances, resolutions and claims considered by the Council need not be given in full in the minute book if they appear in other permanent records of 
the City Administrator and can be accurately identified from the description given 
in the minutes. (Amended, Ord. 844, 5-20-10)

(2) The City Administrator shall keep an ordinance book, in which shall be 
recorded, in their entirety, all ordinances passed by the Council. (Amended, 
Ord. 844, 5-20-10)

(3) The City Administrator shall act as the clerk and bookkeeper of the 
Municipality, shall be the custodian of its seal and records, shall sign its official 
papers, shall post and publish such notices, ordinances and resolutions as may be 
required and shall perform such other appropriate duties as may be imposed upon 
the City Administrator by the Council. (Amended, Ord. 844, 5-20-10)

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1 See also Charter Section 6.03.

2 M.S.A. §412.151.
(4) For certified copies and for filing and entering, when required, papers not relating to Municipal business, the City Administrator shall receive the fees allowed by law to town clerks, but the Council may require the City Administrator to pay such fees to the Municipal Treasury. (Amended, Ord. 844, 5-20-10)

b. Other Duties: The City Administrator shall: (Amended, Ord. 844, 5-20-10)

(1) Supervise the administration as provided by the Charter and Council action.

(2) Prepare reports and summaries relating to contemplated Municipal projects and/or improvements and submit them with recommendations, as may be required, to the Council for study and subsequent action.

(3) Prepare an annual fiscal budget and capital improvement plan for submission to the Council. The City Administrator shall maintain financial guidelines for the Municipality within the scope of the approved budget and capital program. (Amended, Ord. 844, 5-20-10)

(4) Prepare the annual financial statement and such other statements that are required by statute.

(5) Attend all Council meetings and provide input to the Council. The City Administrator shall attend, at the City Administrator’s discretion or by invitation, other committee and commission meetings. (Amended, Ord. 844, 5-20-10)

(6) Supervise Municipal employees, programs and activities unless otherwise directed by the Council.

(7) Submit periodic reports to the Council on the financial condition of the Municipal accounts.

(8) Supervise the conduct of local elections in accordance with the prescribed laws and regulations.¹

(9) Advise the Council in decisions affecting the employment or removal of Department heads and appointed officials.

(10) Work in cooperation with the Council’s appointed Attorney.

¹ See Chapter 107 of this Title for election provisions.
(11) Prepare news releases and develop and discuss public relations material with all concerned as required. The City Administrator shall maintain good public relations with the general public. (Amended, Ord. 844, 5-20-10)

(12) Consult, unless otherwise directed by the Council, with appointed officials and with other public or private agencies as may be required.

(13) Be fully informed regarding Federal, State and County programs which affect the Municipality.

(14) Advise the Council on the terms and conditions of employee labor contracts for presentation to the Council.

(15) Prepare an annual report to inform the public about the financial condition of the City.

(16) Perform all other duties required of the City Administrator by the Council. (Amended, Ord. 844, 5-20-10)

Subd. 2. Deputy Clerk: With the consent of the Council, the City Administrator may appoint a Deputy for whose acts the City Administrator is responsible and whom can be removed at pleasure. In case of the City Administrator’s absence from the Municipality or disability, the Council may appoint a Deputy City Administrator, if there is none, to serve during such absence or disability. The Deputy may discharge any of the duties of the City Administrator. (Amended, Ord. 844, 5-20-10)

Subd. 3. Qualifications:

a. The City Administrator shall have considerable knowledge of Municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper Municipal operation. (Amended, Ord. 844, 5-20-10)

b. All duties required by law to be performed by constables shall be assumed by and conducted by the Municipal police officers. (1988 Code §5.02)
106.04:  **MUNICIPAL FINANCE DIRECTOR/TREASURER:**

Subd. 1. Receipt of Funds; Records: The Finance Director/Treasurer shall receive and safely keep all money belonging to the Municipality and shall promptly enter in a book provided for the purpose an account of all monies received and disbursed by the Finance Director/Treasurer, showing the source and objects thereof with the date of each transaction.

