

City of Ramsey
Agenda
City Council Work Session
Tuesday, November 28, 2023

5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

Remote Attendance available at www.cityoframsey.com/meetings.
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. Call to Order

2. Topics for Discussion

1. Discuss 2024 Memorandum of Agreements with the City's Unions (Portions Closed to the Public)
2. Begin Discussions Regarding Proposed Updates to the Personnel Policy
3. Review of Happy Days 2023 and forecast for 2024
4. Nuisance Code Update

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment*

***Note: the City Council may motion to recess this Work Session meeting and reconvene after the regular City Council meeting if items on the agenda are not completed.**

Meeting Date: 11/28/2023

Information

Title:

Discuss 2024 Memorandum of Agreements with the City's Unions (Portions Closed to the Public)

Purpose/Background:

The purpose of this discussion is to consider Memorandum of Agreements with the City's Unions, modifying portions of the 2022-2024 union contracts.

Per Minnesota Statutes 13D.03, which states: "The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections [179A.01](#) to [179A.25](#)" staff is requesting that the City Council go into closed session to discuss the City's response.

At the work session, City staff will provide the City Council with detailed information regarding this matter.

Timeframe:

Up to 10 minutes.

Funding Source:

Not applicable at this time.

Responsible Party(ies):

Colleen Lasher, Administrative Services Director

Outcome:

For the City Council to provide staff with direction regarding how to proceed with these matters.

Attachments

Statute

Form Review

Inbox

Brian Hagen

Form Started By: Colleen Lasher

Final Approval Date: 11/22/2023

Reviewed By

Brian Hagen

Date

11/22/2023 09:30 AM

Started On: 11/22/2023 08:47 AM

13D.03 CLOSED MEETINGS FOR LABOR NEGOTIATIONS STRATEGY.

Subdivision 1. **Procedure.** (a) Section 13D.01, subdivisions 1, 2, 4, 5, and section 13D.02 do not apply to a meeting held pursuant to the procedure in this section.

(b) The governing body of a public employer may by a majority vote in a public meeting decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

(c) The time of commencement and place of the closed meeting shall be announced at the public meeting.

(d) A written roll of members and all other persons present at the closed meeting shall be made available to the public after the closed meeting.

Subd. 2. **Meeting must be recorded.** (a) The proceedings of a closed meeting to discuss negotiation strategies shall be tape-recorded at the expense of the governing body.

(b) The recording shall be preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.

Subd. 3. **If violation claimed.** (a) If an action is brought claiming that public business other than discussions of labor negotiation strategies or developments or discussion and review of labor negotiation proposals was transacted at a closed meeting held pursuant to this section during the time when the tape is not available to the public, the court shall review the recording of the meeting in camera.

(b) If the court finds that this section was not violated, the action shall be dismissed and the recording shall be sealed and preserved in the records of the court until otherwise made available to the public pursuant to this section.

(c) If the court finds that this section was violated, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

History: 1957 c 773 s 1; 1967 c 462 s 1; 1973 c 123 art 5 s 7; 1973 c 654 s 15; 1973 c 680 s 1,3; 1975 c 271 s 6; 1981 c 174 s 1; 1983 c 137 s 1; 1983 c 274 s 18; 1984 c 462 s 27; 1987 c 313 s 1; 1990 c 550 s 2,3; 1991 c 292 art 8 s 12; 1991 c 319 s 22; 1994 c 618 art 1 s 39; 1997 c 154 s 2

Information

Title:

Begin Discussions Regarding Proposed Updates to the Personnel Policy

Purpose/Background:

The purpose of this discussion is to provide the City Council with information on proposed updates to the Personnel Policy and to seek feedback regarding any revisions the City Council would like to see included in the updated policy.

The current Personnel Policy was adopted March 13, 2018. Staff anticipates this discussion to be extensive, requiring more work sessions followed by formal adoption. If necessary, time-sensitive updates will be adopted first in January, followed by other updates being vetted and adopted shortly thereafter.

The content of the Personnel Policy includes the following broad categories. Bolded and italicized sections either require updates or are suggested updates or clarifications by staff. The content listed in parenthesis provides an idea of the subjects to be addressed. Staff will provide information during the work-session, including, but not limited to the following bolded / italicized topics.

Staff recommends that any Personnel Policy content that is also included in the City's current union contracts, such as Sick Leave Accruals, Holidays or Vacation Accrual Schedules, does not differ from the union contracts.

SECTION 1 INTRODUCTION (Scope / clarifications regarding Councilmembers as non-employees)

SECTION 2 DEFINITIONS (Pronouns)

SECTION 3 EMPLOYEE RECRUITMENT, SELECTION, EMPLOYMENT & TERMINATION

SECTION 4 BENEFITS (Councilmembers eligible for health plan at their own cost, FSA to HSA)

SECTION 5 CLASSIFICATION AND COMPENSATION (Schedule for all staff Salary Study, City Administrator authority to grant a Market Rate Adjustment, Exempt employee additional pay for non-exempt work, Punctuality, Severance Pay to include ESST)

SECTION 6 LEAVE (ESST, Juneteenth, Extended Medical Leave, Temporary Light Duty, Revise when Christmas Eve is observed, School Conference and Activities Leave)

SECTION 7 CONDUCT (Appearance/Dress Code, Pronouns)

SECTION 8 DISCIPLINE/GRIEVANCE PROCEDURES

SECTION 9 TRAVEL, TRAINING AND EDUCATION (Max for Meals, Conditional payment for certain licensure)

SECTION 10 ***HEALTH AND SAFETY (Workers Compensation/Employee responsibility to City)***

SECTION 11 USE OF CITY PROPERTY (IT Policy, Telecommuting)

SECTION 12 DRUG FREE WORKPLACE POLICY (Updates)

SECTION 13 ACKNOWLEDGEMENT OF RECEIPT OF THE PERSONNEL POLICY

Scope

The scope of the Personnel Policy generally applies to all City employees, including probationary employees, elected officials, and appointed officials. Certain provisions of the policy may be inapplicable to certain individuals, as listed in the policy. Employees included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act (PELRA) shall be exempt from any provision of this policy that is inconsistent with such agreement.

Next Steps

After receiving initial feedback from the City Council this evening, the policy will be marked-up and reviewed by the following groups: Management Team, Labor Management Committee and the City Attorney. A final marked-up draft of the policy with all proposed updates will be provided prior to adoption.

Attached: Current Personnel Policy

Timeframe:

This meeting: Approximately 30 minutes
Additional meetings, 15 - 60 minutes

Funding Source:

Not applicable.

Responsible Party(ies):

Colleen Lasher, Administrative Services Director
Brian Hagen, City Administrator

Outcome:

To progress toward an updated Personnel Policy, to be adopted by resolution in the coming weeks.

Attachments

Personnel Policy

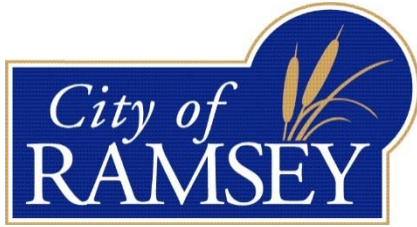
Form Review

| Inbox | Reviewed By | Date |
|---------------------------------|--------------------|---------------------------------|
| Brian Hagen | Brian Hagen | 11/22/2023 12:55 PM |
| Form Started By: Colleen Lasher | | Started On: 11/22/2023 09:15 AM |
| Final Approval Date: 11/22/2023 | | |



PERSONNEL POLICY

Adopted March 13, 2018



Dear City of Ramsey Employee:

The city of Ramsey is a vibrant, growing community that promotes excellence in everything we do and we are pleased to have you on our team.

As part of our team, you are expected to behave in a consistent manner with the City's mission and vision, core values, guiding principles, and this personnel policy.

This personnel policy was prepared to generally describe the terms, conditions, benefits, rights, and responsibilities of employment. The application of specific sections of this policy to any particular situation may depend on the specific facts or conduct at issue. Please become familiar with this personnel policy within ten (10) business days of your receipt of this policy. I hope you will find the policy informative and useful in making the most of the many opportunities available to you as a City employee.

After you have had an opportunity to familiarize yourself with the personnel policy, you must sign the last page of the policy, entitled "Acknowledgement of Receipt of the city of Ramsey Personnel Policy," and submit it to the Human Resources Office. Should you have questions regarding the personnel policy or any aspect of your employment relationship with the City, please feel free to contact me or your supervisor.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Lasher".

Colleen Lasher
Human Resources Manager

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SECTION 1 INTRODUCTION

1.1 How to use this Personnel Policy

This personnel policy is provided as a reference and as a summary of the city of Ramsey's personnel policies, work rules, and benefits. It replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. Accordingly, you will find it to your advantage to read the entire personnel policy promptly so that you will have a complete understanding of the material covered.

The purpose of this personnel policy is to provide for a safe, orderly, and disciplined employment environment. This policy will promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service.

Any local, state, or federal laws that impose stricter requirements or regulations shall be used in lieu of policies or procedures outlined in this personnel policy, whenever they apply.

Additional information or clarification as to each section of this personnel policy may be obtained from your supervisor, Department Head or the Human Resources Manager. The text of this policy, however takes precedence over and controls any inconsistent communication from any City employee or elected official.

This personnel policy summarizes the various policies and benefits currently provided by the city of Ramsey. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, may be construed as an employment contract between the City and an employee, a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

The City reserves the right to modify, revoke, suspend, or change this personnel policy, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

1.2 Scope of Policy

This personnel policy generally applies to all City employees, including probationary employees, and elected officials. Certain provisions of this policy may be inapplicable to the following individuals:

- 1) Elected officials;
- 2) Appointed personnel; i.e. City Attorney;
- 3) Members of City boards, commissions, and committees;
- 4) Paid-on-call Firefighters and volunteer personnel;
- 5) Emergency employees who are employed for emergency work caused by natural disaster;

- 6) Temporary full-time and temporary part-time employees and those working less than 14 hours per week.

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act shall be exempt from any provision of this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota state law is exempt from any provision of this policy that is inconsistent with such statute or rules and regulations adopted hereunder. Nothing in this Section is intended to modify or supersede any provision of the Minnesota Veterans' Preference Act.

1.3 Employee Responsibility

It is the individual employee's responsibility to know and understand thoroughly the policies and subjects covered in this personnel policy. Updated material may be added periodically. Each employee is responsible for going over any new material added. Any questions about the material covered in this policy can be answered by the employee's supervisor, Department Head or Human Resources.

1.4 Data Practices Advisory:

In accordance with the Minnesota Government Data Practices Act, the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, section 13.43, subdivisions 2 and 3. All public data is available for inspection and copying by members of the public, with or without the employee's consent.

Information about employees requested by the City may be used for the following purposes: (1) process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and affirmative action reports; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations

regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.

Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the city whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.

If litigation arises, the information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at a City Council meeting, it will be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to any member of the public.

1.5 Equal Employment Opportunity Statement

This is to affirm the city of Ramsey's policy of providing Equal Opportunity to all employees and applicants for employment and complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof. This policy extends to all applicants and employees and to all aspects of the employment relationship, including, but not limited to, recruiting, hiring, promotion, transfer, discipline, and compensation.

The city of Ramsey is an Equal Opportunity Employer. The City provides equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law.

The city of Ramsey will take affirmative action to ensure that all employment practices are free of discrimination. Such employment practices include, but are not limited to the following; hiring,

upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

1.6 Unlawful Acts

No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this policy.

No person seeking employment to or promotion in the City service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, or on account of or in connection with the employee's test, appointment, or promotion, or proposed appointment or promotion.

No person shall be employed, promoted, demoted, or terminated by the City or in any way favored or discriminated against because of, race, creed, color, national origin, religion, sex, sexual orientation, marital status, familial status, age, status with regard to public assistance or disability, other characteristics protected by state or federal law, or because of actions taken with regards to the rights under provisions of the Public Employment Labor Relations Act. No person who is over 18 years of age shall be discriminated against with reference to City employment in any way forbidden by federal and state law.

1.7 Exceptions

No exception to any provision of this personnel policy may be made except by the City Administrator, the City Administrator's designee as noted in specific sections of this policy, or the City Council as required under the City's Charter. Such exceptions shall be made only on a case by case basis and only after the City Administrator or the City Council has adopted sufficient findings of fact showing the justification for the exception.

SECTION 2 DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours - The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.

Benefits -Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

Benefit Earning Employees -Employees who are eligible for at least a pro-rated portion of some City provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

Casual Employee – Temporary employees who periodically work “special projects” for the City such as the Pet Clinic, Elections and Happy Days. This classification includes, but may not be limited to, Rink Attendants, Snow Plow Drivers, and other employees working less than 14 hours per week.

Demotion -The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee's former position.

Department Head - Employees that are responsible for the efficient administration of their respective departments including substantial supervisory control of a permanent nature over other municipal employees. Department Heads shall initiate, with the approval of the City Administrator, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility. All Department Heads will report directly to the City Administrator. The City Administrator shall serve as the Department Head for the Administrative Services Department.

Direct Deposit -As permitted by state law, all City employees are required to participate in direct deposit.

Division Heads – Employees that are responsible for the efficient administration of their respective divisions, including substantial supervisory control of a permanent nature over other municipal employees. Division Heads shall initiate, with the approval of their Department Head, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility.

Eligible Sick Leave Severance Pay - Eligible sick leave severance shall be defined as a lump sum payment upon termination of employment based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. If applicable, sick leave severance pay is subject to the rules of the non-union post-employment healthcare savings plan. In order to obtain eligible

sick leave severance pay, an employee must leave City employment in “good standing,” as provided in Policy 3.13.

Employee - An individual who has successfully completed all stages of the selection process including the training period.

Exempt Employee – Any employee excluded from overtime and compensatory time off provisions of the Minnesota and federal Fair Labor Standards Act (“FLSA”).

Non-Exempt Employee – Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime pay or compensatory time off at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

FICA (Federal Insurance Contributions Act) - FICA is the federal requirement that a certain amount be automatically withheld from employees’ earnings. Specifically, FICA requires an employee contribute a percentage for Social Security and for Medicare. The City contributes a matching percentage on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

Fiscal Year -The period from January 1 to December 31.

Full-time Employee - Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

Hours of Operation - City Hall’s hours of operation are Monday through Friday, from 8:00 a.m. to 4:30 p.m.

Part-time Employee - Employees who are required to work less than forty (40) hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

PERA (Public Employees Retirement Association) - Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee’s retirement account.

Promotion - Movement of an employee from one job class to another within the City, where the maximum salary for the new position is higher than that of the employee’s former position.

Reclassify - Movement of a job from one classification to another classification because of a significant change in the position's duties and responsibilities.

Seasonal Employee – Temporary Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

Service Credit -Time worked for the City. An employee begins earning service credit on the first day worked for the City. Some forms of leave will create a break in service.

Supervisor – Any person having authority in the interests of the employer to perform or effectively recommend a majority of the following actions: hires, transfer, suspensions, promotions, discharges, discipline, reward, assignments and work direction, adjustment of grievances and performance evaluations.

Temporary Employee - Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

Transfer – Movement of an employee from one City position to another of equivalent pay.

Work Week - The regular work week for City employees is forty hours, in addition to a lunch period, Monday through Friday, except as otherwise established by the City Administrator or designee in accordance with needs of the department.

SECTION 3 EMPLOYEE RECRUITMENT, SELECTION, EMPLOYMENT & TERMINATION

3.1 Scope

The City Administrator or a designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

3.2 Features of the Recruitment System

The City Administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process. Position vacancies may be filled on an “acting” basis as needed.

Application for employment will generally be made on application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position. The deadline for application may be extended by the City Administrator. Unsolicited applications will not be kept on file.

3.3 Testing and Examinations

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test, or other appropriate job-related exam.

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

3.4 Pre-Employment Medical Exams

The City Administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations and whether the candidate passed a drug test, if applicable.

If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations.

If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination, to the extent required by law.

3.5 Selection Process

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor, subject to final hiring approval of the City Council. Any, all or none of the candidates may be interviewed.

The City has the right to make the final hiring decision based on qualifications, abilities, experience and city of Ramsey needs.

3.6 Background Checks

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.

3.7 Criminal Background Investigations

Authority

State law authorizes city police departments to conduct criminal history background investigations on applicants for City positions using Minnesota Computerized Criminal History data.

Applications

This section applies only to applicants who are finalists for regular, temporary, seasonal, casual, and volunteer status positions. Before a finalist is eligible to receive a conditional job offer or begin employment with the City, and to the extent permitted by law, the applicant must authorize the Police Department, in writing, to undertake a criminal history background investigation and to release the information to the City Council, City administrator and/or other City staff as appropriate.

Rejection of Applications

Except in the case of exceptions set forth in Minnesota state law, as may be amended from time to time, if the City rejects an application for employment due partly or solely to the applicant's prior conviction of a crime which relates directly to the position sought, the City's Human Resources Manager will notify the applicant in writing of the following:

- 1) The Grounds and reasons for denial;
- 2) The applicant complaint and grievance procedure set forth in Minnesota State law, as may be amended from time to time;
- 3) The earliest date the applicant may reapply for employment or a volunteer position; and
- 4) That all competent evidence of rehabilitation will be considered upon re-application.

Only public conviction information related directly to the position sought will be considered in denying employment. In situations where identity is questioned, fingerprint verifications will be allowed, to the extent permitted by law. The City reserves the right to consider the applicant's criminal history, including any and all evidence of rehabilitation, when evaluating him or her for employment with the City, to the maximum extent permitted by law.

3.8 *Reclassification and New Position / Vacant Position*

Reclassification

When a position's duties and responsibilities change (increase or decrease), the position is considered a reclassification and may be automatically filled by the incumbent of the original position; contingent upon the incumbent's ability to meet the position's minimum requirements and necessary knowledge, skills, and abilities, at the City's discretion.

New Position

If the City creates a new position to meet its public service needs the position will be filled according to the City Administrator's direction.

3.9 *Nepotism*

The potential for conflicts of interest are increased when personnel who are related are employed by the same employer; and real or implied conflicts of interest can result in distrust and a general lack of harmony among other employees.

Whenever possible, and with due regard for job-relevant qualifications, merit, and fitness, the employer shall avoid the appointment of any person related to an appointed officer or regular full-time or regular part-time employee of the City. Appointments or assignments of persons related to an employee in the same department in which the employee works is prohibited.

This provision does not apply to marital status or familial status, as protected under the Minnesota Human Rights Act. Employment of the spouse of an elected or appointed officer or employee is not prohibited; however, appointment or assignment of an employee's spouse in the same department in which the employee works is prohibited, if the appointment or assignment would

result in an employee directly supervising or influencing the recruitment, employment, salary, fees, or performance review of the employee's spouse.

Appointment to a position with the City shall not be construed as an employment contract between the city of Ramsey and an employee. All employees whose positions are covered by this policy are appointed by - and serve - at the sole discretion of the employer.

3.10 Probation

Subject to the provisions of an applicable collective bargaining agreement, every original appointment and every promotional appointment, is subject to a probationary period of six (6) months, except for patrol officers, paid-on-call firefighters, and Department Heads who have a one-year probationary period. During the probationary period a probationary employee may be terminated at the sole discretion of the City. If terminated during the probationary period, the employee shall be notified in writing of the termination and shall have no right to appeal the termination.

Employees may use sick and vacation leave during their probationary period at the discretion of the Department Head.

At the sole discretion of the City Administrator, an employee's probationary period may be extended for 90 calendar days. Completion of the probationary period or any extended probationary period is not, and cannot be construed as, a promise of continued employment or otherwise altering the at-will nature of employment.

3.11 Supplemental Employment

No city of Ramsey patrol officer shall work as a police officer or keeper of the peace directly for any establishment in the City or at any special private functions within the City. Officers needed at special functions shall work as city of Ramsey employees and shall be paid directly by the City. The City, in return, will bill the person or entity requesting the officers' presence at the function from which payment the City will reimburse itself for the officers' services.

3.12 Performance Evaluations

Performance evaluations are used to assess employee performance in terms of specific job requirements and provide measures for setting up training and development programs for improvement and opening communication channels. On the anniversary date of an employee's current position, or in January if so determined by the Human Resources Manager, as well as when an employee is completing their probationary period, a formal performance evaluation may be completed. If a formal performance evaluation is completed, it will be reviewed with the employee.

For Department Heads, the City Administrator will make note of any City Council feedback regarding Department Head performance and summarize the Council's comments when writing the Department Head's performance evaluation. The City Administrator will review the performance evaluation with the Department Head. The Department Head will have the opportunity to discuss the performance evaluation with the City Council at a closed City Council meeting if he/she so chooses.

The City will consider each employee's performance evaluation when considering salary increases or potential promotional opportunities. As a general rule, an employee who receives an overall rating of "Needs Improvement" or "Poor" will not be eligible for promotional opportunities, salary increases, except for any "cost of living" adjustment made by the City. Further, an employee who receives an overall rating of "Needs Improvement" or "Poor" must follow a performance improvement plan to bring performance to an acceptable level. If performance is not brought to an acceptable level as described in the performance improvement plan, discipline may be imposed, up to and including termination. Conducting, or the results of, performance evaluations does not alter the at-will nature of employment.

3.13 Resignations

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered "in good standing" at the time of resignation, an employee must file with employee's Department Head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads wishing to resign "in good standing" should give the City as much advance notice as possible, but must provide at least 30 days' notice. Failure to comply with this 14 day or 30 day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the Department Head as a resignation "not in good standing" and without benefits.

3.14 Lay-offs

After at least two weeks' notice to the employee, the City Administrator may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization.

SECTION 4 BENEFITS

4.1 *Group Insurance*

To be eligible for group health, dental, or life insurance benefits with the city of Ramsey employees must be a regular employee scheduled to work at least 30 hours per week. The City provides a contribution to health insurance, single dental insurance and basic life insurance for full-time employees as approved by the City Council annually. Members of the City Council are eligible for group health insurance in the City’s group health insurance plan without affecting Councilmembers’ total compensation from the City. The City will continue to provide basic life insurance for employees participating in PERA’s Phased Retirement program as permitted by the carrier.

In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended

4.2 *Long Term Disability (“LTD”)*

Mandatory LTD - Long term disability is a mandatory, employee-paid benefit provided to sworn police personnel and other full-time, non-union employees.

Voluntary LTD - Long term disability is available to other employee groups as a voluntary employee-paid benefit.

The terms of the long term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long term disability benefits will be established by the City.

4.3 *Public Employment Retirement Association (“PERA”)*

Almost all city employees in the State of Minnesota are covered by a public pension system known as the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact Human Resources. Vesting time varies depending on membership eligibility date and the pension is portable among public employers throughout the state. Being vested means qualifying for benefits at the minimum allowable age.

In normal situations, employees and employers both contribute a percentage of the employee’s eligible gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact Human Resources with specific questions regarding PERA contributions.

The City offers PERA’s Phased Retirement Option on a case-by-case basis after approval by the HR Manager, Department Head and the City Administrator, as deemed beneficial to the City in

meeting the goals of the strategic plan. The agreement can be terminated at any time. Employees interested in this option should see Human Resources for more information.

4.4 Employee Savings Plans

All employees eligible to enroll in PERA are also eligible to place a portion of their earnings in 457 savings plans; pre-tax and/or post tax programs.

Please contact Human Resources regarding maximum annual contribution amounts and for any other specific information regarding these plans.

4.5 Flexible Spending Account

Employees can establish flexible spending accounts and have pre-tax deductions made from their payroll checks to pay for eligible childcare and eligible medical expenses. The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact Human Resources for additional details.

4.6 Retiree Benefits

Minnesota law provides for continuation of health and dental coverage to certain former employees who are receiving a disability benefit or an annuity from PERA, or who have met PERA age and service requirements. Former employees are responsible for paying the entire premium. Failure to do so will result in termination of coverage. Employees should contact Human Resources for additional details.

4.7 COBRA

Employees participating in the City's group health insurance plan who terminate employment with the City or experience another event which triggers their legal entitlement to insurance continuation will receive a notice of their right to elect continued insurance coverage consistent with state and federal law, including, but not limited to, the Consolidated Budget Omnibus Reconciliation Act of 1985 ("COBRA") (as amended). The notice will be provided in accordance with such laws and employees must comply with those laws if they wish to continue coverage after separating from the City's employment, including, but not limited to, paying the entire premium for the duration of the continuation coverage. Employees should contact Human Resources for additional details.

4.8 Non-union Post-employment Healthcare Savings Plan (PEHCSP)

The PEHCSP is an employer-sponsored program that allows employees to invest in a tax-preferred medical savings account while employed by a Minnesota public employer.

