

**TITLE III: ADMINISTRATION**

Chapter

**30. OFFICIALS AND ORGANIZATIONS**

**31. EMERGENCY SERVICES**



## CHAPTER 30: OFFICIALS AND ORGANIZATIONS

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## **OFFICIALS**

### **30.01 ADMINISTRATOR-CLERK; TREASURER.**

(A) *Administrator-Clerk.* The position of Administrator-Clerk is hereby established and he or she shall be the chief executive officer of the city. He or she shall be chosen by the City Council solely on the basis of his or her training and experience and administrative qualifications.

(1) The term **ADMINISTRATOR-CLERK**, as heretofore combined and herein continued, shall mean the City Clerk acting pursuant to statutory authority and the City Administrator acting pursuant to the duties and authorities granted pursuant to this section. Whenever the term "Clerk" or "Administrator" is used throughout this code, it shall mean and include the office of the Administrator-Clerk herein continued and established; except that, where law requires certain duties and functions to be performed by the City Clerk, the Administrator-Clerk, while performing the duties, shall be acting as the City Clerk.

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(2) The duties and responsibilities of the Administrator-Clerk shall be as follows.

(a) Subject to City Council regulations and applicable laws, the Administrator-Clerk shall control and direct the administration of municipal affairs.

(b) The Administrator-Clerk shall see that all laws, ordinances and resolutions of the city are enforced.

(c) The Administrator-Clerk shall supervise the activities of all municipal department heads and personnel of the city in the administration of municipal policy with authority to effectively recommend their employment or removal.

(d) The Administrator-Clerk shall attend and participate in all meetings of the City Council. He or she shall be responsible for the preparation of the City Council agenda and recommend to the City Council such measures as he or she may deem necessary for the welfare of the citizens and the efficient administration of the city. He or she may attend, at his or her discretion, or at the direction of the City Council, other committee meetings. He or she shall also be required to attend all Public Utility Commission meetings and Planning and Zoning Commission meetings.

(e) The Administrator-Clerk shall be responsible for the preparation of the Planning and Zoning Commission agendas.

(f) The Administrator-Clerk shall prepare an annual fiscal budget and capital improvement plan for the City Council. He or she shall maintain financial guidelines for the municipality within the scope of the approved budget and capital program. He or she shall submit reports to the City Council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with state statutes.

(g) The Administrator-Clerk shall handle all personnel matters for the city in conjunction with policy established by the City Council. He or she shall negotiate or delegate the negotiation of terms and conditions of employee labor contracts for presentation to the City Council.

(h) The Administrator-Clerk shall represent the city at official functions as directed by the City Council and maintain good public relations with the citizens of the community.

(i) The Administrator-Clerk shall act as purchasing agent for the city and be responsible in making all purchases in accordance with the approved municipal budget. He or she shall have the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed amounts set forth by the Blooming Prairie Expenditure Policy. All claims resulting from orders placed by the city shall be audited for payment by the City Council. He or she shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the City Council.

(j) The Administrator-Clerk shall coordinate municipal programs and activities as directed by City Council. He or she shall monitor all consultant and contract work performed for the city. He or she shall coordinate the activities of the City Attorney.

(k) The Administrator-Clerk shall be informed regarding federal, state and county programs which affect the municipality. He or she shall consult with officials of both public and private agencies as may be required.

(l) The Administrator-Clerk shall inform the City Council on matters dealing with the administration of the city and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure.

(m) The Administrator-Clerk shall be required to take an oath of office. He or she shall be bonded, at city expense, through a position bond which will indemnify the municipality.

(n) He or she shall perform other duties as may be prescribed by law or required of him or her by ordinance or resolutions adopted by the City Council.

(o) The Administrator-Clerk shall perform all the duties of a city clerk imposed pursuant to law.

(p) He or she shall analyze trends in economic development both positive and negative and present possible solutions to identified weaknesses and assist private development corporations and organizations by providing information, financial analysis and business planning. Services, at the discretion of Administrator, can be fee based.