Subd. 2. Accounting and Disbursements: The Finance Director/Treasurer shall pay out money only upon the written order of the Mayor and City Administrator or such other officers of independent boards or commissions as are authorized to issue orders in the case of board or commission operations. Such orders, when paid and cancelled, shall be retained as vouchers. Such accounts and vouchers shall be exhibited to the Council upon its request. (Amended, Ord. 844, 5-20-10)

Subd. 3. Delivery to Successor: The Finance Director/Treasurer shall deliver to a successor all books, papers and money belonging to the Municipality.

Subd. 4. Report of Balances: The Finance Director/Treasurer shall immediately after the close of the calendar year make out and file with the City Administrator for public inspection a report of the balances, receipts and disbursements by funds for the year. (Amended, Ord. 844, 5-20-10)

Subd. 5. Deputy Treasurer: The Finance Director/Treasurer may, with the consent of the Council, appoint a Deputy Treasurer for whose acts the Finance Director/Treasurer shall be responsible and who may be removed at pleasure. In case of the Finance Director/Treasurer’s absence from the Municipality or disability, the Council may appoint a Deputy Treasurer, if there is none, to serve during such absence or disability. The Deputy may discharge any of the duties of the Finance Director/Treasurer. (1988 Code §5.01)

106.05:  **DIRECTOR OF PARKS, RECREATION AND FORESTRY:**

Subd. 1. Position Established: There is hereby created the position of Director of Parks, Recreation and Forestry, who shall be appointed by a majority of the Council. Said position is a responsible administrative and specialized position involving the direction and supervision of park programs and recreational activities. (1988 Code §51.01, 51.02)

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1 See Charter Section 6.04.
Subd. 2. Responsibilities: The Director is responsible for planning and coordinating the development and maintenance of park areas and for planning, organizing and directing the use of park areas for recreational facilities. The Director will assist the City Administrator and the Council in the recruitment of staff personnel and supervising in-service training programs. The Director shall be under the general supervision of the City Administrator. (1988 Code §51.02) (Amended, Ord. 844, 5-20-10)

Subd. 3. Duties: The Director of Parks, Recreation and Forestry:

a. Public Relations:

   (1) Develops and implements effective public relations programs which will generate community and individual support for provided parks and recreation activities.

   (2) Edits the City Newsletter to ensure information provided to the community is accurate and presented in a manner which encourages participation and support.

b. Interaction with State, County and Federal Agencies:

   (1) Writes and submits grant applications to State, County and Federal agencies in order to supplement funding of City park development and acquisition.

   (2) Maintains sufficient liaison with funding agencies to uncover additional monies for which the City might be eligible.

c. Budgets and Finances:

   (1) Develops and submits a sound and documented Department budget and controls expenditures accordingly within approved budgetary limitations.

   (2) Recommends for approval specific fees and charges related to all recreational programs.

d. Comprehensive Programs: Participates with the Economic Development Coordinator in developing a comprehensive park maintenance program to include mowing, care and grading of ball field, parking lot maintenance, shelter building, flooding of ice rinks, etc., and follows through to ensure the program is effectively implemented as scheduled.
e. Participation in Meetings: Attends various Council meetings as scheduled or requested to provide the background and/or supporting data required to make the best possible decisions relating to Department needs.

f. Green Canopy: Oversees and evaluates all City forestry activities to facilitate the development and maintenance of the City’s “green canopy”.

g. Attendance of City Meetings: Attends meetings of City organizations and commissions on a regular basis to garner general support for Department activities and minimize duplication of effort.

h. Liaison:
   
   (1) Serves as staff liaison between the Park and Recreation Commission and the City Council with the goal of increasing citizen involvement in City decisions relating to provisions of park and recreation programs.