All non-union employees hired after January 1, 1984 will participate in the post-employment healthcare savings plan, as follows:

PERA COORDINATED MEMBERS

- **WAGES:** Contribute 2% after 5 years of service (starting with the 6th year of service) and greater to the PEHCSP
- **MAXED OUT SICK LEAVE:** Contribute unused sick leave hours that would normally convert to vacation time (all hours greater than 960 at a conversion rate of 2 to 1) to the PEHCSP.
- **VACATION:** Upon separation of employment/contribute unused accrued vacation time, as follows:
 - 50% after 5 years of service through 10 years of service and then
 - 75% with 11 years of service through 15 years of service and then
 - 100% after 16 years of service and greater shall be contributed to the PEHCSP
- **SICK LEAVE:** Upon separation of employment/contribute unused eligible accrued sick time, as follows: 100% of eligible unused accrued sick leave after 5 years of service and greater

PERA POLICE & FIRE MEMBERS

- **WAGES:** Contribute 1% for all employees until 5 years prior to normal retirement age (55), at which time ongoing contributions will be 4% of salary.
- **MAXED OUT SICK LEAVE:** Contribute all unused sick leave hours that would normally convert to vacation time (all hours greater than 960 at a conversion rate of 2 to 1) to the PEHCSP.
- **VACATION** Upon separation of employment/contribute unused accrued vacation time, as follows: 100% -- Regardless of years of service
- **SICK LEAVE:** Upon separation of employment/contribute unused eligible sick leave, as follows: 100% of eligible unused accrued sick leave -- regardless of years of service.

Eligible sick leave severance shall be defined as a lump sum payment upon termination of employment, contributed to the PEHCSP, based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided in Policy 3.13.

4.9 Employee Assistance Program

The City offers an employee assistance program (EAP) at no cost to assist employees and their families with a variety of services from mental health and substance abuse counseling to child care resources. The EAP will provide confidential counseling services by highly trained clinicians or suggest other professional resources that may be useful to employees and their families.

SECTION 5 CLASSIFICATION AND COMPENSATION

5.1 General

Employees of the City shall be compensated according to the schedule established by the City Council. Any wage, salary, or other monetary benefit so established is the total remuneration for employment which may be allowed for the conduct of official business. Unless approved by the City Administrator, no employee shall receive pay from the city in addition to the salary authorized for the position or positions to which the employee has been appointed, or for hours beyond the normal work week without prior approval by the City Administrator or designee.

Non-exempt employees who work for a period less than the regularly scheduled work-week will earn wages based on the actual number of hours worked. Regular part-time employees are eligible to earn vacation and sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Holidays are earned in proportion to those earned by regular full-time employees and are based on work hours budgeted on January 1. Vacation and sick leave, and holidays count toward total budgeted work hours for the year. Temporary employees are not eligible for vacation or sick leave, holiday pay, or health or life insurance.

Employees shall be paid biweekly via mandatory direct deposit. When a pay day falls on a holiday, employees shall receive their pay on the preceding work day.

No employee shall be permitted to receive from any third party payment for services and labor performed while such employee is working regular hours or while working additional overtime hours for the City, unless approved in advance by the City Administrator and subject to a written agreement with the third party--such as with Anoka County.

5.2 Classification Plan / Position Descriptions

The City will establish and maintain a position classification plan for all positions in accordance with federal and state laws. The Human Resources Manager, under the direction of the City Administrator, and in conjunction with Department Heads, shall be responsible for establishing, periodically revising, and maintaining current position descriptions. The position description shall state the essential duties, responsibilities and qualification requirements which distinguish a given position from other positions. The position description shall describe the typical types of work which may be assigned to a particular position but shall not be construed to restrict the assignment of other duties related to the position. Supervisors may direct their subordinates to perform tasks not expressly identified in the position description, as they see fit.

Purpose

The purpose of the classification plan / position description is to:

- a. Establish reasonable compensation relationships between job classifications.
- b. Establish qualification standards for recruitment and testing purposes.
- c. Provide the appointing authority with means for analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
- d. Assist the appointing authority in determining budget requirements.
- e. Provide the basis for developing standards of work performance.

- f. Indicate training needs.
- g. Provide uniform titles to positions.

Class

A class shall be comprised of one or more positions that are substantially similar with respect to the type, difficulty, and responsibility of work performed.

Administration of the Classification Plan / Position Descriptions

The classification plan shall be established and maintained through recommendation of the Department Head and the Human Resources Manager to the City Administrator. The City Administrator may establish a new class, create a new position within a class or reclassify a position upon approval by the City Council.

When a new position is proposed by a Department Head or the Human Resources Manager, a request for the position along with a description of the duties and responsibilities of the position shall be submitted to the City Administrator. The position shall be analyzed and evaluated based on the duties and responsibilities without regard to the personal characteristics, abilities or qualifications of the incumbent. The final approval of the classification shall be by the City Council.

5.3 Reclassification

When the duties and responsibilities of a position change, the Department Head may initiate a request for a change in classification. This request must be submitted in writing to the Human Resources Manager accompanied by a proposed updated position description prepared by the Department Head. The Human Resources Manager shall submit the request to the City Administrator for review and approval or denial, at his or her discretion. If the City Administrator denies a request for reclassification, no similar request may be submitted for one year. The Human Resources Manager, acting under the direction of the City Administrator, may also review the classification of existing positions from time-to-time, regardless of whether a Department Head proposed reclassification within the preceding year.

Factors that could lead to conducting an analysis of existing positions include, but are not limited to, the following:

- a. Change in the existing organizational or reporting relationship.
- b. Significant additions, reductions or changes in the essential functions for which the position is accountable which affect the level of skill, knowledge, responsibility or working conditions of the position.
- c. Change in the supervisory functions assigned to the position.
- d. Change in the qualifications required of the position.

5.4 Compensation Plan

The compensating plan shall be reviewed annually by the City Administrator and presented to the City Council as part of the annual budget process. The City Administrator may modify any or all of the pay ranges or grades as set forth in the plan at any time, at his or her discretion, subject to approval by the City Council. The City Administrator may also set effective dates for the pay plan. All pay ranges shall be construed as policy declarations and not binding, permanent contractual obligations between the City and its employees. Any amendment to the pay plan shall be based on changes in the responsibility or the duties of the position, recruiting experience, rates of pay and benefits in the public and private sector, the City's financial status, general economic conditions, federal or state law, including the Minnesota Pay Equity law, or other pertinent factors warranting such action.

In addition, from time to time the position and pay classification plan may be amended by City Council resolution upon receipt of a recommendation from the City Administrator. In making such recommendations, the City Administrator shall consider the following factors:

- a. Maintenance of equitable relationship between classes, based on their relative duties and responsibilities.
- b. Indicators, from the appropriate labor market, for comparable work under similar conditions.
- c. Current recruitment and retention experience.
- d. Comparable worth for all positions within the organization.
- e. Ability of the city of Ramsey to fund the position.

Content of Pay Plan

The pay plan presented to the City Council for its consideration shall consist of the minimum and maximum rate of pay for each position in the organization. Each position shall be assigned to a pay class and all positions in the pay class shall be compensated according to the established pay range. A pay range will be assigned to each class according to the responsibilities of the position, the duties and pay for other positions, prevailing rates of pay for comparable positions in public and private employment in the area, fringe benefits received by employees, the financial policy of the City, federal and state statutes and other pertinent economic factors.

Pay Plan Administration

The City Administrator shall be responsible for administering the Pay Plan according to this section.

Beginning Salary Rate – The beginning rate for a new employee will be the minimum rate in the established class for his or her position classification. The Employer, at its sole discretion, may approve a pay rate above the minimum rate to:

- a. Mitigate recruiting obstacles.
- b. Hire a person with superior qualifications.
- c. Correct salary inequities.
- d. Give credit for prior service.

Method of Progression

After appointment or promotion and pending satisfactory performance, an employee shall be eligible for advancement through his/her respective salary range as specified in the collective bargaining agreement or as authorized by the City Council.

Market Adjustment Pay–

Occasionally positions within the City may fall behind in pay with regard to the market value. When this becomes apparent, the Human Resources Manager may, in his or her sole discretion, make a recommendation for the appropriate salary adjustment to the City Administrator. Upon approval by the City Administrator, the employee in said position will receive a salary range adjustment. The employee will retain her or his original anniversary date for the purposes of step increases and performance evaluations. Any increases that result in more than a five percent increase shall be submitted to the City Council for approval or denial.

Extra Duty Pay / Interim Pay

The City Administrator shall have the authority to grant short-term extra duty pay. Any extra duties that qualify for extra duty pay would be responsibilities that fall well outside of the respective employee's job description and would have a defined end date, but would not exceed six months. Typically, extra duty pay would be tied to a special project or event. At the City's discretion, extra duty pay may be paid via a payroll stipend. Interim pay would include, for example, filling in for a vacancy, FMLA or leave absence. Interim pay shall not exceed 10% over the current base salary. The City Administrator's approval of extra duty pay or interim pay is subject to available funding within the budget.

Overtime Compensation for Exempt Employees who also Work in a Non-Exempt Position Within the City

Federal law allows exempt City employees working two or more positions with the City to agree, in advance, to receive overtime compensation for the secondary position if it is non-exempt, subject to certain restrictions and limitations. Exempt employees holding two or more positions within the City at least one of which is non-exempt, should consult with Human Resources regarding the possibility of overtime. No overtime will be paid pursuant to this provision without prior written approval from Human Resources.

Overtime pursuant to this section will be paid for hours worked in a secondary position only if the employee worked at least 40 hours at the primary position during the normal workweek. Sick and vacation leave, holidays and compensatory time off count as time worked as per the Personnel Policy.

5.5 Payroll Deductions

Certain deductions from earnings, such as federal and state income taxes and social security taxes, are required by law. These deductions will be identified on the direct deposit vouchers. The amount of these required deductions may change since they are affected by changes in the amount earned, and in the case of income tax, they are affected by changes in the number of dependents claimed. Monies earned during a two (2) week pay period, cannot be divided into two payroll checks. Employees should contact Human Resources with any specific questions.

5.6 Meal Periods and Breaks

When working under conditions where a break period is practicable, all hourly employees are entitled to two (2) 15 minute breaks with pay per eight (8) hour shift at times designated by the

supervisor. Most employees also receive a thirty (30) minute unpaid meal period during each eight hour work day.

5.7 Overtime Compensation/Compensatory Time Off

Non-exempt, non-union employees will be paid overtime compensation for all hours worked in excess of forty (40) hours per work week at a rate of one and one-half times the regular rate of pay. Paid holidays, vacation leave, compensatory time off, and sick leave are considered time worked for the purposes of calculating overtime hours. No employee will be permitted to work overtime without the prior approval of the applicable Department Head.

Overtime pay will not be paid for time not worked. Exempt employees, as defined by the Fair Labor Standards Act, are not entitled to overtime pay.

Non-exempt, non-union employees will be allowed to take compensatory time off in lieu of receiving over time compensation. Compensatory time off is computed at a rate of one and one-half times the hours worked in excess of the forty (40) hour work week. Accrued compensatory time off shall not exceed 120 hours at any time. Once an employee has accrued 120 hours of compensatory time off, compensation for additional hours worked must be paid in cash, rather than accrued as compensatory time off.

The City reserves the right to payout any compensatory time off hours in excess of 80 hours, as it deems necessary.

The City allows employees to cash out up to a maximum 40 hours of compensatory time off annually; to be paid out up to twice annually, January 1 through January 15, and November 1 through November 15 of each year, to total a maximum payout of 40 hours of compensatory time off. Note: upon terminating employment with the City, all compensatory time off will be paid out at 100% of the accrued balance.

For the purposes of calculating overtime, an employee using paid holidays, vacation leave, sick leave, or compensatory time off is considered to be working.

Accrued compensatory time off may be used with prior approval from the employee's Department Head. Upon an employee's separation from the City, there will be a pay-out of accrued and unused compensatory time off at the then current hourly rate of pay.

For the purposes of computing overtime compensation and compensatory time, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

5.8 Severance Pay

Severance pay is available to employees who have at least five (5) years of continuous service with the City and resign "in good standing". Employees who are discharged are not "in good standing" and may not receive severance pay pursuant to this policy.

Qualifying employees who resign "in good standing" shall receive a lump sum payment upon termination of employment with the city of Ramsey based on thirty-three (33) percent of

employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. Eligible severance pay will be applied per the applicable PEHCSP agreement as provided in Policy 4.8.

Receipt of severance pay terminates all seniority rights and ends all city of Ramsey liability with regard to other benefits, except as otherwise provided by law and any applicable collective bargaining agreement.

SECTION 6 LEAVE

6.1 Vacation Leave

The city of Ramsey provides eligible employees vacation benefits to promote rest and relaxation away from work. Requests for scheduled vacation should be made to the Supervisor/Department Head by January 31 of each year. When considering whether to grant conflicting vacation requests submitted during January of each year, seniority by department will prevail; thereafter, vacation leave shall be initiated on forms submitted to the Department Head at least two weeks prior to requested vacation time off. Exceptions to this policy are granted on a very limited basis. To assure efficient functioning of the City, it is necessary to limit the number of employees on vacation at the same time.

An employee's banked vacation leave must be within two times the yearly accrual by December 31st, unless approved by the City Administrator. Once an employee has banked the maximum amount of vacation hours allowed, all additional hours accrued are forfeited. Employees are responsible for monitoring their own balances. Additional pay in lieu of vacation is not permitted.

For the purposes of accumulating additional vacation leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working.

At the discretion of the Department Head, an employee may use accrued vacation leave during the probationary period. An employee who separates from the City "in good standing," as that term is defined in Section 4.11 of this policy, shall be compensated for vacation accrued and unused through the last date of employment, per section 4.8 non-union post-employment healthcare savings plan.

New employees will begin employment with a vacation balance of zero, followed by vacation accruals based on one of the following vacation accrual schedules. However, at the discretion of City Administrator, a one-time vacation credit may be negotiated and in order to:

- a. Mitigate recruiting obstacles.
- b. Hire a person with superior qualifications.
- c. Give credit for prior service.

The bi-weekly accrual rate will not be accelerated due to any upfront vacation credits.

Vacation Accrual Schedules

| Department Head Vacation Accrual Schedule | | |
|--|-------------------------------|---------------------------|
| Effective Date | Bi-weekly Accrual Rate | Vacation Days/Year |
| Start date | 4.62 hours/pay period | 15 days |
| 6 th Anniversary | 5.54 hours/pay period | 18 days |
| 7 th Anniversary | 6.15 hours/pay period | 20 days |
| 12 th Anniversary | 6.46 hours/pay period | 21 days |
| 16 th Anniversary | 6.77 hours/pay period | 22 days |
| 17 th Anniversary | 7.08 hours/pay period | 23 days |
| 18 th Anniversary | 7.38 hours/pay period | 24 days |
| 19 th Anniversary | 7.69 hours/pay period | 25 days |

| Full-Time, Management Vacation Accrual Schedule | | |
|--|-------------------------------|---------------------------|
| Effective Date | Bi-weekly Accrual Rate | Vacation Days/Year |
| Start date | 4.62 hours/pay period | 15 days |
| 6 th Anniversary | 5.54 hours/pay period | 18 days |
| 8 th Anniversary | 5.85 hours/pay period | 19 days |
| 10 th Anniversary | 6.15 hours/pay period | 20 days |
| 12 th Anniversary | 6.46 hours/pay period | 21 days |
| 16 th Anniversary | 6.77 hours/pay period | 22 days |
| 17 th Anniversary | 7.08 hours/pay period | 23 days |
| 18 th Anniversary | 7.38 hours/pay period | 24 days |
| 19 th Anniversary | 7.69 hours/pay period | 25 days |

| Full-Time, Non-Union Vacation Accrual Schedule | | |
|---|-------------------------------|---------------------------|
| Effective Date | Bi-weekly Accrual Rate | Vacation Days/Year |
| Start date | 3.08 hours/pay period | 10 days |
| 6 th Anniversary | 4.62 hours/pay period | 15 days |
| 12 th Anniversary | 6.15 hours/pay period | 20 days |
| 16 th Anniversary | 6.46 hours/pay period | 21 days |
| 17 th Anniversary | 6.77 hours/pay period | 22 days |
| 18 th Anniversary | 7.08 hours/pay period | 23 days |
| 19 th Anniversary | 7.38 hours/pay period | 24 days |
| 20 th Anniversary | 7.69 hours/pay period | 25 days |

Regular part-time employees are eligible to earn vacation leave in proportion to that earned by regular full-time employees based on the number of hours worked. Vacation leave will count toward total budgeted work hours for the year.

6.2 Sick Leave

Sick leave may be authorized when an employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be authorized to care for the employee's absences due to an illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent or for any purpose authorized by law, including, but not limited to, Minnesota Statutes, section 181.9413 (as amended). For additional information as to when sick leave may be utilized, employees should contact Human Resources

To be eligible for sick leave with pay, an employee shall:

- a. Report as soon as possible to the employee's immediate supervisor the need to be absent and identify if the absence is due to the employee's illness or the employee's immediate family, as listed above;
- b. Keep the employee's immediate supervisor informed of such employee's need for continued absence;
- c. For any absence that exceeds three days, upon request by the City Administrator, submit a medical certificate before the employee will be allowed to return to work.

Using or claiming sick leave for a purpose not authorized may be cause for disciplinary action. For the purpose of accumulating additional sick leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working. At the discretion of the Department Head, an employee may use accrued sick leave during the probationary period. After the end of the probationary period, an employee is entitled to use sick leave accrued from the start of the probationary period.

Sick Leave Accrual

Every probationary and regular employee is entitled to earn sick leave with pay at the rate of 1 day (based on an 8-hour day) for each calendar month of full-time service or major fraction thereof. Sick leave may be accrued to 120 days (960 hours); unused sick leave in excess of 120 days (960 hours) at the end of a calendar year (December 31st) shall be converted to vacation at a rate of one hour of vacation for each two hours of sick leave, subject to the maximum amount of accrued vacation leave provided in this policy. All hours in excess of 960, as defined in section 4.8 non-union post-employment healthcare savings plan, will be applied per the applicable agreement.

Regular part-time employees are eligible to earn sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Sick leave will count toward total budgeted work hours for the year.

Sick Leave for Wellness (Non-union and AFSCME Employees Only)

Use of Sick Leave for Wellness Activities: Employees who have been employed with the

city of Ramsey for at least five (5) years and who have accrued a minimum sick leave balance of 300 hours will be allowed to use up to 24 hours of sick leave annually for cash payment for approved wellness activities, described below.

Sick leave used for wellness activities will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. The City's severance schedule at the time of this writing is as follows: 33% after five years of service; 35% after 15 years of service; 37% after 20 years of service; and 40% after 25 years of service. Once the benefit is received it is non-reversible and the employee's sick leave accrual will be reduced by the number of hours claimed and/or approved.

Income Taxes and Effect to Sick Leave Accruals

Payments other than to deferred compensation will be taxable income to the employee and subject to all applicable taxation requirements.

Required Documentation

Requests for using sick leave for wellness activities will be accepted twice annually, from June 1-15 and December 1-15. Such requests will be processed in July and December, respectively, unless otherwise indicated. An activity for which payment is requested must have occurred in the same calendar year in which the request for payment is made. All claims shall be submitted to Human Resources via a Sick Leave for Wellness Request Form accompanied by proper documentation for each activity.

Approved Medical and Dental Expenses

Sick leave may be used to pay employees for the employee's medical and dental expenses not covered by the City's insurance plans. Accumulated sick leave used for this purpose will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. To receive the payment, the employee will fill out a Sick Leave for Wellness Request Form and submit proof of the expense to Human Resources.

Approved Wellness-Related Activities

- a. Individual employee memberships in approved health clubs and/or a sum equal to an individual membership for those employees holding family memberships which include the employee. An approved health club would be one that provides facilities for aerobic and strength training activities.
- b. Programs designed to improve health such as classes on weight loss, smoking cessation or stress management are also allowed. This includes jazzercise, exercise classes, learning to eat, and weight watchers.
- c. Regular (meaning at least once a week) fitness activities resulting in a moderate to high aerobic benefit and their fees and memberships will also be eligible for payment. This includes activities such as singles tennis, racquetball, handball, court fees associated with these sports, basketball, exercise classes, hockey, soccer, martial arts training, skating, cross country skiing and gymnastics.
- d. Fitness/exercise equipment (e.g., stationary bikes, treadmill, stair stepper, rowing machine, ice/inline skates, skis)

The following activities are not eligible for payment:

- a. Activities and equipment with a relatively low aerobic benefit, such as bowling, golf, dancing, horseback riding, archery, and baseball/softball. Also excluded are whirlpools, saunas, and massage therapy.
- b. Any clothing costs, competitive registration fees or costs for food will not qualify for payment.
- c. Membership fees for clubs that are primarily social in nature (i.e., country clubs, golf/tennis clubs).
- d. Accessory items (e.g., book holders, water bottles/holders, bike racks), assembly charges, shipping fees and maintenance contracts.

Employees are advised to have a physical examination by their physician if they are beginning a new program of physical activity. Employee may not participate in any Sick Leave for Wellness eligible program on City time. Sports, activities and equipment not listed will be evaluated on a case by case basis by Human Resources.

Approved Deferred Compensation Contributions

Eligible employees will be allowed to convert accumulated sick leave to deferred compensation deposits. Deposits in combination with all other payments to the deferred compensation accounts are subject to maximum deferral regulations. Accumulated sick leave used for deferred compensation contributions will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time that the contribution to deferred compensation is requested. Requests for contributions under this section must be submitted to Human Resources by December 15. Contributions will be made to deferred compensation plans via payroll deduction in December pre-tax. Requests for contributions under this section must be submitted to Human Resources by December 31. Contributions will be made to deferred compensation plans via payroll deduction in January of the following year and will not be taxable.

Employees who are in the process of terminating employment are not eligible for payments under this program. All requests for payment under this program must be approved by Human Resources.

6.3 Holidays

The city of Ramsey recognizes twelve (12) holidays for non-union employees. Regular employees are eligible for holiday pay provided they work the day preceding, and the day following, the holiday, (unless the day(s) off were previously approved by the supervisor). Regular employees who are scheduled to work the holiday will be given another day off with pay. Paid holidays include:

- | | | |
|----|-------------------|------------------------------------|
| 1. | New Year's Day | January 1 st |
| 2. | Martin L King Day | 3 rd Monday in January |
| 3. | President's Day | 3 rd Monday in February |

| | | |
|-----|-------------------------------|--|
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4 th |
| 6. | Labor Day | 1 st Monday in September |
| 7. | Veteran's Day | November 11 th |
| 8. | Thanksgiving Day | 4 th Thursday in November |
| 9. | Friday after Thanksgiving Day | (Non-union, AFSCME and LELS Captains only) |
| 10. | Christmas Eve | December 24 th |
| 11. | Christmas Day | December 25 th |
| 12. | Eight Hour Floating Holiday | To be used Jan. 1 to Dec. 31 |

All employees in full-time regular positions are entitled to time off with full pay on holidays. The City shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions requires them to do so.

Regular part-time employees are eligible to earn paid holidays in proportion to that earned by regular full-time employees based on work hours budgeted on January 1. Paid holidays will count toward total budgeted work hours for the year.

If an approved holiday falls on a day a part-time employee is not scheduled to work, the employee must take the paid holiday leave during the same pay period in which the holiday occurred.

Employees may be required to work on paid holidays when the nature of their duties or other conditions require them to do so. A non-exempt, non-union employee required to work on a holiday shall receive their full pay for the holiday, as well as a minimum of 2-hours pay at a rate of 1-1/2 times the employee's base hourly pay rate for the time worked on such holiday. All holidays specified will be paid in dollars or as earned compensatory time off.

When New Year's Day, Independence Day, Veteran's Day, Christmas Eve or Christmas Day falls on Sunday, the following Monday is considered the paid holiday and if any such day falls on Saturday, the preceding Friday is considered the paid holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

New employees hired after December 1st are not eligible for the floating holiday during the calendar year in which they were hired. Floating holidays may not be carried over.

6.4 Family and Medical Leave

Eligible employees may be entitled to take unpaid leave pursuant to the Family and Medical Leave Act ("FMLA") for the purposes described in 29 U.S.C. § 2612 (as amended). All such leave, including the responsibilities of the City and its employees related to such leave, is subject to the conditions prescribed in the FMLA and the Department of Labor's regulations implementing the FMLA.

For additional information regarding FMLA leave, including the circumstances in which such leave may be taken, employees should consult the posted notices. In addition, as

permitted by the FMLA, the City places the following restrictions on eligible employees' use of FMLA leave:

The City has designated a "rolling" 12 month period for purposes of determining employees' entitlement to FMLA leave. The "rolling" 12 month period begins on the date the employee uses "any" FMLA leave.

An eligible husband and wife couple employed by the City are permitted to take a combined total of 12 work weeks of FMLA leave in a single 12-month period if the FMLA leave is: (1) due to the birth of a son or daughter of the employees, (2) due the placement of a son or daughter with the employees for adoption or foster care, or (3) in order to care for a parent of the eligible employee.

Employees may request leave under this policy based on: (1) the birth of a son or daughter of the employee; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) their own serious health condition; (4) to care for a parent, spouse, or child's serious health condition; (5) military caregiver leave; (6) a qualifying military exigency as defined in the FMLA or, (7) or any another eligible circumstances contingent upon the FMLA. Employees are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. Employees who request leave under this policy are required to submit medical certificate outlining the dates on which treatment is expected and the expected duration. The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee's certification differs from the results of the City's certification, the City may obtain a third opinion at the City's expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.

Except in emergency situations, the employee is required to provide written notice of the need to take leave to the employee's supervisor not less than 30 days before the date the leave is to begin. If the leave is to begin in less than 30 days, the employee shall provide such written notice as soon as practicable.