(q) He or she shall develop agenda items for EDA meetings. The Administrator-Clerk is also a non-voting ex officio member of the EDA Board.

(3) (a) The Administrator-Clerk must have considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper municipal operation.

(b) He or she must have knowledge of, or ability to acquire full knowledge of, all laws affecting the municipality.

(c) He or she must have the ability to plan development, to collect material and analyze for reporting and to conduct and implement standards of procedure, operation and organization.

(4) In the absence of, or temporary vacancy in the position of the Administrator-Clerk, the title of Administrator and/or Administrator-Clerk, as written in all ordinances and/or resolutions adopted by the City Council, shall be replaced by the title of City Council.

(B) *City Treasurer.* The office of the City Treasurer, heretofore established and authorized to act pursuant to law, is hereby continued.

(Ord. 86-1, passed - -1986)

***Editor's note:***

*This section was revised on 1-8-1996.*

## ***ORGANIZATIONS***

### **30.15 AMBULANCE COMMISSION.**

(A) *Establishment.* There is hereby established an Ambulance Commission, which shall be known as the Blooming Prairie Ambulance Commission, which shall be subject to the jurisdiction, authority and control of the City Council.

(B) *Composition.*

(1) The Commission shall be composed of four persons appointed by the Mayor of the city and confirmed by the majority vote of the City Council.

(2) Members of the Commission shall be selected as follows:

(a) Two citizen laymen who are not members of the Volunteer Ambulance Association;

(b) One person who is an active member of the Volunteer Ambulance Association. This person who will represent the Volunteer Ambulance Association shall be a state-licensed emergency medical technician, shall have at least one year of experience and shall be recommended by the Volunteer Ambulance Association; and

(c) One member of the City Council shall serve as a member of the Commission.

(C) *Terms of office.* The Commission shall be composed of members appointed and confirmed for the following terms: the City Council member shall be appointed for a one-year term annually; and the remaining three members shall each be appointed for a period of three years. The appointment of the remaining three members shall be staggered such that one of their three-year terms shall be expiring each year.

(1) Vacancies in the office of a Commissioner shall be filled by appointment by the Mayor subject to confirmation by majority vote of the City Council and the appointee shall serve that unexpired term of the position vacated.

(2) A Commissioner may be discharged for cause by the Mayor of the city for malfeasance or misfeasance of duties, upon notice given specifying the grounds for the discharge. The Commissioner may demand a hearing before the full Council by notice given in writing directed to the city's Administrator-Clerk, who shall set a date therefor, which shall be not less than ten days and not more than 30 days after receipt of the demand and shall give five days' notice in writing of the time, date and place of the hearing served upon the Commissioner and all members of the City Council. The Council shall hear the matter and consider the evidence including any testimony of witnesses and shall determine the matter by majority vote affirming or disaffirming the discharge at the hearing. The hearings may be adjourned and reconvened from time to time by the Council. The Mayor shall not be entitled to vote at a hearing and a tie vote shall be deemed a disaffirmance of the discharge.

(D) *Duties and function.* It shall be the duty of the Commission to organize, supervise and control a Volunteer Ambulance Association for the purpose of providing ambulance services in conformity with M.S. Ch. 144E, as it may be amended from time to time, and regulations of the state's Department of Public Health to persons within the city and the Ambulance Service District as may be developed by the Commission: to set and review rates charged for the services; to set compensation for members, officers and directors of the Volunteer Ambulance Association; to prepare and recommend to the City Council an operating budget for the next succeeding year of operation of the Volunteer Ambulance Association; to provide for regular, special and annual meetings of the Commission and to adopt rules for the transaction of business; to keep complete records of all its proceedings which shall be public and to file copies of minutes of all meetings with the Administrator-Clerk of the city within three days of the meeting and to make annual reports of its activities of the Volunteer Ambulance Association to the City Council; to make reports as the Council may from time to time require or request; to abide by and carry out all actions and resolutions as adopted and directed by the City Council.