   (2) Ensures Commission members receive complete packets and all related literature for each agenda session and oversees the preparation and distribution of Commission minutes to appropriate personnel.

i. Inquiries and Complaints: Answers inquiries or complaints from citizens relating to Department activities and personally follows through to resolve the matter in the most diplomatic and business-like manner.

j. Reports: Submits project and other planning reports as requested and ensures Department records are maintained in an accurate and up-to-date manner to ensure availability of information as required or requested.

k. Recommendation of Priorities: Recommends project priorities in order to use available resources and personnel in the most effective manner at the most favorable cost to the City.

l. Interaction with City Administrator: Keeps the City Administrator informed of all important matters which need to be known to effectively coordinate overall operation. (Amended, Ord. 844, 5-20-10)

m. Other Responsibilities: Performs other responsibilities as apparent or as delegated.
Subd. 4. Job Qualifications:

a. Knowledge, Skills and Abilities: The Director of Parks, Recreation and Forestry shall have:

   (1) Thorough knowledge of the planning, scheduling, publicizing and execution of park and recreational programs.

   (2) Considerable knowledge of the philosophy and objectives of public recreation.

   (3) Knowledge of public administration and organization methods and procedures.

   (4) Ability to write concise reports,

   (5) Ability to plan, promote and direct recreation programs.

   (6) Considerable ability in meeting with clubs, civic groups and individuals to explain and secure participation in programs.

   (7) Considerable ability to establish and maintain effective working relationships with employees and the general public.

b. Experience and Training:

   (1) Three (3) to five (5) years’ experience in a community park and/or recreational program in a supervisory capacity.

   (2) Experience in planning and programming park activities.

   (3) Some experience or formal training in public administration.

c. Minimum Requirements:

   (1) College degree in park and recreation administration.

   (2) Extensive experience in the field of parks and recreation may be substituted for the academic requirement. (1988 Code §51.04)
CHAPTER 107

MUNICIPAL ELECTIONS

SECTION:

107.01: Date of Elections
107.02: Terms of Officials; Transition
107.03: Absentee Ballot Precinct
107.04: Adoption of Statutes

107.01: DATE OF ELECTIONS: Notwithstanding any other provision herein to the contrary, regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year. (1988 Code §4.02)

107.02: TERMS OF OFFICIALS; TRANSITION: Two (2) Councilmembers shall be elected for four (4) year terms at each biennial election commencing in 1974. Two (2) Councilmembers shall be elected for a four (4) year terms at the 1974 City election. The Mayor shall be elected for a two (2) year term at each such election commencing in 1976. (1988 Code §4.02)

107.03: ABSENTEE BALLOT PRECINCT: As authorized by Minnesota Statutes section 203B.13, an absentee ballot precinct is hereby established at the polling place, its activation at the discretion of the Municipal Clerk, the purpose of which is to receive, transfer and count City-wide absentee ballots. (1988 Code §4.03; 1993 Code)

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1 See also Charter Chapter 4.

2 See also Charter Section 2.03.
ADOPTION OF STATUTES: The following Minnesota Statutes are hereby adopted by reference:

- 200.00 General Provisions, Definitions
- 201.00 Registration and Eligibility of Voters
- 202A.00 Caucuses, Conventions, Elections, and Canvasses
- 203B.00 Absentee Voting
- 204A.00 Conduct of Elections
- 204B.00 Elections; General Provisions
- 204C.00 Election Day Activities
- 2040.00 Particular Elections
- 205.00 Municipal Elections
- 206.00 Voting Machines
- 209.00 Election Contests
- 211B.00 Fair Campaign Practices (1988 Code §4.01)
CHAPTER 108

MISCELLANEOUS PROVISIONS

SECTION:

108.01: Official Newspaper

108.01: **OFFICIAL NEWSPAPER:** At its first meeting each year, the Council shall designate the official newspaper which shall be the legal newspaper for the Municipality. (1988 Code §2.13)