Employees are required to use all accrued sick leave, vacation leave, and any other accrued paid leave, except a combined total of forty hours of accrued paid leave and/or compensatory time off, concurrently with leave provided under the FMLA. The combined paid and unpaid leave cannot exceed the applicable 12 week or 26 week maximum FMLA leave time. FMLA leave may run concurrently with a worker's compensation absence if the on-the-job injury or illness also qualifies as a serious health condition under the FMLA.

Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of

the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave - whether paid or unpaid – will not constitute a break in service for purposes of computing years of service.

To the extent provided in the FMLA, employees generally have the right to return to an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon returning to work after a period of FMLA leave. However, employees who fail return to work following, or require additional time away from work after exhausting, their FMLA leave in the designated "12 month period" no longer have FMLA protections of leave or job restoration. In addition, an employee who fails to return to work at the end of FMLA leave, in most cases, will be considered to have voluntarily resigned his/her position with the City. Employees who do not return to work at the end of their FMLA leave may be terminated.

The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Manager may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Records on family and medical leave will be kept along with normal personnel records except that any medical record will be maintained separately in accordance with applicable laws.

The FMLA is a complex area of law with detailed federal regulation that is impacted by other related issues. Questions should be directed to Human Resources.

6.5 *Extended Medical Leave*

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator may, at his or her sole discretion, approve a request for an unpaid medical leave extension of up to three months due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this section, the employee must use all paid leave except a combined total of forty hours of accrued vacation leave, sick leave, holiday pay, and/or compensatory time off.

Health and life insurance benefits will continue to be paid by the City for an employee who is on extended medical leave at the same level as if the employee were working. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking extended medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health

condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

Vacation, sick, and paid holiday leave will not be earned during a period of unpaid extended medical leave. Use of approved extended medical leave will not constitute a break in service for purposes of computing years of service. The city of Ramsey does not guarantee job restoration after a period of extended medical leave.

The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Manager may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

6.6 *Bone Marrow Donation Leave*

State law provides for paid leaves of absence to an employee who works an average of at least 20 hours per week and seeks to undergo a medical procedure to donate bone marrow. The length of the leave shall not exceed 40 work hours, unless agreed to by the City. Bone Marrow Leave is not chargeable against accrued vacation or sick leave or compensatory time off. The City may require certification from the treating physician regarding the purpose and length of the leave requested by the employee.

6.7 *Temporary Light Duty*

Consistent with public service needs, the City may assign light duty to employees who are temporarily unable to fully perform all work duties. The City reserves the sole right to determine, on a case-by-case basis, whether light duty will be assigned and, if assigned, what duties the employee will be expected to perform and the duration of the assignment, which cannot exceed four weeks. The City does not guarantee that any light duty will be available, and is under no obligation to create a new position to accommodate any employee's inability to perform the essential functions of their job. Police Department and Fire Department employees are not eligible for light duty assignments, unless approved by the Department Head and the Human Resources Manager.

The procedure for applying for a light duty assignment will be as follows:

- A. When an employee is unable to provide full performance of all assigned work duties, the employee may request light duty by submitting a written request to the Human Resources Manager. The request shall be accompanied by the treating physician's medical certification indicating diagnosis, current treatment, and the extent and duration of any work restrictions.
- B. The City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, work restrictions and expected length of disability.

- C. Determinations regarding light duty will be made on a department-by-department, case-by-case basis. The Human Resources Manager, in consultation with the Department Head, will consider such factors as public service needs and budgetary consideration, the need for work which may be assigned as light duty, the employee's capability of performing the work, the number of employees not available for work due to injury or illness, and other relevant factors, as determined by the Human Resources Manager's sole discretion. The City does not guarantee that any light duty will be available, and is under no obligation to create a new position to accommodate any employee's inability to perform the essential functions of their job.
- D. The City will determine what job duties the employee will perform. These duties may include those currently assigned to the employee's job classification or any other duties the City considers to be appropriate. Duration of light duty will be determined at the sole discretion of the City.
- E. If the treating physician requires a continuation of light duty beyond the initial two weeks, the employee must submit the treating physician's documentation for the Human Resources Manager's review in order to determine if the City can grant additional light duty. The City, at its sole discretion, reserves the right to terminate a light duty assignment at any time based upon, but not limited to, the factors set forth in sub-item C above.

6.8 Military Leave

State and federal laws provide for and regulate military leave for employees who are called to military service, whether in the Reserves or full-time service. Leave from employment to participate in military duty is addressed in federal law in the Uniformed Services Employment & Re-employment Rights Act (USERRA). Public employees in Minnesota engaged in military service have additional benefits under Minnesota Statutes. Every city of Ramsey employee, whether in the Reserves or full-time service, will be afforded the benefits entitled to them under federal and state law. Employees should contact Human Resources for additional details.

6.9 Parenting Leave

Parenting Leave, as provided for in Minnesota Statutes, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.

6.10 School Conference and Activities Leave

Any qualifying employee may take leave of up to 16 hours during any 12-month period to attend school-related activities related to the employee's child attending school, provided the school-related activities cannot be scheduled during non-work hours.

When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. Employees may use accrued vacation leave or compensatory time off concurrently with leave granted pursuant to this section.

6.11 Jury or Witness Duty

Any employee who is required to serve as a juror or who is under subpoena as a witness in court for job related purposes, shall be granted a leave of absence with pay while serving in such capacity. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay excluding transportation reimbursement, must be remitted to the City within 30 days after receipt of payment from judicial agency. When employees are excused from jury duty or serving as a witness during their regular working hours, they are expected to return to work if practicable.

6.12 Funeral Leave

Employees are allowed funeral leave up to 24 hours twice annually per occurrence (a maximum of 48 hours during any calendar year) for a death in the immediate family. Funeral leave is not chargeable against any accrued vacation leave, sick leave, or compensatory time off. All funeral leave for a particular occurrence must be taken within five (5) calendar days from start to finish. Additional funeral leave may be taken with prior approval from the employee's supervisor. Such additional leave will be deducted from the employee's sick leave (up to three (3) consecutive days), vacation leave or compensatory time off as the employee may choose and have available.

Immediate family, for the purposes of this section, shall be defined as spouse, parent, stepparent, children, step-children, brother, sister, grandparents, grandchildren or a like member of employee's spouse's family.

SECTION 7 CONDUCT

7.1 Code of Conduct

Policy Statement

It is the policy of the city of Ramsey to maintain a respectful work environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services, or create an intimidating, hostile or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

Scope

This policy governs the conduct of all City personnel, including: elected officials; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions.

Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force or intimidation to cause pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, or other characteristic protected by State or federal anti-discrimination law.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

Policies

1) Expected Conduct of City Employees in General

Employees of the City shall conduct themselves at all times while on duty or on the employer's premises, in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include violent behavior, discriminatory behavior, offensive behavior, harassment, and any conduct that tends to bring the City into disrepute or reflects negatively on the City, or that which has an adverse impact on the functioning of one or more City employees or departments, or the City as a whole.

2) Conduct in Dealing with the Public

While representing the City, employees shall be courteous to all members of the public. They shall be tactful in the performance of their duties, control their tempers and exercise patience and professional judgment. They shall not engage in argumentative discussions or behavior prohibited by this policy, even if provoked. They shall not use coarse, violent, profane or disrespectful language or gestures, and shall not express any prejudice concerning race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, other characteristic protected by State or federal anti-discrimination law, lifestyle, or other personal characteristics. Employees shall not engage in violent behavior, discriminatory behavior, or offensive behavior when interacting with any member of the public.

In the event a member of the public becomes abusive, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation. While each employee is expected to use his or her best professional judgment to determine the most appropriate and effective way to interact with members of the public, some potential tactics include, lower the voice or ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene, if necessary. Employees are not required to continue conversations that include profanity or threats. In those situations, the employee should refer the individual to a supervisor or inform a caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down.

3) Conduct between Employees

Employees shall cooperate with and be courteous to co-workers at all levels. Employees shall control their tempers and refrain from engaging in violent behavior, discriminatory behavior, or offensive behaviors. Employees shall act professionally and courteously when interacting with their coworkers. Inappropriate behavior prohibited by this policy includes, but is not limited to: slamming doors, pounding tables, kicking furniture, unwanted and/or unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages.

4) Reporting Inappropriate Workplace Behaviors

Any employee who believes that another City employee or elected official has engaged in behavior prohibited by this policy is encouraged to address the situation as described in paragraphs (a), (b), and (c) below. However, if the alleged conduct involves violent behavior, discriminatory behavior, or harassment prohibited by City policy, the employee is

responsible for reporting the situation to the appropriate supervisor in accordance with the City's anti-harassment policy and paragraph (c) of this policy.

- a) If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.
- b) Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
- c) Report the conduct to your supervisor or department head or the employee's supervisor or department head. If the individual allegedly engaging in behavior is an elected official, report the conduct to the City's Human Resources Manager, City Administrator, the Mayor, or a member of the City Council, as appropriate.
- d) The complaining party should be prepared to provide the following information:
 1. The complainant's name, department and position title.
 2. The name, department, and position title of the offending party, if known.
 3. The specific facts of the alleged inappropriate behavior, how long it has allegedly gone on, and any alleged employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
 4. Names of witnesses, if any, to the alleged harassment.
 5. Whether the complainant has previously reported the alleged misconduct and, if so, to whom.

5) Investigation of Complaints of Inappropriate Conduct

All supervisors and Department Heads receiving complaints of behavior prohibited by this policy shall report them to the Human Resources Manager. If the complaint involves alleged conduct by the Human Resources Manager, the supervisor or Department Head shall instead report the complaint to the City Administrator.

The Human Resources Manager, the City Administrator, or a designee of the City Administrator, shall investigate complaints of inappropriate workplace conduct prohibited by this policy.

6) Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to have engaged in conduct prohibited by this policy or to have intentionally filed a false claim of such conduct may be subject to disciplinary action, up to and including immediate termination, subject to the provisions of the Personnel Policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

Supervisors are required to deal swiftly and appropriately with employees who treat others disrespectfully. Any supervisor who condones or allows subordinates to engage in conduct prohibited by this policy or fails or refuses to respond appropriately to complaints of

inappropriate workplace conduct prohibited by this policy, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

7) Retaliation for Complaints of Inappropriate Workplace Conduct

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct or participates in the investigation or response to such conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to the provisions of this personnel policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

8) Relationship of Code of Conduct to Harassment Policy

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

7.2 Harassment Policy

This policy applies to all City employees, personnel, and volunteers without exception including elected officials, temporary employees, employees working under contract for the City and members of the paid-on-call fire department.

It is the policy of the City that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Harassment infringes on an employee's right to a comfortable, respectful work environment, against City policy, and will not be tolerated. All employees are expected to treat their coworkers, subordinates, supervisors, and public contacts with respect at all times. The City does not tolerate any form of sexual harassment in the workplace, including acts of non-employees.

Any form of sexual harassment or other protected class harassment, as defined in this policy, is prohibited and may result in disciplinary action, up to and including immediate termination.

Sexual Harassment and Other Protected Class Harassment

For purposes of this policy, the term "sexual harassment" includes unwelcome physical or verbal conduct relating to an individual's sex or gender or directed at an individual because of sex or gender, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or gender-related nature, when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

Violation of this Policy by an employee may subject that employee to disciplinary action, up to and including immediate discharge.

Examples of sexually harassing conduct under this policy may include, but are not limited to, the following:

1. Use of offensive or demeaning terms, which have a sexual connotation or a negative gender connotation;
2. Objectionable physical proximity or physical contact;
3. Any unwelcome, sexually motivated touching;
4. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;
5. Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee or, supervisor;
6. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors;
7. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;
8. The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
9. The deliberate or careless dissemination or display of materials such as cartoons, articles, pictures, other graphics of a sexual nature, etc., which have a sexual content and which are not necessary for work;
10. The use of suggestive facial expressions or gestures of a sexual nature.

Other protected class harassment is offensive conduct or communication based on an individual's race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by State or federal law when:

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

All employees should keep in mind that the absence of intent to harass an individual is not a defense to a complaint of harassment. It is the impact and nature of the conduct, not the intent, which determines whether the conduct is harassing.

Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a supervisor or the Human Resources Manager. If the Human Resources Manager is the person alleged to have engaged in conduct prohibited by this policy, complaints should instead be made to the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time and location of incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in so doing, you may, but are not required to, courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the supervisor, Human Resources Manager, or City Administrator.

Supervisors are responsible for maintaining a work environment that is respectful and free from discrimination in any form. These responsibilities include proactively maintaining the compliance of all employees with this policy.

Any supervisor who receives a formal or informal, oral or written report of harassment, or have personal knowledge or reason to believe that such harassment has occurred shall inform the Human Resources Manager immediately without screening or investigating the report, unless the Human Resources Manager is involved or have a conflict of interest, in which case the report shall be made to the City Administrator pursuant to the reporting procedures. Failure of any supervisory employee to forward such a report to the appropriate party may be grounds for discipline. If appropriate, the Human Resources Manager shall inform the Department Head of the report of harassment.

Upon receipt of a report or complaint of sexual harassment or other protected class harassment, the Human Resources Manager or City Administrator shall undertake or authorize an investigation. The investigation may be conducted by City officials or by a third party designated by the City. The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review, and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy, subject to any applicable law, including the Minnesota Government Data Practices Act (“MGDPA”). In addition, the City has an obligation to investigate, to take necessary action to address allegations, and to comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, and the substance of complaints or witness statements as permitted or required by applicable law, including the MGDPA.

The investigator will forward a summary of the investigation, including the investigator’s findings and conclusions, to the Human Resources Director or City Administrator, as appropriate. The City will take all appropriate action, including, but not limited to, disciplinary action, to address any confirmed violation of this policy.

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists or participates in an investigation or assists or participates in a proceeding related to such investigation. The City will discipline or take other appropriate action against any employee, personnel, elected official, or volunteer who engages in acts of retaliation towards such individuals. For purposes of this policy, retaliation includes but is not limited to: any form of intimidation, reprisal or harassment.

7.3 Workplace Violence Policy

Purpose and Definitions

The city of Ramsey is committed to maintaining a safe environment for its employees and customers, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Accordingly, the City will not tolerate any acts of violence toward employees or customers of the City, or to property. Any employee who commits or threatens an act of workplace violence may be subject to investigation and discipline, up to and including immediate termination. It is the goal of the City to provide a workplace that is free of intimidation, threats, and violence. This policy will also seek to provide guidance to employees when they encounter a situation that they believe could result in violence.

For purposes of this policy, the following definitions will be used:

Workplace Violence - The term “workplace violence” encompasses a wide range of behaviors that include, but is not limited to, any act of physical, verbal, or written aggression against an employee

or customer of the City, or threats to inflict physical harm, or damages to property, family members of an employee, or any purposeful or knowing behavior which would cause a reasonable person to feel threatened by an employee or non-employee in the workplace. Workplace violence does not include reasonable force in the defense of oneself or others. Workplace violence also does not include the appropriate use of force or weapons by law enforcement officers or others acting lawfully to protect and defend life and property, effectuate an arrest or detainment, or other purposes for which law enforcement officers are authorized to use force.

Threat - an expression by word or conduct of intent to commit violence that places the listener or reader in fear of imminent bodily harm or is of such character that another individual could be placed in fear of imminent bodily harm. The overall context of statement, including non-verbal communications will be taken into account to determine if such an expression is a threat covered by this rule.

Employee Responsibilities

Employees are expected to treat co-workers, citizens, and property with respect. No employee is permitted to commit or threaten violence against another employee or customer of the City. Examples of prohibited conduct include, but are not limited to, physical abuse, verbal threats to inflict physical harm, vandalism, arson, and use of weapons.

Employees are not permitted to bring a weapon into the City workplace or onto City property unless the weapon is required to fulfill the employee's job duties, such as those of a police officer.

City employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If anyone on the City premises displays such behavior, regardless of whether he/she is a City employee, such behavior should be reported immediately to the employee's supervisor. Employees are responsible for making the report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who was threatened or who was the focus of the threatening behavior.

Employees shall be alerted to and immediately report suspicious or threatening behavior and incidents of workplace violence to their supervisor and should contact 911 in the case of an immediate serious threat or crime. In the event of imminent danger to persons or property, employees shall always take action to safeguard persons or property before making a formal report. Except as noted above, reports shall be made as soon as possible after a threat or act of workplace violence – preferably within 4-6 hours, or sooner if reasonably able to do so.

Even without an actual threat, employees shall report any behavior they have witnessed which they regard as threatening or violent.

Employees who have identified City work locations as being protected for purposes of restraining or protective orders shall immediately notify their supervisor. The City understands the sensitivity of the information and will endeavor to handle the matter respectfully while also providing necessary notification and advance warning to fellow employees.

Supervisory Responsibilities

Supervisors are expected to appropriately and safely intervene when they see an employee on the receiving end of abuse, whether from another employee or a member of the public. Supervisors

and Department Heads who witness workplace violence or receive a complaint of workplace violence must notify the Human Resources Manager of the situation as soon as possible. The responding supervisor shall assess whether there is a current significant risk of violence that could result in physical harm to people and/or property and establish command and determine the appropriate level of emergency response. The supervisor or Department Head's efforts may include the following actions:

- Assuring that 911 has been called.
- Alerting other employees in the immediate area about the situation.
- Attempting to move individuals at risk to a safer location.
- Implementing the appropriate evacuation proceeding if rapid evacuation of the building seems warranted.
- Controlling staff involved so that they do not interfere with or hinder the efforts of law enforcement or other emergency personnel who may respond to the incident.
- Assuring that necessary medical attention and/or emotional support is provided to the employees affected by the incident.
- Contacting the Human Resources Manager to arrange for relief from duty of the employee(s) who committed the workplace violence, coordinate an investigation and to handle disciplinary/return to work issues.
- The Human Resources Manager may, in addressing the situation, consider the following:
 - Assessing the needs of victims and other employees impacted by the incident.
 - Any additional security measures that need to be put into place, taking into consideration:
 - the likelihood of violence
 - the costs and benefits of security measures
 - the impact of security measures on the employee(s) involved and the rest of the workforce
 - the impact of security measures on the City's ability to meet the needs of its customers
- When a supervisor or Department Head is notified of an employee having identified City work locations as being protected areas for purposes of restraining or protective orders, OR of a domestic violence situation, the Human Resources Manager is to be consulted immediately to determine what actions may be appropriate.
- The Human Resources Manager may consult with the Police Department to determine what appropriate security measures need to be taken with regard to any reported or potential workplace violence incident.

Due to the need to allow public access to City facilities and services, the City cannot guarantee that violence will not occur on its premises.

The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the consequences for violating this rule, and providing a hierarchy within which to report incidents of violence without fear of reprisal.

Any City employee who violates this policy may be subject to disciplinary action, up to and including immediate termination.

Any customer of the City who violates this policy may be denied access to City business locations. Anyone who engages in violence may be subject to criminal sanctions.

7.4 Domestic Violence

At the request of the employee, the City will attempt to make reasonable accommodations for a period of time to shield or protect an employee from abuse while at work through the screening of telephone calls and visitors, or other temporary measures. In accordance with Minnesota law, employees may also use sick leave for “safety” leave related to domestic violence situations.

7.5 Appearance and Dress Policy

The appearance and dress of City employees has a direct reflection on the professionalism of our services. A neat, well-groomed employee presents a positive image of the City and demonstrates the pride of City employees. Appearance and attire have an impact on the way community members perceive City staff and the confidence customers have in the City’s ability to provide quality services. The standard office attire for employees Monday through Friday will be Business Casual or Formal Business, with some exceptions on Friday’s as noted below.

Appropriate Business Casual or Business Attire

The following information should guide employees on proper dress in the work place. Although it is difficult to develop a policy that will cover all individual variations in dress and style for each work situation or circumstance. The following appearance and dress guidelines have been established based on public perception and job safety, as follows:

- Suits, Pant Suits, Sport Coats.
- Dress slacks, pants, khakis.
- Dress shirt with or without a tie.
- Dresses and skirts (no more than 3 inches above the knee).
- Blouses, shirts, or sweaters.
- Any type of business shoe.

Appropriate attire for Fridays:

- Casual sweaters or shirts (no t-shirts) (slogans or advertising may not exceed 2 inches, other than city logos).
- Casual slacks, pants, denim jeans (as long as they are in good condition with no tears or holes).
- Capris within 3 inches of the knee.
- Clean athletic shoes in good condition.

Employees who take Friday off may not substitute another day for “casual Friday.”

Inappropriate Attire

Except as specifically allowed on casual Fridays, the following items are not appropriate for the office environment.

- T-shirts, halter tops, tank tops, tube tops, muscle shirts.
- Flip flops.
- Athletic wear (sweatpants, sweat suits, workout clothes, tennis shoes).
- Denim jeans.
- Shorts, mini-skirts.
- Body-hugging clothes.
- Garments revealing the midriff or off-the-shoulder.
- Dirty, ripped, wrinkled or stained clothing.
- Transparent or tight garments.
- Clothing with advertisements or logos larger than 2” (other than City logos).
- Any clothing that is overly revealing or outlandish so as to cause distraction.
- Any clothing or visible tattoos with images or wording that are offensive or derogatory.
- Visible body piercings, other than earrings, all other visible body piercings must be removed during work hours.

Employees Who Work Outdoors

Employees who work outside must follow the dress code established by their Department Head. Clothing must always be neat, clean, and not overly worn, faded, or in disrepair. Work shirts may not be sleeveless and employees may not go shirtless while on duty. Solid color shorts and jeans are acceptable when appropriate and with prior approval from the Department Head.

Uniformed Personnel

Uniforms, which are provided to some city employees, are expected to be neat, fresh and clean when reporting for duty. Each department is responsible for seeing to it that employees follow regulations regarding uniforms, related accessories and equipment. Uniforms bearing city identification may not be worn during off-duty hours.

Under certain circumstances, as a condition of employment, employees may be required to wear clothing identifying them as a city of Ramsey employee. If applicable, a payroll stipend may be benefited and applicable taxes will be withheld according to the Internal Revenue Service.

Religious Considerations

Nothing in the policy is intended to infringe upon an individual’s desire to observe and exercise religious practices. The City will make reasonable effort to accommodate religious practices regarding dress to the extent that is able to do so without affecting employee or customer health and safety.

Enforcement

Department Heads or their designee have the responsibility and the authority to enforce this policy. If counseling is ineffective, violations of this policy may result disciplinary action, up to and

including immediate termination. Employees sent home to change clothes shall not be paid as regular duty pay; the employee may use vacation time or unpaid leave.

7.6 Off-duty Conduct

The City's effectiveness depends upon the respect and confidence of residents, business owners and employees. Inappropriate off-duty conduct detracts from community or employee respect and confidence. It is the City's policy to investigate circumstances suggesting that a City employee has engaged in inappropriate off-duty conduct that reflects unfavorably on the City. If inappropriate off-duty conduct is determined to have occurred that affects the City's business or reputation, discipline may be imposed, up to and including immediate termination.

Examples of inappropriate off-duty conduct include, but are not limited to the following:

- Certain moving violations
- Theft
- Violence
- Use of City position to manipulate or control
- Conviction of a gross misdemeanor or felony

This policy applies to all City employees (full-time, part-time, paid-on-call, temporary, casual, etc.); to acts that occur within or outside of City limits; and to acts that occur during or outside work hours.

7.7 Employee Parking

To ensure that the public has easy access to the front doors, employees parking at the City offices must park personal vehicles in the Municipal Parking Ramp; unless otherwise approved by the Department Head.

7.8 Conflict of Interest and Divided Allegiance

The City Council and the City Administrator are committed to governing the City organization in a manner that is free of personal conflicts. For the purposes of this Policy, the term "conflicts" means both "conflicts of interest" as they are defined under applicable state and federal law, and "divided allegiances," as they are defined in this Policy.

This Policy addresses how the City approaches actual or perceived conflicts. The definitions that apply cover more than the specific conflict of interest scenarios addressed by state or federal laws. A conflict of interest not identified in this policy may be a violation of those laws. City officials may have a legal conflict of interest even if their conduct does not amount to a conflict of interest under this Policy. Nothing in this Policy authorizes, or should be interpreted as authorizing, City officials to have an interest in a transaction that is prohibited by state or federal law. Employees and elected officials who have a conflict of interest recognized by state or federal law are subject to all of the consequences provided by law.

The purpose of this Policy is to inform City elected officials, appointed commission members, and staff of the City's broad definition of Conflicts and to establish procedures to follow to declare and monitor conflicts as they arise. The City Council requires each elected official, appointed commission members and staff member to be advised of this Policy, and each of said persons are to be provided a copy of this Policy, immediately upon assuming their City's duties or relationship. All individuals subject to this Policy are responsible for knowing and observing the Policy.

This Policy recognizes that a conflict of interest may exist, from a practical perspective, whenever the personal or professional interests of an elected official, appointed commissioner or staff member are potentially at odds with City's interest(s). Since the City Council is responsible for ensuring that the organization's management serves the City's best interests, over and above the interests of any insider, this Policy broadly defines potential conflicts of interest to include all instances when a person within the organization may be able to exert his or her authority, influence, or bias on any issue in which he or she may have divided allegiances.