(E) *Powers.*

(1) The Commission shall have power to supervise and approve all expenditures for the purchase of equipment and supplies for the necessary and efficient operation of an ambulance service up to and including the sum of \$5,000. All purchases or requests for purchase in excess of such sums shall first be submitted to the City Council, with the recommendations of the Commission, for approval and confirmation by the Council.

(2) The Commission shall have power to negotiate ambulance service contracts with townships or other political subdivisions and to initiate the negotiations and to recommend to the City Council their adoption; but, all such contracts shall be subject to final approval by the City Council.

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(F) *Retention of powers.* The City Council, in conformity with and compliance of the laws of the state, shall have, maintain and retain title to all property, whether real, personal or mixed, used for, in conjunction with or incident to the Ambulance Service Commission or any ambulance service association and shall retain the obligation and full power and authority to enforce, order and amend and repeal all ordinances, rules, regulations and orders establishing and governing the Ambulance Service Commission or any ambulance service herein or hereunder established.

(G) *Subject to state statutes.* This section shall be subject to the provisions of M.S. ' ' 114.801 through 144.806 and 471.476, as they may be amended from time to time, and all other applicable laws of the state.

(Ord. 2011-01, passed 1-10-2011)

**' 30.16 FIRE COMMISSION.**

(A) *Established.* There is established a Fire Commission, known as the ABlooming Prairie Fire Commission®, to advise the City Council on fire safety matters and to be subject to the authority of the City Council.

(B) *Composition.* The Commission shall consist of five persons, two of whom shall be members of the city=s Volunteer Fire Department, one City Council member and two residents of the city. The Fire Chief shall always be one of the members from the Fire Department.

(C) *Terms of office.* The Commission members shall be appointed by the Mayor, with the approval of the City Council, and shall have staggered three-year terms; excepting that, the City Council representative and the Fire Chief shall be appointed annually. The initial appointments with the exception of the City Council representative and Fire Chief will have one member appointed for one year, one member appointed for two years and one member appointed for three years. The initial appointments might require an additional portion of a year for each member. On an annual basis, the Commission must elect from its members a Chair, Vice-Chair and Secretary. Vacancies occurring are filled by the appointment of the Mayor approved by the City Council.

(D) *Vacancies.* In case of a vacancy during a term of the office of any member of the Commission, the Mayor shall appoint a new member to serve for the remainder of the term subject to the approval of the City Council. Vacancies shall exist if any one of the following occurs: death; disability; residence outside the city; or resignation or removal by a majority vote of the Council.

(E) *Meetings.* The Commission shall meet monthly and at other times as necessary. The Commission shall meet annually on the fourth Monday of February with township boards.

(F) *Compensation.*

(1) The Commission members are paid compensation as established by the City Council.

(2) Commission members may be reimbursed for expenses pursuant to city reimbursement policies.

(G) *Duties and functions.*

(1) The Commission must prepare and submit to the Council for approval all proposed policies, rules and regulations regarding the Fire Department and public fire safety.

(2) Duties and functions include:

(a) Assisting and advising the City Council in all policy matters relating to the Fire Department, fire safety and all fire matters;

(b) Handling periodically items referred to it by the City Council;

(c) Establish and review, on an annual basis, long-range plans for the Fire Department and fire safety;

(d) Promoting public interest in and understanding of the Fire Department and fire work;

(e) To make recommendations to the City Council concerning complaints and problems related to the Fire Department and fire safety; and

(f) Serving as a forum for citizens of the city to voice their opinions regarding any of the fire safety activities and functions.

(H) *Powers.* The Commission shall have power to supervise and approve all expenditures for the purchase of equipment and supplies for the necessary and efficient operation of a fire service up to and including the sum of \$5,000. All purchases or requests for purchases in excess of the sums shall first be submitted to the City Council, with the recommendations of the Commission, for approval and confirmation by the Council.

(Ord. 05-1, passed 7-11-2005)

**30.17 ECONOMIC DEVELOPMENT COMMISSION.**

(A) *Short title.* This section shall be known and may be cited as the ABlooming Prairie Economic Development Commission Ordinance@.

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

**CHAIRPERSON.** The Chairperson of the Economic Development Commission, as provided hereunder.

**COMMISSION.** The Economic Development Commission, as created by this section.

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**SECRETARY.** The Secretary of the Economic Development Commission, as provided hereunder.

**VICE-CHAIRPERSON.** The Vice-Chairperson of the Economic Development Commission, as provided hereunder.

(C) *Establishment.* An Economic Development Commission is hereby established to be advisory to the Council. The Economic Development Commission shall have the powers and duties hereinafter set forth.

(D) *Terms of office.* The Commission shall consist of five members. Of that body, three members will be appointed from the general public for staggered three-year terms (each seat will have a term of three years). The two remaining members will be appointed from year to year and will be held by Council members or the Mayor. The city shall make appointments to the Commission at its first Council meeting of the year or as soon thereafter as the Council desires. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

(E) *Removal of members.* The Council, by a majority vote of its members, shall have the authority to remove any member of the Commission from office whenever, in its discretion, the best interest of the city shall be served thereby.

(F) *Meetings; officers.* The Commission will name its own officers to serve at its pleasure from the membership of the Commission.

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

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

(G) *Commission staff.* The Commission shall receive the staff services of the city's Administrator-Clerk, approved by the City Council within the means provided by an appropriation made therefor by the City Council.

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

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

(J) *Powers and duties.* The Commission shall have the following powers and duties:

(1) To confer with and advise the Council on all matters concerning the industrial and commercial development of the city;

(2) To publicize, with the consent of the Council, the industrial and commercial advantages and opportunities of the city;

(3) To collect data and information as to the type of industries and commerce best suited to the city;

(4) To periodically survey the overall condition of the city from the standpoint of determining whether the city has community climate for industry and to determine the general receptiveness of the city of particular types of industry;

(5) To publicize information as to the general advantages of industrial and commercial development in a community;

(6) To cooperate with all industries and businesses in the city and in the solution of any community problems which they say they have and to encourage the expansion, development and management of industries and business so as to promote the general welfare of the city;

(7) To cooperate with the Regional Development Commission in the undertaking of necessary surveys and studies in the furtherance of commercial and industrial development;

(8) To aid the Council and Planning Commission in the undertaking of necessary surveys and studies in the furtherance of commercial and industrial development;

(9) To develop, compile, coordinate and publicize information such as, but not limited to, the following:

(a) Existing industrial and commercial concerns with the city, their addresses, type of business, number of employees and whether each serves local, regional or national markets;

(b) Available industrial and commercial sites including number of acres, approximate price, existing zoning and proximity to trackage and highways;

(c) Available buildings for industrial and commercial operations, including type of building, number of square feet, existing zoning and proximity to trackage and highways (state department form);

(d) Transportation facilities, including railroads, motor carriers, water transportation, air transportation and highway facilities;

(e) Electric power available;

(f) Fuels available for industrial and commercial use;

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- (g) Sewage disposal facilities;
  - (h) Water supply facilities;
  - (i) Community facilities, such as fire, police and educational;
  - (j) Recreational facilities;
  - (k) Going wage rate in the city for the trades, skilled and semi-skilled and white collar workers;
  - (l) Availability of labor;
  - (m) General community attitude toward industrial and commercial expansion, development and attraction; and
  - (n) Experience and program of surrounding suburban communities in regards to industrial and commercial expansion, development and attraction.
- (10) To recommend to the Council policies and particular actions in regards to industrial and commercial expansion development and attraction;
- (11) To cooperate with and use the facilities of the state=s Department of Energy and Economic Development=s Star Cities Program;
- (12) To cooperate and coordinate with the Blooming Prairie Development Corporation and local lending institutions in defining available property and assembling financing packages for commercial and industrial prospects; and
- (13) The Commission shall have the power to appoint subcommittees of a size and nature it may deem necessary and may enlist the aid of persons and/or organizations who are not members of the Commission. The Commission shall have no power to make contracts, levy taxes, borrow money or condemn property, but shall have the full power and responsibility to investigate the necessity and recommend the taking of these and any other actions related to the industrial and commercial development by the City Council and all other officers of the city responsible to formulate the terms of the procedure for taking the action.