The City Council recognizes that conflicts may exist not only when an individual has a financial interest in a transaction, but also when his or her nonfinancial interests are involved. In all cases, the City Council is committed to ensuring that whenever a dual interest between an individual's personal, business, organizational or professional affiliations and the position and interests of the City exists, disclosure of such conflict is given and the resulting decision-making is fairly and appropriately managed. Furthermore, this Policy's procedures apply not only when an actual conflict is demonstrated, but also when the interests or concerns of another party to which one has allegiance may reasonably be seen as competing with City's interests or concerns. The decision of the City Council to effect a level of higher scrutiny and procedures when an elected official, appointed commissioner, or staff member of the City appears to have a conflict acknowledges the public's increasing sensitivity to self-dealing and/or lax management by elected officials, appointed commissioners, and staff.

The three types (or "Tiers") of conflicts defined in the Policy are not mutually exclusive. An interest that qualifies as a conflict of interest under one Tier may be a conflict of interest under either of the other Tiers as well, depending on the specific facts.

Conflict of Interest and Divided Allegiances, Definitions

Tier 1 -- Direct conflict: A direct conflict exists whenever there is any proposed transaction or action of the City in which an elected official, appointed commissioner, or staff member has any direct involvement or interest. Direct conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. These transactions are subject to the highest scrutiny.

Tier 2 -- Indirect conflict: An elected official, appointed commissioner or staff member has an indirect involvement or interest in a proposed transaction or action of the City whenever:

a) Any other party to the transaction or party affected by the action is a "family member" (i.e., a relative) of the elected official, appointed commissioner, or staff member, or, there is a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on the make a decision or recommendation that would affect one or more of those relationships, affiliation, or interests.

b) Any other party to the transaction or party affected by the action is an entity in which the elected official, appointed commissioner or staff member has a material financial interest,

c) The elected official, appointed commissioner or staff member is an officer, director, trustee, staff member or partner of any other party to the transaction or party affected by the action.

Conflicts involving more immediate relatives should generally be subject to a higher level of scrutiny by the City than those involving relatives who are removed, although each situation involves individual circumstances to be weighed by the City Council and City Administrator.

Tier 3 -- Potential conflict or the appearance/perception of conflict: elected official, appointed commissioner and staff members should follow the disclosure procedures of this Policy when the interests or concerns of any elected official, appointed commissioner or staff member, or of any of those individual's relatives, or any other individual group or organization to which such person has allegiance, may reasonably be seen by a third party as competing with the interests or concerns of the City; that conflicting duties or loyalties exist.

For purposes of this Policy , the term “relative” includes all of the following individuals: spouses, , parents, children, children’s spouses, siblings, spouses of siblings, aunts, uncles, first cousins, step-parents and step-children.

For purposes of this Policy, a “material financial interest” exists when an individual or their relative has rights (whether or not yet vested) to be paid compensation, employee or retiree benefits, dividends, or profit-sharing, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. The term is intended to include any and all remunerative expectations.

The City’s elected officials, appointed commissioners, staff, and consultants, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, donors, grantees or parties to sub-agreements, with the exception that unsolicited gifts, such as trinkets or mementos costing \$5.00 or less, not given regularly may be accepted.

When there is any doubt as to whether a conflict exists, either pursuant to this Policy or under applicable law, the matter shall be resolved by the City Attorney.

All local officials, as defined in Minnesota law, must comply with Minnesota law regarding the receipt of gifts.

Procedure When Appointed Officials have a Conflict

When conflicts arise, the interested appointed official must:

1. Prepare a written statement or make a verbal announcement at the applicable public meeting describing the matter requiring action or decision and the nature of the potential conflict of interest.
 - a. Deliver a copy of the notice to the chair of that board, commission or committee. If the chair has the conflict, notice should go to the appointing authority - the city council.

Procedure when Elected Officials have a Conflict

When conflicts arise, the interested elected official must:

2. Prepare a written statement or make a verbal announcement at the applicable public meeting describing the matter requiring action or decision and the nature of the potential conflict of interest.
 - a. Deliver a copy of the notice to the presiding officer (typically the mayor)

- b. If the mayor has the conflict, notice should go to the acting presiding officer.

Procedure When Staff have a Conflict

1. Each staff member has a duty to disclose to the City Administrator, Finance Director and/or Human Resources Manager of the City the material facts of any proposed transaction of the City in which such person has any conflict(s) identified by this Policy.
2. The disclosure required under 1 (above) is to be made immediately, and to the extent possible, before any consideration of such proposed transaction by the City. If a staff member does not recognize the existence of a conflict prior to a decision regarding the transaction, the staff member has a duty to disclose the material facts of the conflict as soon as it is recognized.
3. A staff member having a conflict shall not participate in the deliberation or decision by the City regarding the transaction under consideration, unless invited by the City Council, City Administrator, Finance Director, and/or Human Resources Manager to do so, after consideration of the significance to the City of the disclosed conflict. The City Council, City Administrator, Finance Director, and/or Human Resources Manager of the City may also request that he or she provide the City with any relevant information regarding the matter.
4. The City Council, City Administrator, Finance Director and/or Human Resources of the City shall take such additional action as may be required to ensure that the conflict is properly noticed to management and that appropriate steps are employed as the transaction and its terms are brought forth for decision-making and/or implementation. Furthermore, the City Administrator, Finance Director, and/or Human Resources Manager of the City shall maintain a record of the existence, procedures employed in managing, and resolution of the conflict.

SECTION 8 DISCIPLINE/GRIEVANCE PROCEDURES

8.1 Discipline

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with respect to any disciplinary action. To the extent practicable, the supervisor or Department Head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this Policy shall be interested as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including, but not limited to, the seriousness and frequency of misconduct, and the employee's discipline history.

Discipline may be in one or more of the following forms, although The city of Ramsey reserves the right to take any disciplinary action at any time:

- a) Oral reprimand
- b) Written reprimand
- c) Suspension
- d) Demotion
- e) Termination

- a. Oral reprimand. A verbal reprimand may be imposed by a Department Head for minor violations or incidents. The Department Head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process.
- b. Written reprimand. A written reprimand shall state that the employee is being reprimanded for misconduct and describe the misconduct. The employee shall be given a copy of the written reprimand and sign the original acknowledging that he/she has received the reprimand. The signature of the employee does not necessarily indicate that they agree with the reprimand. If the employee refuses to sign the original reprimand, such refusal will be noted on the reprimand. The reprimand shall be placed in the employee's personnel file.
- c. Suspension without pay. Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. The employee shall sign the original suspension notice acknowledging that he/she has received it. The signature of the employee does not necessarily indicate that they agree with the suspension. If the employee refuses to sign the suspension notice, such refusal will be noted on the notice. A copy of each written statement shall be placed in the employee's personnel file.

- d. Demotion. The City may demote an employee as it deems necessary in order to address disciplinary concerns or due to performance problems or other factors related to meeting public service needs; demotion results in a reduction in pay, classification, or duties.
- e. Termination. The City may terminate an employee at any time, for any lawful reason or no reason at all. All employees will be notified in writing of the reason for the termination. The employee shall sign the original dismissal notice acknowledging that he/she has received the notice. If the employee refuses to sign, such refusal will be noted on the dismissal notice. The signature of the employee does not mean that he/she agrees with the dismissal. For employees subject to the Minnesota Veterans' Preference Act, the City will provide written notice of the charges against the employee and follow all other provisions of Minnesota Statutes, Section 197.46, as amended.

In any case of suspension, demotion or termination, the employee shall be granted a hearing before the City Council if the employee submits a written request for such a hearing to the City Council within five (5) working days of notification of the action taken. At its sole discretion, the Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the Council appoints a subcommittee, the subcommittee shall make its recommendation to the Council at the next regularly scheduled meeting of the Council following the hearing. The Council's decision is final. In the event the Council overturns the disciplinary decision pursuant to this provision, the employee will be reinstated to his/her position with back pay.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter, unless the employee files a timely appeal with the City Council. In such cases, the Council's decision constitutes the final disposition.

Employment at the city of Ramsey may be terminated at the will of either the employee or the City, at any time, and for any lawful reason or no reason at all.

8.2 Grievance Procedure

It is the policy of the City, whenever possible, to prevent the occurrence of grievances and to deal promptly with those that occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of this personnel policy.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator, in writing, within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the facts giving rise to the grievance, appeal may be made to the City Council for final decision within fourteen (14) calendar days of the City Administrator's decision. In such an appeal, the City Council's decision is final. In the event that the City Administrator does not respond to the grievance within fourteen (14) calendar days of

receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

SECTION 9 TRAVEL, TRAINING AND EDUCATION

9.1 Travel Policy

PURPOSE

The city of Ramsey recognizes the need for continued training and professional development for its elected officials and City staff. As part of such training, elected officials and staff may be required to travel to attend workshops, conferences, and other assignments. This policy sets forth the conditions under which such travel will be reimbursed by the City.

POLICY

A request by a Council Member for reimbursement for travel expenses must be approved by the full City Council at an open meeting prior to registering for the event. A request by an employee for reimbursement for travel expenses must be approved by the Department Head prior to registering for the event. Requests for travel will be evaluated on all relevant factors, including but not limited to the following:

- Whether the person traveling will be receiving training on issues relevant to the City or to his or her job duties
- Whether the person traveling will be viewing or studying a facility or function that is similar to one being operated by- or considered by-the city of Ramsey
- Whether the person has been specifically assigned by the City Council to testify on behalf of the City before federal or state officials
- Whether the City has sufficient funding available in the budget to pay the cost of the trip

No reimbursements will be made for attendance at events sponsored by- or affiliated with- political parties.

9.2 TRANSPORTATION/AIRLINE TRAVEL CREDITS

The most cost-efficient mode of travel should be used, taking into consideration reasonable time constraints.

Whenever City funds are used to pay for airline travel by an elected official or City employee, all arrangements must be approved by the City Council or Department Head, respectively, prior to City funds being used. All commercial transportation shall be tourist or coach. First-class fares will not be reimbursed. Printed detailed receipts are required airfare and should accompany a request for reimbursement form.

Individuals shall not accept or accumulate travel credits; i.e. travel credits shall be declined by the traveler.

9.3 MILEAGE REIMBURSEMENT

A City vehicle should be used whenever one is available. If a City vehicle is not available, and the Department Head approves use of an employee's personal vehicle for City travel, the City will reimburse the employee for miles driven in excess of the employees' normal mileage to and from work if not leaving from or returning to the work location at the current IRS rate per mile. Mileage is not reimbursable through petty cash. Each request for reimbursement must show the following:

1. Online mapping directions printed showing total miles traveled on City business.
2. If not leaving from employees work location and or returning to work location, then online mapping directions printed showing total miles to and from the employee's home and normal work location, in order to subtract from #1 above, no exceptions.
3. Net miles claimed for the reimbursement.
4. Business purpose of the trip, name of the event and entity/building location name.
5. Starting and ending addresses for each location to substantiate mileage claim.

This level of detail must be documented and included on the request for reimbursement. Employees should contact the Finance Department for clarification or assistance.

If it is necessary to rent a vehicle to conduct City business, the City will reimburse employees or City Council Members for the cost of renting a vehicle. Care should be taken to rent the least expensive vehicle available.

9.4 LODGING

When on City business outside the seven-county metropolitan area, (40 miles or more away from City Hall) lodging accommodations may be provided by the City. All requests for lodging must be submitted, and approved by the Department Head prior to payment. Actual costs for a single occupancy room will be reimbursed, but charges shall be reasonable and consistent with the facilities available. Each employee traveling on City business pursuant to this policy must obtain his or her own hotel rooms. Employees are not allowed to share rooms while traveling on City business, unless otherwise approved in advance by the City Administrator or his/her designee. In order to keep costs at a minimum, the employee or elected official shall stay at a host hotel or motel, or a less expensive hotel at the discretion of the attendee's Department Head. The City will not reimburse for costs associated with the attendance of a family member at a workshop, conference, and other assignment. Printed detailed receipts are required for lodging and should accompany a request for reimbursement form.

9.5 MEALS

When on City business, a maximum of three meals per day will be reimbursed by the City. Attendees shall take advantage of all meals that are provided for and included in the registration fee for workshops, conferences, or other assignments. The City will not reimburse for alcoholic beverages, tobacco products or costs associated with family members.

Printed detailed meal receipts are required for and should accompany a request for reimbursement form. The detailed meal receipt must include the food and beverage items ordered. The request for reimbursement form must include an explanation of the public purpose for the meal and a list of

the attendees. The receipts and reimbursement request form shall be submitted to the Finance Department for payment.

The maximum reimbursement rates for meals, taxes, and tip are as follows: Note: The City will reimburse tips up to 20% of the bill, prior to taxes. Employee's choosing to tip greater than 20% will not be reimbursed for the difference.

| | |
|-----------|------|
| Breakfast | \$10 |
| Lunch | \$16 |
| Dinner | \$26 |

The City Council recognizes the public purpose of the City Administrator's business meetings with developers, staff, consultants, Council members and others; therefore, the City Council grants discretion to the City Administrator to seek reimbursement from the City for business meals, regardless of where or when those meals occur.

9.6 Training and Education Policy

The city of Ramsey is charged with the responsibility of delivering services to a broad constituency of residents and organizations. These services are delivered by staff persons, consultants, and outside agencies. The Ramsey City Council, in an effort to ensure ongoing quality service delivery, provides for a program of training its staff.

It is the primary objective of the training program that training dollars are spent on learning which addresses organizational goals and follows a progression of skill development. On an annual basis, each department is charged with projecting individual staff training needs for the next five years.

The department budget requests and future projections are to be evaluated to ensure compliance with organizational goals and budget allocations. The Department Head is charged with presenting the annual training budget to the City Administrator. The City Administrator is to present his/her recommendations to the City Council as part of the annual budget process.

All departments will be afforded opportunities to ensure training goals are met. However, it is understood that each departments/staff will have varying levels of training needs. The City will not allocate training dollars to specific staff given the varying needs of the organization and the public.

Training Reimbursement Training shall be defined as short-term specific course work in order to gain specific job skills, typically attainable in hours, days or a few weeks.

- The City will pay for job-related, position specific training approved by the Department Head and City Administrator and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training and at the City Administrator's sole discretion.
- The City will pay for, or reimburse employees for, any and all training required by the City to attain or maintain job-related certification.
- Conference and seminar training shall provide for meals and lodging, if necessary, for in-state and out-of-state training. Travel expenses for in-state training shall be provided through the budget process. Travel expenses shall be provided for out-of-state training with prior approval of the Department Head and City Administrator.

- Department Heads are responsible for providing the Human Resources Manager with records on all employee training done at City expense; upon request a report will be prepared which documents training received and funds expended.

Post-secondary Tuition Reimbursement

Tuition reimbursement shall be defined as eligible costs incurred as a result of attending a post-secondary accredited educational institution; typically classes or courses are completed during one half of an academic year for up to 18 weeks.

With pre-approval, regular City employees are eligible to participate in tuition reimbursement. However it is the expectation of the city of Ramsey that new hires come to the City fully qualified for their position. Therefore, post-secondary tuition reimbursement shall not be provided during an employee's first year of service.

Completion of additional education is not a basis for requesting a salary increase. Courses should be taken outside of work hours; however, when unavoidable courses may be taken during the work day with prior approval from the Department Head.

Employees wishing to utilize the City's tuition reimbursement funds must: 1) submit a request via a "Pre-Approval for Tuition Reimbursement" form prior to registration of classes; this process should be completed prior to the applicable annual budget process, and 2) submit a reimbursement request form after successful completion of classes; employees should be aware of the following key points

- Employees attending an accredited college or university or post-secondary classes at accredited colleges, universities, and vocational/technical institutes can apply for City reimbursement for 50% of the cost of tuition, books and course specific fees, including technologies fees; non-reimbursable fees include fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees.
- In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head, City Administrator, and Human Resources Manager to be job-related and a benefit to the employer before the employee registers for the class.
- Reimbursement will only be made upon receipt of a "C" or better for the course.
- Reimbursement will also be made when employees elect to take classes on a Pass / Fail or Credit / No Credit basis, subject to receipt of successful completion.
- Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
- Reimbursement for classes taken at private institutions shall not exceed the tuition charged by Minnesota State Colleges and Universities.
- Reimbursements are on a first come, first served basis and shall not exceed the department budget.
- In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- In the event an employee leaves the City's employment, any reimbursement for education received during the 12 months prior to leaving must be returned to the City.
- Reimbursements will be made through payroll as either a non-taxable reimbursement or taxable reimbursement; contingent upon current IRS guidelines.

SECTION 10 HEALTH AND SAFETY

10.1 Policy Statement

The city of Ramsey's Safety Program is based on the premise that each and every one of our employees is entitled to a safe and healthy work environment. The Safety Program is designed specifically for the protection of our employees and visitors. All city of Ramsey employees are directed to make safety and loss control important matters.

The City believes that every employee is concerned for their own safety and that of their co-workers and will recognize that the rules and policies contained herein are for their protection. The goals that we have set for our Safety Program can only be achieved through a cooperative effort between all employees. Safe working habits and an awareness of all safety rules and policies are a condition of your employment at the city of Ramsey. All employees are required to familiarize themselves with every rule and policy set forth and to abide by them. These rules and policies will be enforced just as any other City policy and failure to comply can result in reprimand, suspension, or employment termination.

All employees are encouraged to make suggestions which will assist in maintaining safe working conditions, and to bring to the attention of their supervisor any unsafe working conditions. It is through our joint participation that accidents can be prevented, but the individual employees, can make safe work practices a habit.

This policy toward safety is in no way limited to the rules that follow, and any unsafe practices, whether listed here or not, will be addressed on a case-by-case basis.

The city of Ramsey is committed to providing its employees with a safe and healthy work environment.

10.2 Health and Personal Safety

Health and personal safety are some of the best guarantees for the successful performance of employees' work. Employees must work safely using the safety devices and equipment provided by the City for their protection. Employees must promptly report safety hazards to their supervisor. Unsafe conditions will be investigated and corrected, as necessary.

10.3 Workers' Compensation / Injuries and Illness at Work

Both Minnesota Worker's Compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job. First Report of Injury forms must be submitted to Human Resources as soon as possible, but no later than 3 business days from the date of injury.

Pursuant to Minnesota State law, the officials of the City elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term are included in the coverage of the Minnesota Workers' Compensation Act.

10.4 Medical Procedures

It is the policy of the city of Ramsey, within the confines of the Minnesota Human Rights Act, to require its employees to be examined by a physician after an injury is sustained, whenever conditions make this desirable for the employee or the City, or whenever the Human Resources Manager, or designee, determines that the interests of the City and the employee will be served thereby. Physical examinations administered at the request of Human Resources Manager, or designee, shall be paid for by the City.

10.5 Smoking Policy

The city of Ramsey bans smoking in all municipal buildings, equipment and city vehicles. Smoking for the purpose of this policy means inhaling or exhaling from any lighted cigar, cigarette, pipe or any other lighted tobacco, plant product, or substance that may be used for smoking in lieu of tobacco intended for inhalation via any of the means listed above. Use of electronic devices which simulate smoking are also prohibited. This includes, but is not limited, to electronic or “e” devices such as e-cigarettes, e-cigars, e-pipes. Electronic devices are prohibited regardless of whether they provide vapor of liquid nicotine, lobelia, and/ or other substances. Non-electronic devices which simulate smoking and smokeless tobacco products (chewing tobacco, snoose, and snuff) are also prohibited.

10.6 Inclement Weather Policy

On occasions when the severity of the weather may cause City offices to be closed, the City Administrator will make a determination as to whether the offices will be closed. The City Administrator or designee will then notify the IT Manager to post the closure to the City’s website. If it is broadcast that City offices are closed prior to the shift start time, then the employee will be paid as if it were a regular workday. If, however, the office is not officially closed, staff will be instructed to take vacation time or compensatory time off for any absence from work that occurs. If the office is officially closed after the start of the shift, staff will receive their regular pay for the remainder of the shift. Compensatory time off or vacation will be taken for time absent from work prior to the official closure. This policy will apply to office employees only and does not include Public Works or Public Safety (fire and police) employees. In circumstances where the City Administrator is out of town, the Acting City Administrator will provide the decision on whether or not to keep City offices open due to inclement weather.

10.7 Municipal Center Severe Weather Plan/Other Emergency Plan

In the event that severe weather or another emergency occurs during the course of the day, staff and occupants of the Municipal Center shall seek shelter in designated areas while also maintaining accountability of all persons in building.

Requirements:

Anoka County Dispatch (911) may activate the outdoor warning devices when a certified weather spotter witnesses severe weather or the National Weather Service indicates that severe weather will threaten all or part of Anoka County. Although the County has the ability to sound the sirens in zones, its common practice is to alert the entire County. If the outdoor warnings do not activate or there is a different emergency, a member of Public Safety (Police or Fire) shall have the authority to enact the emergency plan.

During normal business hours when the outdoor warning sirens sound or as directed by a member of Public Safety (Police or Fire), all employees will move to the primary shelter area. If the primary site is full, then the secondary locations will be used.

- Police Locker Rooms (Men and Women) - Primary.
- If necessary, the stairwell will be utilized as determined by a member of Public Safety and employees and visitors will move to that area as directed.

If non-staff members are present in the Municipal Center, staff should direct them to move to the primary site. If the primary site is full, then the secondary sites will be used. If any members of the public or visitors are within the Municipal Center at the time when a weather emergency, it is the responsibility of the Department Heads to get them to the shelter location.

A member of Public Safety will notify all areas when the situation has become stable and all persons may return to normal activities.

During non-business hours a member of Building Maintenance will guide all groups to the Police Locker Rooms and remain with the group until the situation has become stable. When weather has been determined safe, the Building Maintenance person will allow the groups to return to their normal activities.

Responsibilities:

If necessary the Department Head or their designee will determine accountability of their respective group and/or other departments. A member of Public Safety will gather names of the individuals at all shelter sites to determine personnel accountability.

A member of public safety will make a sweep of the Municipal Center to ensure that all employees and any of the general public have evacuated to the shelter area.

Field Employees:

During an actual severe weather incident, city personnel working outside of a City building, should seek shelter based on their respective Department's severe weather plan or in an area that they feel creates the safest environment.

10.8 Hepatitis-B Vaccine Policy

Hepatitis-B is a viral liver infection which can be debilitating and in some cases, fatal. Because Hepatitis-B is transmitted through body fluids such as blood, certain groups of people are at a greater risk of infection than others.

The Federal Occupational Safety and Health Administration (OSHA) has stated that all employers must evaluate their employees to assess the risk of Hepatitis-B infection, as it relates to their jobs. If a substantial exposure risk is assessed, the employer must offer the vaccine to those employees at no cost to the employee.

The employees within the city of Ramsey who have been identified at substantial risk of Hepatitis-B infection are Public Works Maintenance staff, Engineering Technicians, Police Officers, Community Service Officers, Reserve Officers, and Fire Fighters.

Any employee who, while on the job, is exposed to blood, body fluids or a needle stick is required to: 1) Contact their supervisor as soon as possible, and 2) Complete a First Report of Injury form to be submitted to Human Resources immediately. The supervisor will initiate appropriate action or contact their Department Head for guidance.

10.9 Housekeeping

All employees need to assume a share of the responsibility in maintaining a high standard of cleanliness and orderliness, and cooperate in maintaining safe, healthful and sanitary conditions in all work areas. A clean work area will make your work more pleasant and help maintain the high standards of quality necessary to meet the professional requirements of the City's services.

SECTION 11 USE OF CITY PROPERTY

All staff members are responsible for the safekeeping and proper care of all property used by them and belonging to the City. Property shall only be used for official purposes and in the capacity for which it was designed.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the Police Department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

11.1 Public Information

All staff members shall become familiar with- and must comply with- all applicable laws dealing with public and non-public information. Misuse and improper disclosure of public or non-public information is prohibited and may result in discipline, up to and including immediate termination.

11.2 Telephone Use

The proper use of telephone communication is required. Always answer the telephone with a pleasant voice and respond politely to the caller. Personal telephone calls must be brief. Frequent use of the telephone for other than City business is not permitted and may result in discipline, up to and including immediate termination.

11.3 Information Technology Policy

Purpose

The purpose of the city of Ramsey IT Policy is to set standards to protect the City's IT systems from business interruption, unauthorized or inappropriate access, and to maintain appropriate security. The policy is to be adhered to by all users (full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others) who have access to or use the city of Ramsey IT systems both on and off City property. IT systems include, but are not limited to, computers, e-mail, Internet access, printers, phones, mobile devices and various software, etc. .

Violations

Violations of this policy will be addressed consistent with the City's Personnel Policy or union contract and may include disciplinary action, up to and including immediate termination.

Exceptions

Exceptions to the following policy must be reviewed on a case by case basis by the Department Head and approved by the City Administrator.

Glossary of Terms

Configuration: The way a system is set up or the assortment of components that make up the system. Configuration can refer to either hardware or software or both.

Downloads: To copy data from a main source to a computer or mobile device.

Electronic Mail (e-mail): A network application that allows users to exchange messages over communications networks with others.

File Server: An enhanced computer with network operating software that is used for file storage, application functionality, and managing network resources.

Information Technology (IT): Managing and processing information.

Information Technology Systems: Includes, but not limited to, computers, printers, software, e-mail, Internet, telephone, voice mail, cell phones, etc.

Internet: A global network connecting millions of computers.