(K) *Annual report.* The Commission shall make a report to the City Council of its activities in December of each year.  
(Ord. 87-3, passed 8-3-1987)

***Editor=s note:***

*This section was revised on 2-12-1996.*

**30.18 VOLUNTEER FIRE DEPARTMENT.**

(A) *Established.* There is hereby established in the city a Volunteer Fire Department, consisting of a

Chief, an Assistant Chief, a Fire Marshal and not less than 23, nor more than 28, firefighters.

(B) *Election (appointment)*. The Chief of the Fire Department, the Assistant Chief and the Fire Marshal shall be elected annually by the members of the Department, subject to confirmation by the Council. Each shall hold office for one year and until his or her successor has been duly elected; except that, he or she may be removed by the Council for cause after a public hearing. Firefighters and probationary firefighters shall be appointed by the members of the Department, subject to confirmation by the Council. Firefighters shall continue as members of the Department during good behavior and may be removed by the Council only for cause after a public hearing.

(C) *Duties of Fire Marshal*. The office of Fire Marshal may be held by the Chief or by the Assistant Chief, if the Council, by resolution, approves. The Fire Marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He or she shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

(D) *Duties of Chief*. The Chief shall have control of all the firefighting apparatus and shall be solely responsible for its care and condition. He or she shall make a report, semi-annually, to the Council at its meeting in March and September as to the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Council, and he or she shall report each suspension by him or her of a member of the Fire Department at the first meeting of the Council following the suspension. He or she shall be responsible for the proper training and discipline of the members of the Fire Department and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her discharge or retention.

(E) *Records*. The Chief shall keep, in convenient form, a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the Council or the state's Insurance Department.

(F) *Training sessions*. It shall be the duty of the Chief, when the weather permits, to hold a monthly training session of at least one hour's duration for the Fire Department and to give the firefighters instruction in approved methods of firefighting and fire prevention.

(G) *Assistant Chief*. In the absence of disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

(H) *Firefighters*.

(1) The Assistant Chief and firefighters shall be able-bodied and not less than 21, nor more than 65, years of age.

(2) They shall become members of the Fire Department only after a six-month probationary period.

(I) *Loss of membership*. Firefighters absent from three consecutive monthly Fire Department

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meetings as established in the by-laws of the Department, unless excused by the Chief, shall forfeit membership in the Department, subject, however, to exception in the case of a leave of absence.

(J) *Compensation.* The members and officers of the Fire Department shall receive compensations, which compensation shall be determined by the Department by-laws subject to the approval of the Council.

(K) *Present members.* Persons who are members of the Fire Department at the time of the adoption of this section shall not be required to serve a probationary period before receiving firefighter ratings.

(L) *Relief association.*

(1) The members and officers of the Fire Department may organize themselves into a firefighters= relief association.

(2) Any existing relief association shall be considered official and shall continue.

(M) *Interference with Department.* It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause or to neglect or refuse to obey any reasonable order of a firefighter at a fire or to interfere with the Fire Department in the discharge of its duties.

(Ord. 1-73, passed 5-7-1973) Penalty, see ' 30.99

**' 30.19 PLANNING COMMISSION.**

(A) *Establishment.* A Planning Commission for the city is hereby established.