Intranet: A website or series of sites accessible only within an organization. An intranet's Web sites look and act just like any other web site, but firewall security restricts unauthorized access.

Local Area Network (LAN) – A localized computer network.

Licensing: Legal compliancy of assets.

Social Networking Sites: Sites which focus on building online communities of people who share interests and activities and /or exploring the interests and activities of others. Examples of social networking websites include: Facebook, Linked In, Twitter, and sites that allow users to post personal blogs, etc.

Software: Software includes the operating system and all utilities that enable the computer to function. Application software includes programs that do real work for users (i.e. word processors, spreadsheets, and database management systems).

Portable Equipment: Hardware that is small and lightweight (i.e. laptop computers, hand-held computers, tablets, smart phones, Blackberrys, projectors, digital cameras, etc).

Users: Full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others who have been granted access to the City's Information Technology Systems.

Information Technology Use

Purpose

Inform and provide direction to all users regarding appropriate usage and management of

the City's IT systems and resources. All users must be authorized to use City IT systems by their Department Head, supervisor, or IT.

Auditing

The city of Ramsey reserves the right to monitor and audit use of its IT systems at any time without the user's consent. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's IT systems, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

Reporting

Users should notify their immediate supervisor, the IT Manager, Human Resources, or the City Administrator upon learning of violations of this policy.

Expectation of Privacy

As discussed above, all City owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. Users should have no expectation of privacy. In addition, the City is subject to the Minnesota Government Data Practices Act and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, or generated by City employees or using the City's Information Technology Systems are subject to those laws and may be disclosed in certain circumstances without the permission of the employee or user.

Violation of Policy

Violations of this policy will be addressed consistent with the City's Personnel Policy or union contract and may include discipline up to and including immediate termination., revocation of permission to use the City's IT systems, and/or criminal charges, depending on the nature of the violation.

Hardware and Software Acquisition

The IT Manager must approve all hardware and software prior to acquisition to ensure consistency with the design and architecture of the City's IT network. Users are prohibited from installing, downloading, or acquiring hardware and software, including product demonstrations, without prior approval from the IT Manager. Software applications not required for official City business are strictly prohibited.

Installation, Downloads, and Configuration

No user will be allowed to manipulate hardware and software standard configurations. The IT Manager must be contacted for hardware and software support. No user should change the computer setup or configuration files. Customizing a computer should be limited to items including City-owned software such as wallpaper, screen savers, icons, toolbars and colors. Users are prohibited from downloading, or installing any software including

personal, through the Internet, e-mail, and/or vendor demonstrations without prior approval from the IT Department. In order to maintain optimal functioning, users are encouraged to accept updates to currently authorized programs such as Adobe Acrobat and other previously installed software.

Licensing

To ensure license compliancy all software must be purchased by and licensed to the City.

- a. **Development:** Any software programs (i.e. custom designed Microsoft Access databases, etc.) developed for use by the City becomes the property of the City. Software programs may not be sold or distributed without prior approval.
- b. **Home:** City-owned software may not be loaded on non-City owned equipment unless there is prior approval of the Department Head and the IT Manager.
- c. **Copyright Laws:** City users are required to abide by software and documentation copyright laws and licensing agreements. Question about the legality of the software and documentation should be directed to the IT Manager. At no time should any users make copies of City-owned software and documentation. To prove legal ownership of software, the City must have the original media and manuals stored on City property. The IT Manager will periodically check for software that may be in violation of the above policy.

Data Management and Protection

- a. Under the provisions of the Minnesota Data Practices Act, all data stored on computer media owned, leased or rented by the City is considered to be owned by the City is subject to the Minnesota Data Practices Act, which governs its use and dissemination and data classification. All data is also subject to review and investigation at the discretion of the City Administrator, Department Heads, IT Manager, and/or law enforcement. The City Clerk should be contacted with questions regarding the classification of public and private data.
- b. **Data Ownership:** All information developed or introduced to a City technology system by a user in conjunction with employment with the City is the property of the City.
- c. **Data Storage:** All City data must be saved to a network drive on a City server.
- d. **Data Deletion:** Users are responsible for deleting outdated files that are no longer needed for compliance with of the City Records Retention Schedule; this includes data files and e- mail messages. The City Clerk should be contacted with questions regarding the City Records Retention Schedule.
- e. **Data Back-up:** The IT department backs up all data stored on the file servers. Workstation hard drives or any other devices are not backed up.

Portable Information Systems

Portable personal computer(s), digital cameras, projectors, and other City owned portable equipment can be used for City business, outside of City facilities. When users check out portable equipment they are expected to provide appropriate “common sense” protection against theft, accidental breakage, environmental damage and other risks. Desktop computers and attached devices are not to be removed from City buildings. The user is responsible for the backup of or loss of any data stored on the standalone or portable computer. IT staff is available to assist in the development of procedures for disaster recovery of portable units.

City Issued Cellular Phones

- a. City issued cellular telephones are intended for the use by City employees in the conduct of their official City work to perform services to Ramsey citizens and businesses. Department Heads are responsible for the cellular telephones assigned to their departments, determining service levels for their employees, and exercising discretion in their use. Employees will manage their cell phone use so as not to exceed their service level as approved by their supervisor. Occasional overages will be reviewed by the supervisor on a case by case basis. After a review of the monthly billing statement, employees may be required to reimburse the City for overages in cell use and/or texts, depending on the nature of the calls/texts made during the month. Employees will make an effort to utilize other methods before utilizing cellular minutes. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent use of such telephones or equipment provided that:
 - i. Its use in no way limits the conduct of work of the employee or other employees
 - ii. No personal profit is gained or outside employment is served
- b. A Department Head may authorize an employee to use their own personal phone for City business and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his or her Department Head. Department Heads may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.
- c. Use of public resources by City employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited. Incidental and occasional personal use may be permitted with the consent of the department director and direct supervisor.
- d. Personal calls made by employees on a City-provided cellular phone will be made or received only when absolutely necessary and when they do not interfere with working operations and should be completed as quickly as possible.
- e. The Administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All Department Heads and supervisors will be responsible for enforcement within their departments and divisions.

Smart Phones/Tablets

The city may at its discretion provide devices to members of staff it deems appropriate.

Electronic Mail (e-mail)/SMS (text) Messaging

- a. The City e-mail system and City owned or issued cellular phones are tools to be used for matters directly related to the business activities of the City and as a means to provide services that are efficient, accurate, timely and complete. E-mail messages and texts are subject to regulation under the Minnesota Data Practices Act. The content of the message determines whether a message is public or non-public/private. E-mail is intended as a medium of communication, not for information storage; therefore, e-mail should not be used for the storage or maintenance of official City records or other City information. Users may receive inappropriate and unsolicited e-mail messages. Any such messages should be reported immediately to the IT department.

Inappropriate non-business use of the City e-mail system and cellular phones includes, but is not limited to; the transmission of non-business audio, graphic or movie files; games; jokes; instant messaging; chain emails; content of an offensive, indecent, or pornographic nature; copyrighted material and large data files not directly related to City business. These items must not be sent or accepted as e-mail attachments. These types of files can adversely affect the network or computer performance.

- b. Users must practice the utmost respect while texting and may not use text messaging, e-mails, or other forms of communication provided or authorized by the City to harass another employee, citizen or other individual. "Textual harassment" is considered harassment and is subject to investigation and disciplinary action as described in the Anti-harassment Policy.
- c. The City retains the right to use management software to eliminate the delivery of junk e-mail (SPAM), including e-mails that contain profanity.

Internet/World Wide Web

- a. The Internet is available to users for research, education, and communications directly related to the mission, charter, or work tasks of the City. Users must honor copyright laws regarding protected commercial software or intellectual property. Users accessing Internet through the City's IT systems should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are responsible for adhering to City standards when browsing the Internet. Failure to adhere to City standards puts the City and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences, including immediate termination of employment or other disciplinary actions.
- b. The City retains the right to use management software to monitor end user activity. This software may monitor and limit Internet activity.

Prohibited Use

This list includes, but is not limited to illegal activities; profit or commercial activities; outside employment; any other public office or employment which is incompatible with

City employment responsibilities, as determined by the City Administrator; wagering, betting, or selling chances; annoying or harassing other individuals; fund-raising, except for City approved activities; any political or religious activities; unethical activities; pornographic, obscene, or indecent images or content; forwarding of junk e-mail, advertisements, and/or chain email.

Personal Use

- a. The city of Ramsey offers users the privilege of personal use of its technology. Personal use is allowed under the following guidelines listed below and only during break times or before/after normal business hours, as follows: Users must obtain approval from their immediate supervisor prior to personal use of IT systems; only City users are to use the computers and computer related peripherals; users must use their own media (flash drives, CD's) and paper. No personal files or data are to be stored on the City file servers; users must not use IT systems for items listed above in Prohibited Use.
- b. E-mail: E-mail may, on a very limited basis, be used for personal correspondence, as long as it does not interfere with the normal duties of the employee and the above-listed guidelines are followed. Using the City Internet e-mail to participate in any kind personal listservs or broadcast mailing list is prohibited.
- c. Inappropriate non-business use of e-mail and the Internet can cause a burden on resources or carry computer viruses. Examples of this includes, but is not limited to: the transmission of non- business audio, graphic or movie files; games; jokes; instant messaging; content of an offensive or pornographic nature; copyrighted material and large data files not directly related to business. These items must not be downloaded from the Internet. These types of files can be large and affect the network or computer performance or carry viruses.
- d. Desk Telephones: Desk telephones may be used for short, infrequent personal use as long as it does not interfere with the normal duties of the employee and the above guidelines are followed. Employees must pay any costs associated with personal long distance calls within 30 days.
- e. Copiers, Fax Machines, Printers: Users will reimburse the city of Ramsey for personal copies, faxes, and print requests, at the rate listed in the City fee schedule. Personal use fees must be reimbursed within 24 hours from the date the expense was incurred.

Personal Social Networking on City-owned equipment

Individuals must not use City-owned or operated equipment to post to personal sites, including social networking sites, except during break times or before/after work.

Personal Social Networking while off duty and the City's Responsibility:

The city of Ramsey has a duty to protect the reputation of the organization and its employees as well as guard against any liability and potential legal risk regardless of when and where social networking activity occurs. With this in mind, employees must use social media in a manner that follows the following guidelines, as follows:

individuals should exercise caution and good judgment when social networking; individuals shall not represent that they are speaking or acting on behalf of the city of Ramsey or presenting any interests of the city of Ramsey; individuals are not permitted to display the city of Ramsey logo on any part of their online profiles; individuals never have the right to post non-public and confidential information such as information related to coworkers without first obtaining the individuals' express written consent, personnel data, medical information, or claims or lawsuits against the City; individuals who use personal social media accounts are not immune from the law.

In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials. Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent city of Ramsey policies, as well as local, state and federal laws. Content that violates existing City policies that exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content will not be tolerated. Individuals are prohibited from using social networking sites to harass or attack others, including those who work for the city of Ramsey

City Facebook page or other City social networking sites:

- a. Authorized city staff responsible for updating social media sites must use the greatest care to portray the City in the possible best light.
- b. If the author of a given post is quoting another individual's comments, the comments must be called out as a quote with quotation marks.
- c. In general, all posts should be reviewed by a supervisor.
- d. All posts to the City's social media sites and other official City publications must comply with these policies.

Information Technology Security

Purpose

Ensure secure, protect, and allow appropriate access to city of Ramsey IT systems and resources.

Logins and Passwords

All users must use and maintain unique IT-issued login IDs for computer and network-related access. Login IDs are not to be shared with others, and corresponding passwords must remain confidential. Multi-user or generic login IDs are permissible only in special circumstances approved and maintained by IT. User passwords must adhere to the following requirements:

- o Have a minimum of at least six alphanumeric characters in length
- o Must be changed every 90 days
- o Have at least one numeric digit as well as letters, for example: 1FishTwoFish
- o Have not been previously used in the last five password rotations
- o Automatic screen lock is initiated after 15 minutes of

inactivity.

Appropriate network access shall be assigned by the IT department to each user login ID, and users may only log into computers and equipment with their assigned login ID. Passwords are not to be shared with anyone, and will be forced to change periodically. New passwords should not be easily guessed. Any employee who forgets their password or suspects that their password's security has been compromised, should contact the IT department immediately.

Physical Security

- a. City users are expected to provide reasonable security to their computer workstations and related IT equipment. This includes ensuring that passwords are not written down in accessible places, removable media must be kept in a secured area, and that confidential data is not displayed in such a manner that unauthorized personnel can view it.
- b. All IT equipment is City property and must remain on current premises. Users may not move IT equipment outside of its assigned area without prior approval from the IT department. Designated portable equipment, such as projectors, laptop computers, and digital cameras, may be removed from City buildings only for City business. Portable equipment must be reserved and checked out only to City users. Users are expected to provide appropriate "common sense" protection against theft, breakage, environmental damage, and other risks.
- c. Users are required to log off computer workstations when absent for an extended time, such as end of day. Users may, however, "lock" their workstation instead when absent for a short period of time, such as during a meeting or over lunch.

Virus Protection

All computer workstations, laptops, and servers must be protected from viruses using up-to-date antivirus software. Users may not alter their system's configuration or take other steps to defeat virus protection devices or systems. All files on removable media must be scanned for viruses prior to installation onto or access from City computer equipment. Any files suspected or known to contain viruses must be immediately reported to the IT department for proper handling.

Wireless Access

Unauthorized wireless access into the City's computer network is strictly prohibited. Wireless access is defined as, but not limited to, 802.11 (Wi-Fi), Bluetooth, WiMax, and cellular technologies. Users may not attempt to scan, connect to, or install any wireless computing device on City equipment or property. Wireless access must be authorized and configured by the City's IT department. Any authorized wireless access must utilize standards-based encryption, and conform to adopted security practices as governed by LOGIS and/or state and federal government guidelines.

11.4 Vehicle Use Policy

Staff members shall operate City vehicles in a careful and prudent manner and shall obey all laws of the state and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles. Any City employee who drives a City vehicle regularly or occasionally in order to conduct City business, must promptly report loss or suspension of a driver's license to the Department Head.

The intent of this policy is to ensure appropriate use of City vehicles by municipal employees and to ensure a clear understanding thereof.

- a. Conferences, schools, seminars and meetings: For purposes of this policy it is intended that training opportunities during the regular work shift within a 40-mile distance of the work location is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.
- b. Out-of-town and overnight conferences and schools: For travel which has a duration of more than one work day in length, or for travel beyond the 40-mile radius noted above, the employee is to utilize a non-fleet vehicle, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator, the employee can receive the use of a vehicle previously determined as an excess vehicle by the City Council.
- c. Lunch hours and authorized breaks: For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.
- d. Overnight use: It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless prior written authorization has been received from the City Administrator.
- e.. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator or his/her designee.

11.5 Telecommuting Policy

Telecommuting is a work arrangement where the employee works from home or another remote work site away from the primary traditional work place.

Purpose

Consideration for telecommuting arrangements may be made on a case by case basis and only in situations where the employee can demonstrate a benefit to the City. Telecommuting is not appropriate for all employees, it is not a City wide benefit or entitlement, in no way changes the terms and conditions of employment with the City and is not a substitute for dependent care.

Participation

Full-time employees, except those under collective bargaining agreements, may apply to participate. Employees must have successfully completed probation, received a satisfactory rating on their last performance evaluation and not had any disciplinary action taken against them during the past year. Seniority will not be a basis for selecting employees to participate in this program.

Application Process

The telecommuting application must be completed indicating how the telecommuting will benefit the City. All applications must be signed by the Department Head and then forwarded to Human Resources. The Department Head, Human Resources and the City Administrator will evaluate the application to determine whether or not the application will be approved or denied, at the sole discretion of the City Administrator. The Department Head will then meet with the employee regarding the determination.

Telecommuting Program

It is recommended that employees who telecommute do so for a maximum of two days per week, or on a short-term project basis. The telecommuter and the Department Head should agree upon a regular schedule of work hours and work location. Following the regular work schedule is necessary to ensure maximum accessibility. However, the employee must be willing and able to return to the primary work place at the request of the Department Head for any reason with minimal notice. An employee's salary, benefits and job responsibilities will not be affected by participating in telecommuting. Overtime must have prior approval. A remote work site is considered a City work space and the employee, therefore, continues to be governed by applicable City policies, procedures, or practices.

The employee is to be available for telephone, computer and/or fax communication with the City at the times as agreed by the signers on the application. The employee will respond to telephone calls at the telecommuting work location, and will respond to telephone messages left for the employee at the employee's City work location.

The Department Head and telecommuter must establish an agreed upon schedule where the telecommuter contacts the office to report progress.

The telecommuting projects must have measurable objectives. For example, writing a section of a manual, working on a special project, or preparing spreadsheets and financial analysis where being out of the "office environment" could lead to its accomplishment in a more timely manner.

Equipment

If an employee is approved for telecommuting and the project requires the use of a computer, printer or other computer equipment, the cost of the equipment, maintenance repair of the equipment, equipment insurance, electricity, and/or phone lines are the employee's responsibility.

The cost of installing and licensing software will be at the City's expense as long as a software license already exists for that particular user.

In the case where an employee owns a personal computer, the employee must provide a copy of the appropriate documents to verify that the software being used is legally licensed and receive virus-detection training from the IT Division. The City assumes no liability for loss, damage or wear of employee-owned equipment.

Telecommuters will take all precautions necessary to secure confidential and/or proprietary information and prevent unauthorized access into any City system.

Insurance

The employee will be covered by Worker's Compensation while working at the telecommuting work address during the hours of work as indicated on the Telecommuting Application. The city of Ramsey's liability is limited to injuries resulting directly from the work and only if the injury occurs in the designated work area. Any claims will be handled according to regular Workers Compensation procedures. If injured while telecommuting, the employee should follow the appropriate procedures for reporting the injury. Other family members or visitors to the telecommuting work address are not covered by the City's Worker's Compensation program. The city of Ramsey is not liable for any injuries to family members, visitors, or others in the employee's home. Employees should consider carrying insurance to cover these instances.

Telecommuters working at home will have a designated space maintained by the employee. With advance notice, the employer may visit the work site to ensure that safe work conditions exist. For projects involving extensive computer use, staff may request an ergonomics evaluation of the work area.

Expenses

The City will not reimburse the employee for any expenses the employee incurs to participate in telecommuting. This includes equipment, utilities, supplies and furniture. The City will provide a small and reasonable number of office supplies (such as pens, paper, post-it notes, and paper clips) for use by the telecommuter.

Travel time from the home to the workplace is not compensatory, even if the employee reports to the regular workplace on a day scheduled for telecommuting.

SECTION 12 Drug Free Workplace Policy

12.1 Drug Free Workplace Policy Statement

In accordance with the "Drug-Free Workplace Act of 1988", the city of Ramsey hereby notifies its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined by law, is prohibited at the time and in the course of any activities performed in conjunction with the employee's work-related responsibilities. It is important to note that not only is the use of illegal drugs unlawful, but also the illegal dispensing of legal (prescription) drugs.

As a condition of employment with the city of Ramsey, all employees will abide by the terms of this Drug-Free Workplace Policy and will notify the City Human Resources Manager in writing of any criminal drug arrest or conviction no later than five days after such arrest or conviction. Employees who violate this policy may be subject to disciplinary actions which may include suspension or immediate termination.

Employees who are convicted of a drug related violation in the workplace or while engaged in work-related responsibilities may be required to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Appropriate personnel action shall be taken against such convicted employee up to and including termination of employment. The City reserves the right to terminate any employee who has been arrested for, pled guilty to, or convicted of any crime involving the operation of a motor vehicle under the influence of illegal drugs, alcohol, or other controlled substances. This includes all such crimes occurring outside of work hours and all such crimes involving the use of any vehicle owned or leased by the City, the employee's personal vehicle, or any other vehicle.

Employees are also encouraged to attend one of the drug-free awareness programs which may be offered periodically. Other parts of the drug-free program may include drug counseling and employee assistance programs in the future.

12.2 Drug and Alcohol Testing

General Policy: It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 and other applicable state and federal law.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any illegal drug, alcohol, or

other controlled substance while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription.

Unless specifically authorized as part of the employee's work duties, no employee shall use, possess, manufacture, distribute, dispense, sell, or transfer drugs, alcohol, or drug paraphernalia while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Off duty employees may use or possess alcohol on City premises such as parks and parking lots when said use and possession is not prohibited to members of the general public. The sale of alcohol which is part of an employee's job duty is an exception to this policy.

Violations of this policy will result in disciplinary action, up to and including immediate termination, and may have legal consequences.

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988. The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state or federal law, rules, or regulations.

As a condition of employment, each and every employee of the City must abide by the terms of this policy and must report in writing any instance of the employee's own conviction under a criminal drug statute. Any such conviction must be reported to the City Human Resources Manager within five (5) days after the conviction. Upon receipt of such notification, the City shall notify the appropriate federal agency of such conviction within the time period required by law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Drug and Alcohol Testing:

- (a) **Purpose:** The purpose of this policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota State law.

(b) Scope: This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a conditional offer of employment by the City.

(c) Application of Law: All drug and alcohol testing shall conform to the requirements of applicable state and federal law. To the extent that any provision of this policy conflicts with such law, the law is controlling.

(d) Employees Subject to Federal Testing Requirements: Federal law imposes specific drug and alcohol testing requirements for employees holding certain types of driver's licenses or engaging in certain duties. All testing for such employees will comply with the federal requirements, which may be more strict, or different than, the procedures described in this policy. The City will also follow all federally required procedures regarding the results of such testing.

Definitions: For purposes of the Policy, the following definitions will apply, unless such definitions are inconsistent with applicable law. In the event of such a conflict, the terms will be given the meaning imposed by law:

- **Alcohol:** Ethyl alcohol.
- **Confirmatory Test and Confirmatory Retest:** A drug or alcohol test that uses a method of analysis authorized by Minnesota law for providing specific data as to the drugs, alcohol, or their metabolites detected in an initial screening test.
- **Conviction:** A finding of guilty (including a plea of guilty or "nolo contendere") or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal
- **Drug:** A controlled substance as defined in applicable law.
- **Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test:** Analysis of a body component sample in a manner consistent with Minnesota law for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- **Drug Paraphernalia:** An item or items described as drug paraphernalia in Minnesota State law.
- **Employee:** A person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for the City. "Employee" shall also mean a volunteer who provides services to the City for no or nominal compensation.
- **Employer:** The city of Ramsey acting through its designees of the City Council.
- **Initial Screening Test:** A drug or alcohol test which uses a method of analysis authorized by Minnesota law, as being capable of providing data as to general classes of drugs, alcohol, or their metabolites.

- **Job Applicant:** A person, independent contractor, or person working for an independent contractor who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.
- **Premises:** All property and locations that the City owns, is operating, or has established a presence.
- **Positive Test Result:** A finding of the presence of drugs, alcohol, or their metabolites in the sample tested by a confirmatory test in levels at or above the threshold detection levels established by Minnesota law. An alcohol test will be considered positive if the testee has an alcohol concentration level of at least .02 or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment.
- **Reasonable Suspicion:** A belief by the Human Resources Manager, City Administrator, or other supervisory personnel trained in reasonable suspicion observation that the appearance, behavior, speech or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one supervisor or official who has received training in the identification of behaviors indicative of drug and alcohol use.
- **Safety – Sensitive Position:** A job, including any supervisory or management positions, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
- **Under the Influence:** Having the presence of a drug or alcohol at or above the level of a positive test result.

Circumstances Under which Testing may Occur: Any employee or job applicant of the City may be tested under the following circumstances:

- 1) **Job Applicant:** A job applicant may be requested or required to undergo drug testing after a job offer has been conditionally made and before commencing employment in the position. Alcohol testing will not be a part of a post-offer pre-employment physical examination.
- 2) **Treatment Program Testing:** The City may test any employee referred by the City for chemical dependency treatment or evaluation at any time and without prior notice during the period of treatment or evaluation and for up to two (2) years following completion of any prescribed chemical dependency treatment or evaluation program in accordance with Minnesota State law.
- 3) **Reasonable Suspicion Testing:** No employee will be tested for drugs or alcohol under this provision without the person's consent. If, however, the City asks an employee to undergo a drug or alcohol test and the employee refuses, the employee may be subject to disciplinary action, up to and including immediate termination.

The City may request or require an employee to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:

Is under the influence of drugs or alcohol; has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle,

machinery, or equipment; has sustained or cause another person to sustain a work related personal injury; or has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident.

Random Testing and Testing without Prior Notice: Random testing may be given without prior notice during regularly scheduled work hours to those employees who are in "safety sensitive" positions including any supervisory or management positions in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Under the random selection process, there is an equal probability that an employee in a safety sensitive position subject to the selection mechanisms will be selected for testing. The City does not have discretion to waive the selection of any employee chosen on a random selection basis.

The City declares that all Fire Department positions (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

The City declares that all Public Works Maintenance Division positions, (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

Testing without prior notice may be conducted on employees who have been referred by the City for chemical dependency treatment or evaluation, or who are participating in a chemical dependency treatment program under an employee benefit plan, or who have participated in such a chemical dependency treatment program in the prior two years.

Criteria for Selecting Testing Laboratories: The City will only use the services of a testing laboratory that meets one or more of the criteria for drug testing or other such applicable criteria as established under Minnesota law, as amended.