(B) *Composition.* The Planning Commission shall consist of four members. Three members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council; the remaining shall be filled by appointment of the Council, by one of its members. Commission members shall be appointed to staggered three-year terms and the seat reserved for Council or Mayor will have a one-year term. Vacancies that occur during the term shall be filled by the Council for the expired term of that member. Every member before entering upon the discharge of his or her duties shall take an oath that he or she will faithfully discharge the duties of the office. Members compensation will be set by the Council from time to time as is seen fit by the Council.

(C) *Organization, meetings and the like.*

(1) The Commission shall elect a Chairperson and Vice Chair from among its appointed members for a term of one year and the Commission may create and fill other offices as it may determine. The City Administrator-Clerk shall act as Secretary of the Planning Commission, but he or she shall not be a member unless he or she is appointed by the Council as its member representative as provided in division (B) above.

(2) The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which

record shall be a public record. On or before January 1 of each year, the Commission shall submit to the City Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.

(D) *Adoption of program of work.*

(1) Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program will include:

- (a) An outline of data and information to be assembled as a basis for the city plan;
- (b) An outline of subjects to be covered by the city plan; and
- (c) An outline of types of procedures necessary to make the city plan effective.

(2) The Planning Commission may, by resolution, revise its program of work from time to time.

(E) *Preparation of plan.* It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive city plan for the physical development of the city, including all proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds and other matters of similar developments, the use of property, the density of population and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work.

(F) *Procedure for adoption of plan.*

(1) Before adopting the city plan or any section of it or any substantial amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of hearing. The adoption of the city plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of not less than four-fifths of its total membership. The Commission may from time to time amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that the amendment or addition is necessary.

(2) An attested copy of the plan or of any section, amendment or addition to the city plan adopted by the Planning Commission shall be certified to the City Council.

(G) *Means of executing plan.*

(1) Upon the adoption of the city plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for the efficient expenditure of the funds thereof relating to the

subjects of the city plan.

(2) Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the city, a long-term program of capital expenditures and other matters as will accomplish the purpose of this section.

(H) *Zoning plan.* The Planning Commission, upon its own motion, may and upon instructions by the City Council shall prepare a proposed zoning plan for the city. Before recommending a plan to the City Council, the Planning Commission shall hold at least one public hearing thereon after a notice similar to that required by division (F) above. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways or for the reservation of lands for other public purposes.

(I) *Official map of street extensions.*

(1) The Planning Commission with the assistance of the City Engineer may, and upon instruction by the City Council shall, prepare an official map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the city within the existing platted and developed territory or across the unplatted territory.

(2) After the map has been prepared and a hearing on it has been held as provided in division (C) above, it shall be submitted to the Council, which shall, thereupon, consider the map and may adopt it or any part of it with amendments, as it deems advisable. Before adoption by the Council, a public hearing shall be held upon the proposal at least ten days after a notice thereof has been published in a newspaper published in the city. After the map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened or lands for other public purposes are acquired by action of the city, it shall not be required in the proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street or within any area thus reserved for public purposes.

(J) *Plats.*

(1) Every proposed plat of land within the city, or within two miles of the limits of the city and not within a town which itself requires the approval of plats, shall be submitted to the City Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the City Council.

(2) The Planning Commission, within 40 days after any plat has been referred to it by the City Council, shall act on the same and shall make its recommendations with respect thereto. The recommendations may consist of:

(a) Recommendation that the City Council approve the plat;

(b) Recommendation that the City Council disapprove the plat; in which case, the recommendation shall include a statement of the specific reasons for the recommendation; or

(c) Recommendation that the City Council approve the plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the Planning Commission; in which case, the revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the City Council.

(K) *Procedure for changes.* No change shall be made in the zoning plan, future street and public lands plan or regulations governing the platting of land after the plans or regulations have been adopted by the City Council, until the proposed change has been referred to the Planning Commission for report thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any of the plans or specifications shall be adopted by the City Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the Planning Commission so to report within 40 days or a longer period as may be designated by the Council after the reference shall be deemed to be approved of the proposed change.

(L) *List of recommended public works.* Each officer, department, board or commission of or in the city whose functions include recommending, preparing plans for or constructing public works shall, at least three months before the end of each fiscal year, submit to the Planning Commission a list of the proposed public works recommended by the officer, department, board or commission for planning, initiation or constructing during the ensuing fiscal year. The Planning Commission shall request from the local school district a similar list of its proposed public works. The Planning Commission shall list and classify all proposed public works and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. The program shall be recommended by the Commission to the Council and to other officers, departments, boards or public bodies as have jurisdiction over the recommending, planning or constructing of the public works. A copy of the recommended program of public works shall be included in the annual report of the Planning Commission provided for in division (C) above.

(Ord. 1-66, passed 5-2-1966) Penalty, see ' 30.99

***Editor's note:***

*This section was revised on 2-12-1996.*

**' 30.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

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(B) Any person convicted of violating ' 30.19(M) of this chapter shall be punished by a fine not exceeding \$100 or by imprisonment for a period not exceeding 90 days.

(C) Any person who violates ' 30.20(J) of this chapter or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before the plat has been approved by the Planning Commission and the City Council, in accordance with the provisions of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days. Before acting on the plat, the City Council shall submit the same to the Planning Commission for its recommendation.

(Ord. 1-66, passed 5-2-1966; Ord. 1-73, passed 5-7-1973)

## CHAPTER 31: EMERGENCY SERVICES

Section

### *Emergency Protection Fire Services*

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### ***EMERGENCY PROTECTION FIRE SERVICES***

#### **31.01 PURPOSE AND INTENT.**

This subchapter is adopted for the purpose of authorizing the city to charge for fire service, as authorized by M.S. ' ' 366.011, 366.012 and 415.01, as they may be amended from time to time. (Ord. 2011-02, passed 4-11-2011)

#### **31.02 DEFINITIONS.**

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

***FIRE PROTECTION CONTRACT.*** A contract between the city and a town or other city for the city to provide fire service.

***FIRE SERVICE.*** Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication and any other services related to fire and rescue as may occasionally occur.

***FIRE SERVICE CHARGE.*** The charge imposed by the city for receiving fire service.

***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 semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles or park trailers.

***MUTUAL AID AGREEMENT.*** An agreement between the city and a town or other city for the city's Fire Department to provide assistance to the fire department of a town or other city. (Ord. 2011-02, passed 4-11-2011)

### **31.03 PARTIES AFFECTED.**

The following parties are affected:

(A) Owners of property within the city who receive fire service; and

(B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the city. Owners of property in towns, townships or cities to which the city provides fire service pursuant to a fire protection contract.

(Ord. 2011-02, passed 4-11-2011)

### **31.04 RATES.**

The base fee shall be \$500 (includes two hours on scene). After two hours, there is an additional charge of \$5 per hour per person and \$50 per truck. Carbon monoxide calls are \$75, minimum charge, with an hourly charge after one hour. All materials used at the scene will be included for reimbursement.

(Ord. 2011-02, passed 4-11-2011)

### **31.05 BILLING AND COLLECTION.**

(A) Parties requesting and receiving fire services may be billed directly by the city. Additionally, if the party receiving fire services did not request services, but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge, requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the city will send a notice of delinquency; if the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

(C) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the city all charges collected on behalf of the city. The city must give the property owner notice of its intent to certify the unpaid fire service charge by September 15. False alarms won=t be billed as a fire call.  
(Ord. 2011-02, passed 4-11-2011)

**' 31.06 MUTUAL AID AGREEMENTS.**

When the city=s Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.  
(Ord. 2011-02, passed 4-11-2011)

**' 31.07 APPLICATION OF COLLECTIONS TO BUDGET.**

All collected fire charges will be city funds and used to offset the expenses of the city=s Fire Department in providing fire services.  
(Ord. 2011-02, passed 4-11-2011)