Refusal to Undergo Testing:

- **Job Applicants:** Job applicants may refuse to undergo drug testing. However, if a job applicant refuses to undergo drug or alcohol testing requested or required by the employer, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for consideration for employment.
- **Employees:** Employees may refuse to undergo drug testing. However, if an employee refuses to undergo drug and alcohol testing carried out in conjunction with this Policy the employee may be subject to discipline including, but not limited to, immediate termination.

Tampering with the Urine or Blood Sample:

If an employee or job applicant tampers with his or her own urine or blood sample, or in any way deliberately causes a sample to be invalid, the employee may be subject to discipline including, but not limited to, immediate termination.

Confirmatory Testing. If a positive test is obtained, a second test will be performed on the same sample for confirmation before disciplinary action is initiated. If a sample which tests positive in

the initial test and is negative in the confirming test, the employee will be reported as negative. Employees whose samples test positive in both tests shall be reported positive. An employee has the right to have a confirmed positive sample retested at the same or another City approved laboratory at the employee's own expense (approved laboratories must be in compliance with the Clinical Laboratory Improvement Act.).

In addition, upon a positive test result, an employee may show that he or she is taking a prescription drug under the supervision of a physician, or a nonprescription drug in accordance with its directions, and the positive test result will be reevaluated in light of the drug and dosage used. If such a reevaluation shows that the positive result was caused by such use of prescription or nonprescription drugs, the result will be reported is negative.

Failure to Pass Drug and/or Alcohol Testing: Employees who test positive for drugs or alcohol on a confirmatory test or confirmatory retest may be subject to discipline. Employees may be given the opportunity to go through rehabilitation following a first positive test. All discipline pursuant to this policy will be consistent with applicable law, including but not limited to, Minnesota Statutes, section 181.953 (as amended).

If a job applicant for an affected position tests positive on a confirmatory test for drugs, any offer of employment will be withdrawn and the individual will not be considered for employment by the City. If a positive confirmatory test is caused by the lawful use of a drug prescribed for the job applicant or an over-the-counter substance consumed in accordance with instructions, the City will not withdraw a job offer. However, a job offer will be withdrawn if an applicant is not reasonably able to perform the assigned duties of the position.

Rights of Employee or Job Applicant:

An employee or job applicant who receives a positive test result on a Confirmatory Test has the right to receive a copy of the test result report and, within three (3) working days of notice of the original positive Confirmatory Test result, to submit information to the City in addition to any information already submitted to explain that result, or within five (5) working days to notify the City in writing of the employee's intention to obtain a Confirmatory Retest of the original sample at the employee's or job applicant's own expense.

If the Confirmatory Retest is conducted in accordance with rules established by the Commissioner of the Minnesota Department of Health by a qualified laboratory, and if it is not positive, the City shall reimburse the employee or job applicant for the actual cost of the Confirmatory Retest in an amount not to exceed \$100.00 and no adverse personnel action shall be taken against the employee or job applicant based on the original Confirmatory Test.

General Testing Procedures:

All testing will be performed by a licensed laboratory that certifies its compliance with the requirements of Minnesota State law. When the City decides to test for drug or alcohol use on any of the grounds enumerated in Section 4 the following procedures will apply:

Initial Screening Test: Acknowledgement. Before the Initial Screening Test, the employee or job applicant shall be informed of the City's testing policy and given a form on which the employee or job applicant can acknowledge being so informed.

If the Initial Screening Test produces a negative result, written notice of such result will be given to the individual who took the test within three (3) working days after the City receives the test result report. The employee or applicant will also be notified that they have the right to request and receive a copy of the test report.

The testing laboratory will perform a Confirmatory Test on all samples that produce a positive test result on the Initial Screening Test.

Confirmatory Test. If the Initial Screening Test produces a positive test result, a second test (known as the Confirmatory Test) will be conducted by the laboratory. If the Confirmatory Test is not positive, the City will send written notice of this fact to the employee or job applicant within three (3) working days after receiving the result.

If the Confirmatory Test produces a positive test result, the City will take the following four steps: (1) The City will send written notice of the positive test result within three working days after receiving it to the employee or job applicant. (2) The employee or job applicant will be informed of the right to receive a copy of the test result. (3) The employee or job applicant will be told of the right to explain the positive result by indicating any medication (prescription, signed for, or over-the-counter) that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a confirmatory positive test result. (4) The employee or job applicant will be informed of the right to request a Confirmatory Retest of the original sample at the employee's or job applicant's expense. The employee or job applicant has five working days in which to notify the City of this request in writing.

Confirmatory Retests: After an employee or job applicant chooses to request a Confirmatory Retest, the employee or job applicant has five (5) working days within which to notify the City of this request in writing. Within three (3) days of the receipt of such request, the City will notify the original testing laboratory that it is to conduct a Confirmatory Retest or transfer the sample to another certified laboratory for retesting. If the Confirmatory Retest does not confirm the original positive test result, no adverse personnel action will be taken by the City. If the Confirmatory Retest is positive, the City may withdraw its conditional offer of employment to a job applicant or terminate an employee if such employee chooses not to participate in a chemical dependency treatment or evaluation program.

Data Privacy:

Test result reports and other information acquired in the drug and alcohol testing process are private data on individuals as defined in Minnesota law, and may not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or applicant tested, unless otherwise permitted by law or required by court order.

Other Misconduct:

Nothing in this Policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a Confirmatory Test. For example, possession, observed consumption of a controlled substance, the sale of a controlled substance on City premises, or conviction under any criminal drug statute for a violation occurring in the workplace, may by themselves, be grounds for discipline or discharge. Any City employee may be subject to discipline up to and including termination for violation of this Policy or any rules adopted by the City with respect to the manufacture, use, sale, or transfer of drugs and alcohol.

Administrative Responsibility:

The City Administrator, or his or her designees, shall be responsible for implementing this Policy. Each Department Head and supervisor shall be responsible for informing their employees of this Policy. Each employee of the City shall be notified of this Policy. Employees shall acknowledge, in writing, receipt of this Policy.

Collective Bargaining Unit Conflict:

Nothing set forth in this Drug Free Workplace Policy is intended to conflict or interfere with the terms of a collective bargaining agreement, if any, between the City and its employees.

Employee Assistance Program: The City contracts with an outside Employee Assistance Program (E.A.P.) to provide free, confidential assessment and referral services for any number of personal problems including drug and alcohol abuse and misuse. Employees are encouraged to use this service to obtain assistance for themselves or family members. To obtain more information, contact Human Resources.

SECTION 13 ACKNOWLEDGEMENT OF RECEIPT OF THE PERSONNEL POLICY

I acknowledge that I have received a copy of the city of Ramsey Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy and I understand that I am governed by its contents. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without prior notice.

Employee's Signature

Date

Employee's Name (typed or printed)

Witness' Signature

Date

Witness' Name (typed or printed)

CC Work Session**Meeting Date:** 11/28/2023**Primary Strategic Plan Initiative:** Connect the community through Parks, Trails and Recreational Programming.**Information****Title:**

Review of Happy Days 2023 and forecast for 2024

Purpose/Background:

The purpose of this case is to present a high level review of the 2023 Happy Days event for Council, with an emphasis on the planning process and potential improvements for the 2024 event. The past year witnessed notable operational changes, in terms of staffing and event management responsibilities.

In addition, there were operational amendments to the budget for Happy Days to manage increased expenses and a decreased contribution from the specific Happy Days General Fund budget line item, due to an overage in 2022 expenditures. The approach included raising participation fees, implementing cost-reduction measures, eliminating certain event features, adding others, and bolstering fundraising efforts.

For the meeting, staff will highlight 2023 and review some of the feedback to date from, Council, the public and volunteers regarding various aspects of Happy Days events to inform the 2024 planning process. Additionally, a discussion on featuring Ramsey's 50th anniversary as a city will be beneficial.

Timeframe:

15-20 minutes

Funding Source:

This work session topic does not approve any funding.

Responsible Party(ies):

Hagen, Riverblood, and Proulx.

Outcome:

Consensus to move forward with Happy Days 2024 planning, acknowledging the need for greater reliance on volunteers and additional staff involvement, similar to 2022 levels, and without engaging an event management firm.

Attachments

Happy Days Budget 2023- 98% Complete

Happy Days Presentation

Form Review

| Inbox | Reviewed By | Date |
|-----------------|--------------------|---------------------|
| Mark Riverblood | | 11/21/2023 02:58 PM |
| Brian Hagen | Abby Proulx | 11/21/2023 03:00 PM |

| | | |
|---------------------------------|-----------------|---------------------------------|
| Mark Riverblood | Abby Proulx | 11/21/2023 03:14 PM |
| Mark Riverblood | Mark Riverblood | 11/21/2023 03:16 PM |
| Brian Hagen | Brian Hagen | 11/22/2023 09:29 AM |
| Brian Hagen | Brian Hagen | 11/22/2023 09:29 AM |
| Form Started By: Abby Proulx | | Started On: 11/21/2023 11:00 AM |
| Final Approval Date: 11/22/2023 | | |

| Category | Cost | Revenue | Net |
|-----------------------------|---------------------|---------------------|-----------------------|
| Sponsorships | | | |
| City contribution | \$ 4,396.10 | \$ 12,000.00 | \$ 7,603.90 |
| Monetary donation | \$ - | \$ 37,800.00 | \$ 37,800.00 |
| In-kind donation | | | \$ - |
| Sponsorship Total | \$ 4,396.10 | \$ 49,800.00 | \$ 45,403.90 |
| Infrastructure | | | |
| | | | \$ - |
| Tents/tables | \$ 13,829.00 | \$ - | \$ (13,829.00) |
| Garbage/Restroom | \$ 2,663.80 | \$ - | \$ (2,663.80) |
| Power/electrical | \$ 6,146.78 | \$ - | \$ (6,146.78) |
| Marketing | \$ 366.27 | \$ - | \$ (366.27) |
| Signage | \$ 1,342.52 | \$ 5.21 | \$ (1,337.31) |
| Other Rental | \$ - | \$ - | \$ - |
| Infrastructure Total | \$ 24,348.37 | \$ 5.21 | \$ (24,343.16) |
| Events | | | |
| | | | \$ - |
| Dog Show | \$ - | \$ 330.00 | \$ 330.00 |
| 5k/ Youth Fun Run | \$ 1,922.80 | \$ 1,875.00 | \$ (47.80) |
| BINGO | \$ - | \$ - | \$ - |
| Car Show | \$ - | \$ 470.00 | \$ 470.00 |
| Parade | \$ - | \$ 2,215.00 | \$ 2,215.00 |
| Chili Cook Off | \$ - | \$ - | \$ - |
| Bean Bag Tournament | \$ 630.00 | \$ 630.00 | \$ - |
| Prizes | \$ 779.18 | \$ 8.65 | \$ (770.53) |
| Events Total | \$ 3,331.98 | \$ 5,528.65 | \$ 2,196.67 |
| Vendors | | | |
| Food Vendors | \$ - | \$ 4,475.00 | \$ 4,475.00 |
| Expo | \$ - | \$ 4,350.00 | \$ 4,350.00 |
| Vendors Total | \$ - | \$ 8,825.00 | \$ 8,825.00 |
| Entertainment | | | |
| Inflatables | \$ 10,474.72 | \$ - | \$ (10,474.72) |
| Music | \$ 10,437.50 | \$ - | \$ (10,437.50) |
| Fireworks | \$ 8,000.00 | \$ - | \$ (8,000.00) |
| Entertainment Total | \$ 28,912.22 | \$ - | \$ (28,912.22) |
| Staffing | | | |
| Staffing hours | \$ - | \$ - | \$ - |
| Staffing other | \$ 545.00 | \$ - | \$ (545.00) |
| Staffing Total | \$ 545.00 | \$ - | \$ (545.00) |
| Other | | | |
| Consulting | \$ 19,460.00 | \$ 2,162.50 | \$ (17,297.50) |
| Other expenses | \$ 500.00 | \$ 213.50 | \$ (286.50) |
| Other Expenses Total | \$ 19,960.00 | \$ 2,376.00 | \$ (17,584.00) |
| | \$ 81,493.67 | \$ 66,534.86 | \$ (14,958.81) |

| | |
|---|-----------------------|
| 2023 net with consulting fees | \$ (14,958.81) |
| 2023 net without consulting fees | \$ 2,338.69 |
| 2023 consulting fees | \$ 17,297.50 |
| 2023 event cost (w/o consulting) | \$ 64,196.17 |
| 2023 revenue: fees/registration | \$ 14,345.00 |
| 2023 revenue: donations | \$ 37,800.00 |

| GL Date | Category | Cost | Revenue | Notes |
|------------------|--------------------------|-------------|--------------------|------------------------------------|
| 3/16/2023 | Consulting | \$ 4,865.00 | | LUCENT BLUE LLC |
| 4/11/2023 | Expo | | \$ 100.00 | Face to Face Solutions |
| 4/28/2023 | Monitary donation | | \$ 10,000.00 | HAPPY DAYS DONATIONS |
| 5/1/2023 | Monitary donation | | \$ 2,000.00 | SPONSOR: Connexus |
| 5/8/2023 | Monitary donation | | \$ 500.00 | SPONSOR: Fredericks |
| 5/11/2023 | Monitary donation | | \$ 500.00 | SPONSOR: Village Bank |
| 5/24/2023 | Inflatables | \$ 4,000.00 | | DEPOSIT FOR HD |
| 5/25/2023 | Music | \$ 2,500.00 | | MUSIC: Mick Sterling |
| 5/25/2023 | Monitary donation | | \$ 500.00 | SPONSOR: Northern |
| 5/31/2023 | Marketing | \$ 243.60 | | POSTAGE ALLOCATION |
| 6/1/2023 | Tents/tables | \$ 2,506.50 | | MAJESTIC |
| 6/6/2023 | Monitary donation | | \$ 500.00 | SPONSOR: QBE |
| 6/6/2023 | Monitary donation | | \$ 500.00 | DONATION (civicrec) - |
| 6/12/2023 | Monitary donation | | \$ 1,000.00 | SPONSOR: M & G Trailers |
| 6/14/2023 | Consulting | \$ 7,300.00 | | LUCENT BLUE LLC |
| | | | | DONATION (civicrec) - Life |
| 6/16/2023 | Monitary donation | | \$ 1,000.00 | Fitness |
| 6/16/2023 | Monitary donation | | \$ 750.00 | DONATION (civicrec) - |
| | | | | REISSUE CK 116279 HD 5K |
| 6/22/2023 | 5k/ Youth Fun Rur | \$ 700.00 | | DEPOSIT \$700 |
| 6/22/2023 | Monitary donation | | \$ 100.00 | SPONSOR: Boilmakers |
| 6/23/2023 | Monitary donation | | \$ 5,000.00 | SPONSOR: Northland |
| 6/23/2023 | Monitary donation | | \$ 3,000.00 | SPONSOR: Bolton and |
| | | | | DONATION (civicrec) - |
| 6/27/2023 | Monitary donation | | \$ 500.00 | BMO |
| 6/28/2023 | Prizes | \$ 252.24 | | HD PRIZES, AMAZON |
| 6/28/2023 | Expo | | \$ 75.00 | Check League of |
| 6/29/2023 | Monitary donation | | \$ 500.00 | SPONSOR: All Seasons |
| 6/30/2023 | Marketing | \$ 14.40 | | POSTAGE ALLOCATION |
| 7/3/2023 | Monitary donation | | \$ 1,000.00 | SPONSOR: Delta Mod Tech |
| 7/10/2023 | Monitary donation | | \$ 100.00 | SPONSOR: Miss Iz Ice |
| 7/12/2023 | Prizes | \$ 59.02 | | HD PRIZES, AMAZON |
| 7/12/2023 | Fireworks | \$ 8,000.00 | | FIREWORKS, RES |
| 7/14/2023 | Monitary donation | | \$ 4,800.00 | SPONSOR: Northgate |
| 7/14/2023 | Monitary donation | | \$ 100.00 | SPONSOR: Mary Weigel |
| 7/24/2023 | Monitary donation | | \$ 1,000.00 | SPONSOR: St. Katherine |

| | | | | |
|-----------------|--------------------------|-------------|------------------|------------------------------|
| 7/24/2023 | Monetary donation | | \$ 100.00 | DONATION (civicrec) - |
| 7/26/2023 | Prizes | | \$ 8.65 | HD AMAZON REFUND |
| 7/31/2023 | Marketing | \$ 76.14 | | POSTAGE ALLOCATION |
| 07/31/2023 | City contribution | \$ 4,396.10 | | Overbudget previous year |
| 7/31/2023 | City contribution | | \$ 12,000.00 | city contrib-happy days |
| 7/31/2023 | Monetary donation | | \$ 200.00 | SPONSOR: Druk Auto |
| 7/31/2023 | Monetary donation | | \$ 100.00 | DONATION (civicrec) - |
| 8/1/2023 | Monetary donation | | \$ 500.00 | DONATION (civicrec) - zero |
| 8/7/2023 | Monetary donation | | \$ 1,000.00 | SPONSOR: B&F Fastener |
| 8/7/2023 | Monetary donation | | \$ 500.00 | SPONSOR: Deano's |
| 8/8/2023 | Monetary donation | | \$ 500.00 | DONATION (civicrec) - |
| 8/9/2023 | Music | \$ 437.50 | | MUSIC LIC - 8.1.23-7.31.24, |
| 8/10/2023 | Signange | \$ 525.00 | | HD ADVERTISING SIGNS, |
| 8/11/2023 | Monetary donation | | \$ 150.00 | DONATION (civicrec) - |
| 8/14/2023 | 5k/ Youth Fun Run | | \$ 200.00 | HD'S 5K YOUTH FUN-RACE |
| 8/16/2023 | Monetary donation | | \$ 200.00 | SPONSOR: Cortrust Bank |
| 8/17/2023 | Signange | \$ 470.30 | | CAUTION TAPE, MC TOOL |
| 8/17/2023 | Signange | | \$ 5.21 | EARLY PAY DISCOUNT, MC |
| 8/18/2023 | Monetary donation | | \$ 500.00 | SPONSOR: Fetched-Up |
| 8/23/2023 | Signange | \$ 58.74 | | MARKING PAINT, SHERWIN |
| 8/23/2023 | 5k/ Youth Fun Run | \$ 700.00 | | HAPPY DAYS 5K-2ND |
| 8/24/2023 | Other expenses | \$ 500.00 | | HAPPY DAYS PETTY CASH, |
| 8/31/2023 | Marketing | \$ 32.13 | | POSTAGE ALLOCATION |
| 8/31/2023 | Monetary donation | | \$ 200.00 | DONATION (civicrec) - |
| 9/7/2023 | Bean Bag Tournan | \$ 630.00 | | CASH FOR HD BEAN BAG |
| 9/7/2023 | Tents/tables | \$ 5,848.50 | | MAJESTIC |
| 9/7/2023 | Music | \$ 7,500.00 | | MUSIC MICK STERLING |
| 9/8/2023 | Monetary donation | | \$ 500.00 | 2023 HAPPY DAYS |
| 9/13/2023 | Prizes | \$ 110.42 | | HD PRIZES, AMAZON |
| 9/13/2023 | Signange | \$ 117.48 | | MARKING PAINT, SHERWIN |
| 9/13/2023 | Signange | \$ 171.00 | | HD ADVERTISING SIGNS, |
| 9/13/2023 | Prizes | \$ 357.50 | | HD TROPHY'S AND |
| 9/13/2023 | Staffing other | \$ 545.00 | | HD SHIRTS, TORNADO |
| 9/13/2023 | Consulting | \$ 7,295.00 | | LUCENT BLUE LLC |
| 09/13/2023 | 5k/ Youth Fun Run | | \$ 565.00 | RACE ROSTER |
| 09/13/2023 | 5k/ Youth Fun Run | | \$ 240.00 | 5k Cash |
| 09/13/2023 | Car Show | | \$ 470.00 | Car Show Cash |
| 09/13/2023 | Dog Show | | \$ 180.00 | Dog Show Cash |
| 09/13/2023 | Other expenses | | \$ 115.00 | City Tent Cash |
| 9/14/2023 | 5k/ Youth Fun Run | \$ 450.00 | | HD 5K MEASURES & |
| 09/25/2023 | 5k/ Youth Fun Run | | \$ 600.00 | RACE ROSTER |
| 09/25/2023 | 5k/ Youth Fun Run | | \$ 270.00 | 2023 HAPPY DAYS 5K & |
| 9/27/2023 | 5k/ Youth Fun Run | \$ 72.80 | | E media Group Race Bibs |
| 9/27/2023 | Garbage/Restroom | \$ 2,070.00 | | Elite sanitation |
| 9/27/2023 | Tents/tables | \$ 4,474.00 | | Metro Tent |
| 9/27/2023 | Power/electrical | \$ 6,146.78 | | UNITED RENTALS- Power |
| 10/11/2023 | Tents/tables | \$ 1,000.00 | | Majestic , cleaning fee |

| | | | | |
|------------|---------------------|----|----------|---------------------------|
| 10/11/2023 | Inflatables | \$ | 6,474.72 | USA INFLATABLES |
| 10/12/2023 | Garbage/Restroom | \$ | 593.80 | ACE Solid Waste |
| 10/27/2023 | Consulting | \$ | 2,162.50 | Unused hours for Lucent |
| 11/15/2023 | Other expenses | \$ | 98.50 | ATM |
| | Bean Bag Tournament | \$ | 630.00 | Bean Bag Toss on CIVICREC |
| | Dog Show | \$ | 150.00 | Dog Show on CIVICREC |
| | Expo | \$ | 4,175.00 | Expo on CIVICREC |
| | Food Vendors | \$ | 4,475.00 | Food Vendor on CIVICREC |
| | Parade | \$ | 2,215.00 | Parade on CIVICREC |
| | | | | |
| | | | | |

0

Saturday, September 9th, 2023

25TH ANNIVERSARY
happy
days
ramsey, mn



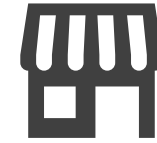
5K & Youth Fun Run



82
Runners



Expo & Farmers Market



55
Expo Vendors





Parade



42
Floats



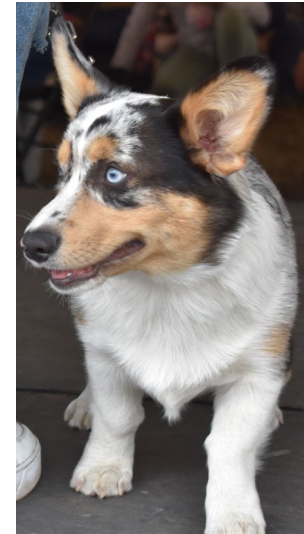


Chili Cook-off

50% of Profits Donated to Local
Non-Profit - WoMn Strong



Dog Show



11
Dogs



Bean Bag Tournament



12 Teams
24 Participants





Car Show

47
Cars



Kids Activities





Food Trucks



4
Bands



Music & Fireworks



THANK YOU

A special thank you to all of our Volunteers, Public Works staff, Ramsey Police, Police Reserves, Ramsey Fire Department, Lucent Blue Event Company, and more!





THANK YOU, HAPPY DAYS SPONSORS!

PRESENTING SPONSORS



PLATINUM SPONSOR



GOLD SPONSORS



SILVER SPONSORS



BRONZE SPONSORS

Affinity at Ramsey
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Druk Auto Sales, LLC
Jernell Realty
Mary K. Weigel Agency, Inc.
American Family Insurance
Parkplace Studio
Vision 11 Dance
Wendell's Inc.



SAVE THE DATE



**26th Annual City of Ramsey
Happy Days Festival
Saturday, September 7th, 2024**

CC Work Session

Meeting Date: 11/28/2023

Primary Strategic Plan Initiative: Create a positive image for residential neighborhoods, business districts and key corridors.

Information

Title:

Nuisance Code Update

Purpose/Background:

Staff has amended the existing nuisance code based on feedback from council to update information. Staff has removed redundancies, cleaned up language, removed and added several items to more streamline the effectiveness of code enforcement.

Timeframe:

Not Applicable

Funding Source:

Normal Staff time

Responsible Party(ies):

Community Development

Outcome:

Obtain council feedback and direction to bring forward and adopt at future council meeting.

Attachments

- Chapter 10 Animals
- Chapter 30 Nuisances
- Chapter 54 Traffic and Vehicles

Form Review

| Inbox | Reviewed By | Date |
|----------------------------------|--------------------|---------------------------------|
| Brian Hagen | Brian Hagen | 11/22/2023 02:06 PM |
| Form Started By: Craig Swalchick | | Started On: 11/22/2023 08:18 AM |
| Final Approval Date: 11/22/2023 | | |

Chapter 10 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 10-1. Keeping of certain animals, livestock and poultry.

(a) *Prohibited animals.*

- (1) The following animals are prohibited within the city:
 - a. Any animal or species prohibited by state or federal law.
 - b. All large cats of the family felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
 - c. All members of the family canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.
 - d. All poisonous animals, including snakes; that upon touch or bite may cause hallucinations, alter cardiopulmonary functions, or even death.
 - e. Dangerous farm type animals, including bison, emus, and ostrich, except with a non-traditional animal license.
 - f. All other animals which are not listed explicitly above, but which can be easily defined in this chapter as an exotic animal, including bears, wolverines, and badgers.
- (2) Persons keeping animals for a public zoo as volunteers, docents, or otherwise, any bona fide research institution or veterinary hospital are exempt from the provisions of this chapter, provided protective devices adequate to prevent such animals from escaping or injuring the public are provided.

(b) *Non-domestic animals.*

- (1) The schedule referred to in subsection (b)(1) of this section shall be used in the following manner:
 - a. The types of non-domestic animals kept or maintained shall be limited to those listed on the schedule.
 - b. The maximum number of animal units allowed, excluding domestic animals, for a specific acreage of land shall be determined by the following formula:

Maximum number of animal units allowed = Number of acres rounded down to the nearest quarter (.25) acre(s):

¹Editor's note(s)—Ord. No. 15-12, § 2, adopted July 14, 2015, amended chapter 10 in its entirety to read as herein set out. Former chapter 10, §§ 10-1, 10-2, 10-23, 10-24, 10-52—10-70, 10-95 and 10-119—10-128, pertained to similar material. See the Code Comparative Table for the chapter's history.

State law reference(s)—General authority relative to animals, Minn. Stats. §§ 410.33, 412.221, subd. 21; animal health, Minn. Stats. ch. 35; dogs and cats, Minn. Stats. ch. 347; cruelty to animals, Minn. Stats. § 343.20 et seq.; stray animals and companion animals, Minn. Stats. ch. 346.

| <i>Permitted Animal Types</i> | <i>Assigned Animal Unit Values</i> | <i>Minimum Acreage Required</i> |
|--|------------------------------------|---------------------------------|
| Cattle family except Bison | 1 head = 1 unit | 2.5 acres |
| Llama/Alpaca family | 1 head = 1 unit | 2.5 acres |
| Swine family | 2 head = 1 unit | 2.5 acres |
| Sheep/Goat family | 2 head = 1 unit | 0.50 acres |
| Poultry/Fowl families (chicken, duck) | 25 head = 1 unit | No minimum |
| Poultry/Fowl families (turkey, goose) | 8 head = 1 unit | 2.5 acres |
| Horse/Mule family | See section 10-1(4)c. | 1.5 acres |
| Animal units not addressed in this table will be determined by the City at the time of Non-Traditional Animal License consideration. | | |

- (2) Poultry/fowl shall be subject to the following:
- a. Poultry/fowl are defined as chickens, turkeys, geese, ducks, or similar.
 - b. Poultry/fowl must be provided an enclosure in accordance with City Code chapter 117, article II (Zoning) and Minnesota State Building Code. The enclosure shall be counted as an accessory building when calculating total number of permitted accessory buildings on a property. The enclosure and surrounding grounds shall be maintained in a clean and sanitary condition and in good repair. Flies, rodents, and noxious odors shall be controlled. Poultry/fowl may not run at large.
 - c. Poultry/fowl, including any shelters, coops and/or containment fencing, must be located in side or rear yards only.
 - d. All enclosures must maintain a minimum setback of ten feet from all property lines and must maintain a minimum setback of 30 feet from all adjacent inhabited structures.
 1. The enclosure shall remain completely enclosed to prevent unwanted intrusion by outside animals and migratory birds.
 2. If 100 percent opaque fencing (privacy fencing) is utilized for the exercise area, said fencing is subject to the standard fence regulations and setbacks within City Code chapter 117. If alternative fencing is used (for example, chain link fencing), then said fencing shall be no closer than ten feet to a property line.
 - e. Roosters may be kept and maintained only on parcels of at least two and one-half acres in size. Said properties are allowed a total of two roosters.
 1. Setbacks for rooster enclosure and exercise area shall be 50 feet from any neighboring place of human habitation and 75 feet from neighboring property lines.
- (3) Cattle, and swine families shall be subject to the following:
- a. Cattle, llama/alpaca, and swine families may be kept and maintained only on parcels of at least two and one-half acres in size.
 - b. Sheep/goats may be kept and maintained on parcels of at least one-half acre in size.
 - c. Barns and stables subject to section 10-3.
- (4) Horses.

- a. Intent and purpose of section provisions. The intent of this section is to establish regulations for maintaining horses as defined in subsection (b) of this section exclusively on property. Section 10-3 (barns and stables) also applies to this article. The purpose of this section is:
 1. To prohibit the maintaining of horses on lots or parcels of record less than one and one-half acres in size;
 2. To require the filing with the city of a sketch drawing prior to maintaining a horse; and
 3. To ensure proper handling, treatment and maintenance of horses.
- b. Horse defined. As used in this section, the term "horse" shall mean any stallion, mare, gelding, foal, pony, donkey, ass, burro, mule or animal of horse kind.
- c. Acreage requirements. The following chart prescribes the number of horses that can be maintained on lots of record of sizes as shown. The lease of property contiguous to the lot of record is eligible to meet acreage requirements provided the lot of record is at least one and one-half acres in size and evidence of a current lease is provided to the city:

| Acreage | Number of Horses Permitted | Comments |
|---------------------|----------------------------|---|
| Less than 1.5 acres | 0 | Not permitted. |
| 1.5—3.0 acres | 2 | Sketch drawing required in property file. |
| Over 3 acres | 2+ | One additional horse for each full acre over 3 acres. |

- d. Sketch drawing required prior to maintaining and boarding a horse or horses on any parcel of land three acres or more in size, the landowner shall provide a sketch drawing to the city.
 1. Required sketch drawing information shall include:
 - i. Name and address of the fee owner of the subject property where the horses are to be maintained and the name and address of occupant of subject property.
 - ii. Legal description of subject property.
 - iii. Acreage of subject property and acreage of enclosed roaming area.
 - iv. Number of horses to be maintained on subject property.
 - v. Sketch drawing showing, to scale:
 - (A) Location of all buildings on subject property;
 - (B) Fenced in horse pasture area;
 - (C) Location and distance from subject property of all adjacent property's buildings; and
 - (D) Area on subject property where manure will be stored if the number of horses exceeds one horse per one-half acre of enclosed roaming area.
- e. Rodent and insect control.
 1. Manure shall be handled or treated in such a manner as not to create a public nuisance which shall mean at a minimum that manure will be properly disposed of weekly when the

-
- number of horses on any one parcel exceeds one horse per one-half acre of enclosed roaming area.
2. Corrals, pens, stables or similar enclosures shall be maintained in a manner to minimize fly breeding.
 3. Accumulations of horse manure on the paved portion of a street, sidewalk or alley shall not be permitted, and the horse owner shall be responsible to abate such nuisance.
- f. Care and maintenance of horses.
1. No horse shall be treated cruelly or inhumanely by any person or in violation of Minn. Stats. ch. 343, which provisions relate to preventing cruelty to animals.
 2. Proper care and maintenance of each horse shall be the responsibility of the person, firm or corporation designated as the owner, caretaker or custodian of such horse.
 3. No person shall keep a horse in a manner creating a public or private nuisance.
 4. Horses shall be provided adequate shelter.
 5. Fences for pens, corrals or similar enclosures must be of sufficient height and strength to retain the horses enclosed. Extra care must be taken to ensure the stallions are properly enclosed.
- g. Control, trespass roadways and impoundment.
1. No person shall permit any horse of which they are the owner, caretaker or custodian to run at large within the city. Such animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner, or an agent or employee of the owner.
 2. The chief of police or any designated agent of the city may impound any horse found at large and shall provide proper sustenance for such impounded horse. The chief of police or designated agent shall, within 24 hours after any such horse has been impounded, post written notice at the city hall describing such horse and stating that it has been impounded. If the owner of the impounded horse is known to the person impounding, personal service of notice of such impounding shall be served within 24 hours after impounding upon such owner in the manner prescribed by state law for the service or process.
 3. Costs incurred by the city in impounding horses running at large shall be paid by the horse owner prior to releasing the horse. An impounded horse shall be released only to a person providing proof of ownership and displaying a receipt from the city administrator showing payment of the reasonable costs of impounding, cost of feeding and veterinarian care.
 4. Any person who, without authority of law, and without first paying the costs due, shall take an impounded horse out of the enclosure in which it is impounded, shall be guilty of a misdemeanor.
 5. In the event a horse impounded by the city is not redeemed within 14 days, after its impoundment, the chief of police or designated agent shall give three days' notice of the time and place where such horse will be sold by posting and serving notices as required for notice herein. If such horse cannot be sold on the day stated, it may be sold as soon as possible thereafter without notice. The city treasurer shall deposit said proceeds in the general fund.
 6. If the previous owner of the horse which was sold makes a claim for the sale proceeds within one year from the sale date, the city finance officer, on order from the council, shall

pay the previous horse owner the difference between the sale price and the cost of impounding, feeding and sales charges; otherwise, the sale proceeds shall be forfeited to the city.

7. No person may ride or drive a horse after sunset and before sunrise along or crossing any public way without appropriate lighting or reflectorized clothing.
8. The council shall designate and properly post those areas in public lands and parks where horses may be ridden.
9. No person may ride or drive a horse in any public park, beach, golf course or other public property except within the right-of-way of public streets and highways and areas duly designated by the city as a trail or hitching area.
10. Persons riding a horse or driving a horse-drawn vehicle upon a public road way shall be subject to those provisions of this Code and state law applicable to the driver of motor vehicles, except those provisions which by their nature have no application.
11. Horses shall not be ridden or driven in any manner that would cause undue damage to any hard-surfaced road.
12. No person shall ride or drive a horse upon private property without the prior written permission of the owner or occupant thereof.
13. No person shall interfere with any horse ridden or kept in a lawful manner, and owners of domestic animals shall restrain their animal so as to not interfere.

(5) Beekeeping. Bee hives may be maintained on a parcel with the issuance of a zoning permit.

- a. Hives may only be located on lots with an existing use.
- b. The number of allowed hives shall be based on property size:

| Lot Size | Number of Hives |
|--------------------|-----------------|
| 0.25 acres or less | Up to 4 hives |
| 0.25—0.99 acres | Up to 8 hives |
| 1.00—1.99 acres | Up to 20 hives |
| 2.00—3.99 acres | Up to 40 hives |
| 4 acres or larger | Up to 40+ hives |

(Up to 5 frame Nucleus colonies do not have quantity limits.)

- c. No hive shall exceed 20 cubic feet in volume.
- d. No hive shall be located closer than three feet from any property line or within any easement, whichever is more restrictive.
- e. No hive shall be located closer than ten feet from a neighboring, inhabited structure.
- f. A constant supply of water shall be supplied or available to all hives.
- g. A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of 100 percent opaque fencing, dense, year-round (coniferous) vegetation, existing structures, or combination thereof, and shall extend at least 25 feet beyond the hive.
- h. Colonies shall be maintained in moveable frame hives with adequate space and management techniques to prevent overcrowding and swarming.

-
- i. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
 - j. Beekeeping zoning permit process.
 - 1. *Application.* The application for a zoning permit shall contain the following information; name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the bee hives will be maintained include how the owner will demonstrate compliance with the standards of this section.
 - 2. *Processing application.* The application must be filed with the zoning administrator together with the permit fee.
 - 3. *Term and transfer.* The zoning permit shall be valid without renewal provided that the applicant complies with the terms of the zoning permit. Zoning permits under this chapter may not be transferred from person to person or from place to place.
 - 4. *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: Any violation of this Code; material misstatement or misrepresentation in application for permit or renewal thereof; failure to keep the permittee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative; failure to comply with the terms of the permit.
- (6) Non-traditional animal license.
- a. Non-traditional or exotic animals are those that are not normally considered to be domesticated but are not wild animals as defined in section 10-119. A person may keep a non-traditional or exotic animal as defined herein only upon issuance of non-traditional animal license. In determining whether an animal is considered non-traditional or exotic, it shall be the responsibility of the applicant to supply the city with the necessary data and information to reasonably prove that the animal is not dangerous in captivity. This information shall be part of the public record and shall be discussed as part of the non-traditional animal license.
 - b. In reviewing a request to keep non-traditional or exotic animals, the city may impose conditions and restrictions as it finds necessary, including but not limited to the following:
 - 1. Restrictions on the number and type of animals;
 - 2. Setbacks greater than those required in section 10-23 or the underlying zoning district for the property in question;
 - 3. Restrictions on the size, height, and type of enclosures;
 - 4. Screening or landscaping of the proposed use.
 - c. The applicant must also submit a copy of all permits required from any other regulatory agencies.
 - d. License process.
 - 1. *Application.* The application for a license shall contain the following information; name, address, and telephone number of applicant; the address of the location, and a sketch plan of the premises where the animals will be maintained include how the owner will demonstrate compliance with the standards of this section.
 - 2. *Processing application.* The application must be filed with the zoning administrator together with the permit fee 30 days prior to a city council meeting. Following an

inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the city council to approve or deny the application. The city council shall hold a public comment period and make the final decision on the application.

3. *Term and transfer.* The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this chapter may not be transferred from person to person or from place to place.
4. *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds: Any violation of this Code; material misstatement or misrepresentation in application for license or renewal thereof; failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative; failure to comply with the terms of the license.

(7) Miscellaneous maintenance standards.

- a. On all parcels of land maintaining non-domestic animals, there shall be a roofed or covered structure with walls to protect the animals from the elements.
- b. A confined exercise area must be provided for the animals. The exercise area shall be fenced off to prevent the animals from roaming at large. Chickens are exempt from fencing requirements.
- c. Manure shall be handled and treated in such a manner so as not to create a public nuisance or impact the environment or groundwater. Corrals, pens, stables, and similar enclosures shall be maintained in a manner to minimize fly breeding. No person shall leave accumulations of manure on any street or sidewalk.
- d. No non-domestic animal shall be treated cruelly or inhumanely by any person or in violation of state statutes preventing cruelty to animals.
- e. No animals of any type may be maintained on any parcel within the city, no matter what size the parcel, if the maintenance of said animals creates a nuisance as defined in chapter 30.

(c) *Domestic animals.*

(1) Domestic animals are classified as:

- a. Domestic dogs (excluding hybrids with wolves, coyotes or jackals);
 1. Domestic dogs are limited to four without a private kennel license;
 2. Domestic dogs shall be provided an enclosure protected from inclement weather during the winter months (November—March);
- b. Domestic cats (excluding hybrids with ocelots or margays);
- c. Rodents, such as hamsters, mice, gerbils, white rats, guinea pigs, chinchillas or hedgehogs, capable of being maintained continuously in a cage;
- d. Rabbits;
- e. Captive-bred species of common cage birds;
- f. Small non-venomous snakes;
- g. Non-poisonous lizards, iguanas, chameleons, salamanders and turtles or other similar small reptiles, unless prohibited by state or federal law;
- h. Fish, unless prohibited by state or federal law;

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- i. Domestically raised ferrets (must be vaccinated yearly);
 - j. Domestically raised pot-bellied pigs.
- (2) Domestic animals shall be up to date on vaccines.
- (3) Domestic animals are permitted in all residential districts.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Sec. 10-2. Animals at large.

No person shall allow any animal of any type to run at large.

- (1) The term "at large" means an animal that is off the premises of the owner and is:
- a. Not on a leash held by a responsible person; or
 - b. Not accompanied by and under the direct control of a responsible person so as to be effectively restrained by command.
- (2) An animal shall not be determined to be at large if it is:
- a. Engaged in wild game or animal hunting and under the control of its owner or a responsible person;
 - b. Engaged in obedience training and under the control of its owner or a responsible person; or
 - c. Running loose on the owner's property, or property under the owner's control and under the control of a responsible party.
- (3) If the animal is running loose on the owner's property and runs onto adjacent public or private properties and does not respond to a person, then the animal is considered at large.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Sec. 10-3. Barns and stables.

- (a) No stable or barn in which cows, horses, roosters, or other animals are kept may be located within 50 feet of a place of human habitation and 75 feet from neighboring property lines. Such stables and barns, where lawful, shall be kept clean. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies at least once every two weeks.
- (b) Manure shall be removed by hauling beyond the city limits unless used for fertilizer, in which case it shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 22-03 , § 2, 2-8-2022)

Secs. 10-4—10-51. Reserved.

ARTICLE II. DOGS²

DIVISION 1. GENERALLY

Sec. 10-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Boarding means providing for the care, shelter, or feeding of dogs, not owned by the owner or occupant of the premises where said dogs are kept, for any period.

Dangerous dog means any dog that has:

- (1) Without provocation, inflicts substantial bodily harm on a human being on public or private property.
- (2) Has killed a domestic animal without provocation while off the owner's property.
- (3) Has been found to be potentially dangerous, and, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Dog means any male or female of the canine species.

Dog owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Great bodily harm means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm

Kennel, commercial, means a place where boarding and/or training is offered to any number of dogs not owned by the owner or occupant of the premises. Such boarding and/or training may also include but is not limited to related uses such as selling, breeding, showing, treating or grooming. Pet shops, veterinary clinics, and pet grooming facilities are considered commercial uses but shall not be defined as commercial kennels.

Kennel, private, means a place where a dog owner keeps four or more dogs over six months of age on property occupied by the dog owner for residential purposes and where the keeping of such dogs is incidental to the occupancy of the premises, and may include breeding and selling of dogs as a hobby. A conditional use permit is required for four or more dogs.

²Ord. No. 22-03 , § 2, adopted February 8, 2022, repealed the former article II, § 10-24, and renumbered articles III and IV as articles II and III. The former article II pertained to horses and derived from Ord. No. 15-12, adopted July 14, 2015.

State law reference(s)—Dogs and cats, Minn. Stats. ch. 347.

Owner means the license holder or any other person, firm, association, or corporation owning, keeping or harboring a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this definition, be deemed an owner.

Potentially dangerous dog means any dog that:

- (1) When unprovoked, inflicts bites on a human or domestic animal on public or private property.
- (2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack.
- (3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Provocation means an act that an adult could reasonably expect may cause a dog to attack or bite.

Running at large means any dog which is not either:

- (1) Effectively contained on private property;
- (2) Effectively restrained, by chain or leash, to private property with the consent of the property owner;
- (3) Effectively restrained by a chain or leash not to exceed six feet in length; or
- (4) Under the voice control of its owner.

Substantial bodily harm means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or that causes a fracture of any bodily member.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-53. Animal control officer.

As used in this article the term "animal control officer" means any city officer or employee designated to enforce any portion of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-54. Duties of animal control officer.

The animal control officer shall perform the following duties:

- (1) Seize, impound, or restrain any dog found running at large within the city.
- (2) Investigate all cases of animal bites reported to him and supervise the quarantine of any such animal to ensure that it is kept under observation for a period of ten days.
- (3) Enforce all other provisions of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-55. No interference with officer.

It shall be unlawful for any person to molest or in any way interfere with any peace officer, animal control officer, or any of their duly authorized assistants, or with any duly authorized agent while engaged in performing work under the provisions of this article.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-56. Number of dogs permitted.

- (a) On a parcel or series of contiguous parcels under the same ownership or occupancy as the dog owner, no more than three dogs are permitted. A private kennel license is required for four or more dogs.
- (b) *Private kennel license process.*
 - (1) *Application.* The application for a license shall contain the following information; name, address, and telephone number of applicant; the address of the location where four or more dogs will be maintained, the number of dogs proposed to be maintained on the premise, the breeds of the dogs to be maintained, and a sketch plan of the premises where the dogs will be maintained.
 - (2) *Processing application.* The application must be filed with the zoning administrator together with the permit fee 30 days prior to a city council meeting. Following an inspection of the premises proposed to be licensed, the zoning administrator shall make a recommendation to the city council to approve or deny the application. The city council shall hold a public hearing and make the final decision on the application.
 - (3) *Term and transfer.* The license shall be valid without renewal provided that the applicant complies with the terms of the license. Licenses under this chapter may not be transferred from person to person or from place to place.
 - (4) *Revocation.* The council may revoke any license issued under this article upon adequate notice and a hearing before the council, if requested, on the following grounds:
 - a. Any violation of this Code;
 - b. Material misstatement or misrepresentation in application for license or renewal thereof;
 - c. Failure to keep the licensee's premises in an orderly, aesthetically pleasing manner as prescribed by the council and/or its designated representative;
 - d. Failure to comply with the terms of the license.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-57. Reserved.

Ord. No. 21-08 , § 3, adopted February 23, 2021, repealed § 10-57, which pertained to individual dog licensing and derived from Ord. No. 15-12, adopted July 14, 2015.

Sec. 10-58. Tags.

All dogs in public spaces shall have an identification tag with owner or veterinarian contact information affixed to the dog collar. In lieu of a physical tag, a microchip embedded in the dog with the same information is sufficient for identification.

(Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

Sec. 10-59. Rabies vaccination.

- (a) Every owner or keeper of a dog shall cause the same to be vaccinated by a licensed veterinary with anti-rabies vaccine at least once every three years and prior to the time such dog shall reach the age of six months.
- (b) No dog need be vaccinated when a licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness, or other medical consideration; and such exception certificate is presented to the animal control officer within five days of such examination. The animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-60. Animal at large.

[a.](#) Every owner or keeper of a dog shall cause the same to be under the control of and in custody of a person of sufficient age to adequately control the dog at all times, while the dog is off the premises of the owner. The terms "control" and "custody" mean on a leash of not more than six feet in length or under the voice control of its owner. It shall be lawful to have a dog in an automobile without a leash, but it must be on a leash or under the voice control of its owner if taken out of the vehicle. Violation of this section shall be a petty misdemeanor.

[b.](#) It is unlawful for any diseased animal to run at large.

[c.](#) All animals must be in the care and control of their owner.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-61. Report of dog bites.

Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-62. Destroying a dog.

It shall be unlawful for any person other than the animal control officer or a police officer to kill or destroy any dog or animal of the dog kind running at large in the city or that has been known to bite a person within ten days.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-63. Abandonment.

No person shall abandon or release any dog, cat, or other animal with the boundaries of the city.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-64. Potentially dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed potentially dangerous, per section 10-52, with a potentially dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten day quarantine period.
- (c) If a proper enclosure cannot be provided for the dog, the animal control officer can seize the dog for the quarantine period. All costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog.
- (d) Any person knowing of a human being bitten by a dog shall immediately notify the animal control officer or the police department and said dog shall then be confined and kept under observation for a period of ten days before being removed from owner's property or disposed of.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-65. Dangerous dogs.

- (a) The animal control officer will provide the owner of a dog that has been deemed dangerous, per section 10-52, with a dangerous dog incident report.
- (b) If the dog has inflicted bites on a human or domestic animal on public or private property, a quarantine notice will also be provided to the owner advising of a ten-day quarantine period.
- (c) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- (d) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (e) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- (f) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.
- (g) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- (h) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-65.1. Dangerous dog registration.

- (a) *Requirement.* No person may own a dangerous dog in this state unless the dog is registered as provided in this section.
- (b) *Registration.* An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:
 - (1) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
 - (2) A surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000.00, payable to any person injured by the dangerous dog, or a policy of public liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog;
 - (3) The owner has paid an annual fee of not more than \$500.00, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and
 - (4) The owner has had microchip identification implanted in the dangerous dog with the name of the microchip manufacturer and identification number of the microchip provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.
- (c) *Warning symbol.* If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision (b), the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- (d) *Fee.* The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.
- (e) *Dangerous dog designation review.* Beginning six months after a dog is declared a dangerous dog; an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.
- (f) *Law enforcement; exemption.* The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.
- (g) *Exemption.* Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:
 - (1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
 - (2) Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

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- (3) Who was committing or attempting to commit a crime.
- (h) *Tag.* A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.
- (Ord. No. 15-12, § 2, 7-14-2015; Ord. No. 21-08, § 3, 2-23-2021)

Editor's note(s)—Ord. No. 15-12, § 2, adopted July 14, 2015, set out provisions intended for use as § 10-65. For purposes of classification, and at the editor's discretion, these provisions have been included as § 10-65.1.

Sec. 10-66. Hearing for dogs deemed dangerous or potentially dangerous.

The owner of a dog that has been deemed dangerous or potentially dangerous may request a hearing to determine the validity of the dangerous or potentially dangerous dog declaration. If such a request is made, the owner must immediately comply with provision 1 of the notice, until the hearing examiner issues an opinion. To appeal the dangerous or potentially dangerous dog declaration:

- (1) A request, identifying with specificity the basis for the dog owner's objection to the declaration shall be filed in writing with the office of the chief of police within 14 days after the date of the service of the notice. Failure to do so within 14 days will terminate the owner's right to a hearing.
- (2) A \$250.00 filing fee shall be submitted with the appeal request. In the event that the dangerous dog declaration is not upheld by the hearing examiner, the filing fee will be refunded to the dog's owner. Per Minn. Stat. § 347.541, if the dangerous dog declaration is upheld by the hearing examiner, actual expenses of the hearing up to a maximum of \$1,000.00 will be the responsibility of the dog's owner.
- (3) A hearing shall be conducted within ten days, unless a later date is mutually agreed to by the hearing examiner, the dog owner and the city.
- (4) The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.
- (5) If the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all requirements of the notice.
- (6) Any costs incurred for the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-67. Failure to restrain an attack by a dog.

- (a) It shall be unlawful for an owner to fail to restrain a dog from inflicting or attempting to inflict bodily injury to any person or other animal. Violation of this section shall be a misdemeanor. The court, upon a finding of the defendant's guilt hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:
- (1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; or
 - (2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

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- (b) If the court does not order the destruction of the dog, the court, as an alternative, may order the defendant to provide, and show proof to the court of public liability insurance in the minimum amount of \$300,000.00.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-68. Stopping an attack.

If any police officer or animal control officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means they deem appropriate to bring the attack to an end and prevent further injury to the victim.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-69. Dogs disturbing the peace.

It shall be unlawful for any person to own, keep, have in possession, or harbor any dog that howls, yelps, or barks to the reasonable annoyance of another person. Any person violating this section, who upon first requested by a police officer or animal control officer to stop or prevent the annoyance, and refuses to comply with the request will be issued a citation or arrested in accordance with Minnesota Rules of Criminal Procedure, and, if the officer deems it necessary to stop the annoyance, may have the dog taken to the city animal pound. Any dog placed in the pound may be reclaimed by the owner upon payment of the fee prescribed in subsection 10-95(b), and if not reclaimed may be disposed of in the manner provided in subsection 10-95(c).

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-70. Removal of excrement, [manure, and carcasses.](#)

- [a.](#) It is unlawful for any person who owns or has custody of a dog to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this section shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in city police activity.

(Ord. No. 15-12, § 2, 7-14-2015)

- [b.](#) [It is unlawful for any person who owns or has custody of a dog to cause or permit accumulations of Manure and animal excrement, except that any manure maintained in conformance with State Law and City Code for use as fertilizer.](#)

- [c.](#) [It is unlawful for any person who owns or has custody of a dog to cause or permit carcasses of animals not buried at least three feet deep or destroyed within 24 hours after death.](#)

Secs. 10-71—10-94. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 10-95. Procedure; reclaiming.

- (a) *Impoundment.* All dogs picked up by the animal control officer or any of their duly authorized assistants shall be immediately transported to the designated pound. If the owner is known, they shall be immediately notified by telephone or personal contact and by written notice to their last known address. If the owner is unknown, written notice containing a description of the animal shall be posted at the pound and the city hall. The notice shall advise the owner that they have five regular business days to claim the dog. The term "regular business day" means any day during which the pound is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.
- (b) *Reclaiming.* An owner may reclaim an impounded dog:
 - (1) If the dog has a current license: by paying to the pound master an impounding fee plus a boarding fee in an amount determined by agreement between the city and the designated pound, for each day the animal was confined. There shall also be an added impounding fee for any dog impounded twice within 12 months. Such fees shall be set by ordinance.
 - (2) If the dog does not have a current license: By first obtaining a license from the city administrator and paying the costs to the pound master.
- (c) *Unclaimed animals.* Any animal not claimed within the allotted time shall be disposed of in accordance with the provisions of Minn. Stats. § 35.71, subd. 3.

(Ord. No. 15-12, § 2, 7-14-2015)

Secs. 10-96—10-118. Reserved.

ARTICLE III. WILD ANIMALS³

Sec. 10-119. Rules and definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means a wild animal that is outside of its secondary enclosure, or when the wild animal is outside of its primary enclosure but within its secondary enclosure and not in the presence of the owner.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy.

Handling means feeding, manipulating, transporting, restraining, treating, training, working or performing any similar activity with respect to a wild animal.

Impound means to seize and hold in legal custody.

Livestock means a typical farm animal kept for agricultural use, pleasure or profit, including but not limited to horses, mules, sheep, goats, cattle, swine, fowl, rabbits and mink.

Lot means a tract, plat or portion of a subdivision or other parcel or land intended as a unit for the purpose, whether immediate or future, or transfer of ownership or for the building development.

³Editor's note(s)—See editor's note at article II.

Owner means a person who keeps a wild animal or the parents or guardians of such a person under 18 years of age.

Portable primary enclosure means the portable structure used to confine a wild animal in a secure manner that prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Primary enclosure means an individual, partnership, firm, joint stock company, corporation, association, unincorporated association of individuals, trust, estate, or other entity.

Restraint means the portable structure used to confine a wild animal in a secure manner that prevents the running at large of a wild animal during transportation or temporarily confining such an animal during handling.

Secondary enclosure means a structure such as a fence, wall or building, which entirely encloses the area in which the primary enclosures, exercise facilities and training facilities are located and all handling activities occur. Such secondary enclosure serves to contain a wild animal from running at large and to prevent any unauthorized public access.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, such as a fence, wall, or building.

The keeping of wild animals means possessing and handling of wild animals on any property and providing such an animal with the necessities of life such as feeding and sheltering. The keeping of wild animals may include animals being used or intended to be used for research, training, breeding, boarding, as a personal pet, or for agricultural purposes. The keeping of a wild animal may also include wild animals intended to be used for exhibition providing that such animals are not exhibited within the city, such as in the case of a public showing, circus or zoo.

Wild animal.

- (1) The term "wild animal" means a large or dangerous species that, in their uncaptured wild state, have the physical capacity to be dangerous to the safety and welfare of any person or property. Examples of such wild animals are (but not limited to these examples) bears, lions, wolves, coyotes, cougars, bison, tigers, panthers, monkeys, apes, large alligators and crocodiles (greater than four feet in length), large snakes (greater than six feet), and poisonous snakes, excluding dogs, cats, other traditional house pets and livestock.
- (2) Reducing such mammals, reptiles and birds to captivity, whether trained, raised or bred in captivity or otherwise considered domesticated in any manner, shall not remove such wild animals from these requirements and regulations.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-120. Penalty.

A person who fails to comply with or violates provisions of this Code or the restrictions of a conditional use permit or variance shall be guilty of a misdemeanor. Appropriate actions and proceedings may be taken by law or inequity to prevent a violation of this article of the conditions or restrictions of a conditional use permit or variance, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, and to prevent illegal use of a lot; these remedies shall be in addition to the penalties described in this section.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-121. Purpose and intent.

It is the intent of this article to establish regulations that will allow as a conditional use the keeping of wild animals, with a conditional use permit in certain zoning districts. The city recognizes that wild animals require special handling to ensure that the health, safety and welfare of the public is protected and all land use conflicts are minimized.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-122. Enforcement.

- (a) *Impoundment.* In addition to the penalties imposed in section 10-120, a person in violation of this article may be subject to having the wild animals in question impounded, or destroyed. Owners in violation of this article will have ten days to correct the violation and redeem a wild animal. The owner is responsible for all costs incurred by the city to capture, keep and/or destroy a wild animal. If a wild animal is not redeemed, the city will dispose of such wild animal in any manner it deems necessary such as, but not limited to, selling, destroying, or donating to an appropriate organization or agency.
- (b) *Rabies.* A wild animal capable of transmitting rabies which has been known to have bitten a person shall be quarantined and observed for rabies under the direction of a licensed veterinarian for a period of time and in facilities determined to be adequate by that veterinarian and the city. If a wild animal is proven to be rabid, the wild animal shall be destroyed. If a wild animal is proven to not be rabid by a licensed veterinarian, it will be returned to the owner.
- (c) *Enforcement authority.* Enforcement officers shall have the right to destroy a wild animal posing an immediate threat of serious harm to any person, livestock or house pet.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-123. Inspection and revocation of conditional use permit.

The city may at any time inspect the lot and structures where a wild animal is kept to determine if the conditional use permit, and the conditions and restrictions of that conditional use permit are being strictly adhered to. The city may require an inspection upon reasonable request and shall reserve the right to have said inspection performed by an approved and qualified consultant.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-124. Nonconforming uses.

A person lawfully keeping wild animals within the city upon the effective date of the adoption of the ordinance from which this article is derived, who does not conform to the provisions of this article, shall be given 30 days to comply or submit application for the necessary permits.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-125. Variances.

- (a) *Variance and review criteria.* Where the city finds that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this article, and the purposes of this article may be

served to the same or greater extent by an alternative proposal, the city may approve variances to this article so that substantial justice may be done and the public interest secured, provided that:

- (1) Such a variance shall not have the effect of nullifying the intent and purpose of this article; and
- (2) The city shall not approve variances unless, based upon the evidence presented to it, it finds that:
 - a. The granting of the variance would not be detrimental to the public safety, health, or welfare or injurious to property.
 - b. The conditions that a variance would be based upon are unique to that application for which the variance is sought and are not applicable generally to other applications.
 - c. The strict enforcement of this article would result in unreasonable and unnecessary requirements or restrictions because a particular hardship would result, as distinguished from an inconvenience.
 - d. The variance would not in any manner vary the provisions of the Ramsey Comprehensive Plan.

(b) *Application and review.*

- (1) The application procedure for a variance from this article shall be the same as section 10-128(b) through (d).
- (2) Variances may be reviewed concurrently with an application for a conditional use permit.

(c) *Conditions of approval.* In approving an application for a variance, the city may attach conditions and restrictions as it finds necessary.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-126. Fees.

The applicant for a conditional use permit and/or variance shall pay an application fee as per ordinance. The applicant shall also pay for any costs or expenses incurred by the city during the processing and reviewing of the application, which exceed the application fee. Such expenses shall include, but are not limited to, consultants and other professionals and the cost of printing, mailing, and supplies. Such fees shall become due and payable immediately upon notification by the city. The city shall provide upon the request of the applicant, a breakdown of the various expenses incurred by the city. The city may withhold any final action on an application for a conditional use permit or variance and/or rescind prior actions until all fees are fully paid. The city may require additional deposits, above and beyond the application fee, if found necessary.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-127. General regulations.

(a) *Prohibition.* No person shall keep a wild animal unless such a use is specifically permitted by this article and all regulations are satisfied.

(b) *Regulations.*

(1) *Enclosures.*

- a. A wild animal shall be confined, sheltered and led in a primary enclosure contained entirely within a secondary enclosure.

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- b. All primary and secondary enclosures shall meet minimum requirements of structural soundness and security as deemed satisfactory by the city. All primary and secondary enclosures;
 - 1. Shall be constructed of steel bar, link, wire or other suitable material of sufficient strength to contain the proposed animal;
 - 2. Shall be adequately braced and securely anchored at ground level;
 - 3. Shall be constructed such as to prevent a wild animal from digging out from under the enclosure;
 - 4. Shall be key or combination locked to prevent unauthorized entrance;
 - 5. Shall be located so that all access to primary enclosures must be from within the secondary enclosure;
 - 6. Shall be adequately signed to notify the public of the presence of wild animals and the danger that exists.
- (2) The transportation of a wild animal outside of the secondary enclosure shall be in a vehicle specially equipped for the transportation of wild animals and a portable primary enclosure as approved by the city.
- (3) *Running at large.*
- a. It shall be prohibited for a wild animal to run at large.
 - b. A wild animal shall be under the restraint of its owner.
 - c. Tools for capturing wild animals shall be readily accessible, such as traps, firearms, tranquilizing guns and nets.
- (4) *Sanitation and health.*
- a. The lot on which a wild animal is kept shall be maintained in a clean, sanitary and neat manner in accordance with the conditions of the permit.
 - b. A wild animal shall be maintained in a healthy state so as to prevent the transmittal of disease to other animals or persons.
 - c. All animal waste shall be properly and timely disposed of in accordance with the conditions of the permit.
- (5) *Zoning and lot requirements.*
- a. All zoning code regulations shall be complied with.
 - b. Additional regulations shall be as follows:
 - 1. The keeping of wild animals shall be allowed only as a conditional use in any zoning district of the city.
 - 2. The lot on which a wild animal as defined herein is kept shall be at least two and one-half acres in size.
 - 3. The structures, primary and secondary enclosures and all uses associated with the handling of wild animals, shall be set back a minimum of 100 feet front yard; 30 feet side yard and 50 feet rear yard.
 - 4. The structures, primary and secondary enclosures and all areas in which a wild animal is handled shall be located a minimum of 300 feet from all dwellings other than that of the owner.

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5. The activity areas in which a wild animal is handled shall be screened or landscaped in such a manner as to prevent them from being visible at any time of the year from the road right-of-way, and public properties.

(Ord. No. 15-12, § 2, 7-14-2015)

Sec. 10-128. Conditional use permit for wild animals.

- (a) *Prohibition.* No person shall keep a wild animal unless a conditional use permit has been approved by the city for that person and that activity, in accordance with this article.
- (b) *Submittal of application.* Complete application for a conditional use permit shall include the following:
 - (1) One copy of the completed application form.
 - (2) One copy of a letter explaining in detail the proposed use and addressing regulations in section 10-127, and review criteria in this section.
 - (3) One copy of an accurate site plan (drawn to scale) or survey of the lot on which the proposed use would occur and the adjacent lots showing:
 - a. Lot dimensions;
 - b. Location, size and configuration of the area proposed to be used for the keeping of wild animals, including all existing and proposed buildings, structures, and enclosures;
 - c. Setbacks from front lot line, side lot lines, and rear lot line, and distances from neighboring dwellings, pastures, barns, and corrals;
 - d. Vegetation and terrain features such as steep slopes, wetlands, woods and any natural and proposed screening or landscaping;
 - e. Driveways, public and private roadways, parking and loading areas;
 - f. Easements for roads, access, open space, views, and utilities; and
 - g. Location of well and septic.The city reserves the right to require a certificate of survey.
 - (4) One copy of all permits required from the state department of natural resources, United States Department of Agriculture, United States Fish and Wildlife, and other governmental agency.
 - (5) One copy of the owner's qualifications, list of professional references and any other background materials as required by the zoning administrator.
 - (6) Payment of application fee and miscellaneous fees as established by ordinance.
 - (7) One copy of building plans for primary and secondary enclosures.
 - (8) Any additional information found necessary by the city zoning administrator.
- (c) *Application deadline.* A completed application for a conditional use permit shall be submitted no later than 30 days before the next regularly scheduled planning commission meeting.
- (d) *Review of council and planning commission.*
 - (1) Upon submittal of a completed application, the zoning administrator shall schedule a public hearing at the next planning commission meeting. The police chief shall receive a copy of the application and forward any recommendations to the zoning administrator who shall then review the application and police comments and may make recommendations to the planning commission. The planning

commission shall consider the application for a conditional use permit and thereafter make recommendations to the council. The council shall then approve, with modifications, or deny the application for a conditional use permit by resolution that shall set forth in detail any conditions and restrictions to which the approval is subject or reasons for denial.

- (e) *Review criteria.* In acting upon an application for a conditional use permit, the city shall consider the following criteria:
- (1) Surrounding land uses.
 - (2) Structural soundness and security of all primary and secondary enclosures.
 - (3) Design, size, location and configuration of all primary and secondary enclosures.
 - (4) Maintenance of the primary and secondary enclosures and all other structures and areas used in relation to the keeping of any wild animal.
 - (5) Nuisances such as noise and odors.
 - (6) Aesthetics, including the appearance of the lot and structure where a wild animal is kept.
 - (7) Compliance with all sections of this Code.
 - (8) Regulations of the state department of natural resources, United States Department of Agriculture, United States Fish and Wildlife, or any other governmental agency.
 - (9) Nature and characteristics of each type of animal being proposed such as its size, strength, disposition, and its ability to harm a person or property.
 - (10) Other criteria found relevant by the city.

The applicant shall prove that the use as proposed in the conditional use permit application would not result in any detrimental effects as per the criteria listed in this subsection (e).

- (f) *Conditions of approval.* In approving an application for a conditional use permit, the city may attach conditions and restrictions as it finds necessary, including but not limited to the following:
- (1) Restrictions on the number and type of animals.
 - (2) Setbacks greater than those required in section 10-127.
 - (3) Minimum and/or maximum distance between primary and secondary enclosures.
 - (4) Minimum height of enclosures.
 - (5) Size of the enclosures.
- (g) *Expiration.* A conditional use permit shall remain in effect as long as the conditions agreed upon are observed and the permit holder is in compliance with all other regulations or standards of this chapter.

(Ord. No. 15-12, § 2, 7-14-2015)

Chapter 30 NUISANCES¹

Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.01.

Abandoned vehicle means any motor vehicle which is determined by the zoning administrator, chief of police, or their assigns, to be an inoperable vehicle as herein defined or to which the last registered owner of record has relinquished dominion or control.

Acceptable prairie restoration means an area of semi or continuous ground cover consisting of native grasses and forbs, with an identified plant species matrix that does not include identified, state-listed noxious weeds or invasive non-native plants. With respect to any undesirable plants, the establishment and long-term maintenance plan shall address the eradication measures to be employed.

Agricultural land means the areas in the state lying south and west of a line along the following highway right-of-way: starting at the North Dakota border, the line goes east along State Highway 10 to State Highway 23, then follows Highway 23 east to State Highway 95, which it follows to the Wisconsin border. The agricultural zone referred to in this guide applies only to ATV use.

All-terrain vehicle (ATV) means a motorized, flotation-tired vehicle with at least three but no more than six low-pressure tires.

Daytime means those hours from 7:00 a.m. to 10:00 p.m.

dBA means unit of sound level expressed in decibels (dB) and A-weighted (A).

Decibel means a unit of sound pressure level, abbreviated as "dB."

Diseased tree means any diseased or insect infested tree that poses a threat to public trees in the city.

Dwelling unit means a residential building or portion thereof intended for occupancy including but not limited to single-unit or multiunit homes, apartments, hotels, motels, nursing homes, seasonal cabins, boardinghouses or rooming houses, tourist homes or trailers.

Impulsive noise means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Inoperable or junk vehicle means any motor vehicle which cannot meet ~~all~~ any one of the following criteria:

- (1) The vehicle must be able to be driven or propelled under its own power upon demand in its existing condition; and

¹State law reference(s)—Nuisances generally, Minn. Stats. ch. 561; authority to define and abate nuisances, Minn. Stats. §§ 410.33, 412.221, subd. 23; public nuisances prohibited, Minn. Stats. § 609.74 et seq.

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- (2) The vehicle must be able to be driven or propelled under its own power in a safe manner and not be wrecked, junked, or dismantled at the time of inspection and/or abatement; and
 - (3) The vehicle must have current license plates and tabs; and
 - (4) The vehicle must have current proof of liability insurance, as required by state law.

L10 means a sound level, expressed in decibels (dBA) which exceeded ten percent of the time for a one-hour time period, as measured by test procedures approved by the commissioner.

L50 means a sound level, expressed in decibels (dBA) which exceeded 50 percent of the time for a one-hour time period, as measured by test procedures approved by the commissioner.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power. The term "motor vehicle" includes, but is not limited to, automobiles, motorcycles, snowmobiles, motor bikes, scooters, all-terrain vehicles, and go-carts.

Nighttime means those hours from 10:00 p.m. to 7:00 a.m.

Outdoor or, outside means a location within a yard or lot that not within an approved structure. Such a structure can include a shed, garage, or other accessory structure with four constructed walls. Lean-tos, tarps, carports, and fencing are not considered an approved structure.

Person means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, the term "person" shall include employees and licensees.

Public nuisance means any action, situation, land use, or existence of any activity that unreasonably annoys, injures, or endangers the general health, safety, welfare, or public peace such that the comfortable enjoyment of life or property is disrupted, or which is offensive or has a blighting influence on the community.

Public road right-of-way means the entire right-of-way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders, and medians.

Recreational vehicle describes all-terrain vehicles, [campers, camping trailers, motorhomes](#), off-highway vehicles, and off-road vehicles.

Shade tree means a woody perennial grown primarily for aesthetic or environmental purposes.

Sound measuring device means a decibel meter that meets standards set by the Specifications for Sound Level Meters published by the American National Standards Institute as referenced in Minn. Rules ch. 7030.

Sound pressure level, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

Track or trail means a course built or created by a repetitive or continued use of a motor vehicle.

Vehicle means any motorized or unmotorized vehicle including but not limited to, [automobiles, trucks, motorcycles, buses, recreational vehicles, snowmobiles and trailers](#).

(Code 1978, § 5.08.02; Ord. No. 07-14, § 3, 9-11-2007; Ord. No. 08-20, § 2, 7-22-2008)

Sec. 30-2. Purpose.

The purpose of this chapter is to take all reasonable measures within the city's jurisdiction to prevent the establishment of activities that maintain or permit a condition which unreasonably annoys, injures or endangers

the health, morals, decency, safety, or public peace so that such activities do not affect the comfortable enjoyment of life or property.

(Code 1978, § 5.08.01; Ord. No. 07-14, § 3, 9-11-2007)

Sec. 30-3. ~~Property~~ Conditions constituting a public nuisance.

The following are declared to be nuisances affecting public peace, health, welfare, and/or safety of the community:

Subd. 1. General Nuisances

A. ~~(1)~~ Exposed accumulation of decayed or unwholesome food or vegetable matter.

~~(2) All diseased animals running at large.~~

~~(3) Carcasses of animals not buried at least three feet deep or destroyed within 24 hours after death.~~

~~(4) Accumulations of manure, refuse or other debris, except that any manure maintained in conformance with chapter 10 shall not be declared a public nuisance.~~

B. ~~(5)~~ Privy vaults and garbage cans which are not rodent-free or fly tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.

C. ~~(6)~~ The storage or accumulation of waste, refuse, or garbage that is not contained in a closed container designed or reasonably adapted for such purpose, except for 30 days preceding pick-up by a hauler. This includes any accumulation of appliances, plumbing fixtures, furniture, equipment, remnants of wood (decayed or weathered) unused construction materials, stockpiles of rocks or dirt, or any items that could not be put to use in the manner that they are intended.

D. The outdoor accumulation and storage of junk, trash, refuse, debris, materials or other items to include, but not limited to, those items not customarily used outdoors.

~~(7) The depositing of garbage or refuse on a public right-of-way or adjacent private property.~~

~~(8) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such surface.~~

E. ~~(9)~~ The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.

F. Dense smoke, noxious fumes, gas and soot, or cinders that creates a hazard or nuisance to the public.

G. Radio aerials or television antennas erected or maintained in a dangerous manner.

H. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code.

I. The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

J. All dangerous, unguarded machinery in any place, or so situated or operated on private property as to attract the public.

K. Any barbed-wire fence less than six feet above ground and within three feet of a public sidewalk or way unless for agricultural purposes permitted by zoning code. ~~unless a permit is granted by the city.~~

~~L.~~ Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to anyone coming on the premises where it is located.

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- M. The existence of any sign, fence, structure or part of any structure which, because of fire, wind, or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
 - N. The existence of any vacant dwelling, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals for no longer than 1 year or less.
 - O. The outdoor or outside parking or storage of any junk, abandoned or inoperable vehicles, equipment, trailers and the like.
 - P. The outdoor or outside storage of any part of a vehicle, or piece of machinery that is deteriorating or unusable or intended to be used as salvageable parts.
 - Q. Temporary accessory structures not approved by the City, including but not limited, to shipping containers and structures made from canvas or plastic with tubular metal hoops.
 - R. Logs and brush piles that create a habitat for rodent and vermin.
 - S. Failure to follow or comply with requirements set forth in development agreements, Conditional Use Permits, or Interim Use Permits, unless otherwise approved by the City.
 - T. Camping, squatting, or living on public or private land unless within a designated campground or for the personal enjoyment on privately owned property by the owner. Tents, campers, vehicles and the like, cannot be used for commercial or private permanent or temporary dwelling units.
 - U. It shall be unlawful to place any sign or advertisement in the public right of way.
 - V. Addressing must be clearly visible and each property identifiable, to include constructions sites from the start of construction throughout development, as to allow for first responders, emergency services and wayfinding.
 - W. Any other act or omission declared to be a public nuisance and for which no sentence is specifically provided.

Subd. 2. Grass, Weeds, and Noxious Growths

~~(10)~~ A. All grass, weeds, or noxious growths of vegetation upon public or private property exceeding eight inches in height, or whatever height specified in the appropriate zoning district, excluding acceptable prairie restoration plant materials.

- 1. ~~a.~~ Exemption. All ground cover vegetation located in the following areas are hereby exempt from height restrictions:
 - ~~1-a.~~ Shore impact zones;
 - ~~2-b.~~ Bluff impact zones;
 - ~~3-c.~~ Areas within 50 feet of a wetland or natural drainage way;
 - ~~4-d.~~ Areas of native plant communities with approved management plans; and
 - ~~5-e.~~ Significant vegetative stands identified under section 117-148, relating to Mississippi River Corridor Critical Area (MRCCA) Overlay District Development Standards.

Any vegetation management within the MRCCA overlay district shall comply with the requirements and standards of zoning code and with any vegetation clearing permits approved by the City of Ramsey.

f. Areas of steep slope where mowing is not safely possible.

g. Any area that has been undisturbed by development, grading or building and remains in its original natural state.

B. All areas that have been graded or developed must maintain the property to turf grass standards unless an appropriate prairie management plan has been accepted by the City or falls within the exemption list above.

~~(11) Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.~~

Subd.3. Obstructions of Rights-of-Way

A. It is unlawful to place or deposit debris, including but not limited to dirt, leaves, grass, snow, ice, and other materials onto a road, public or private property. Governmental agencies and their contractors performing street maintenance and snow removal activities are exempted.

B. Snow, materials or debris shall not be pushed across a street or public right of way.

C. Snow, ice and other hazards must be removed from sidewalks and trails within 48 hours of a snow fall or other precipitation event causing the hazard.

D. Any obstructions affecting the ordinary use of a public street, trail, or right of way unless specifically permitted by code.

~~(12) Snow, ice, or other precipitation not removed from sidewalks or the allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.~~

~~(13) E. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.~~

~~(14) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law.~~

~~(15) Radio aerials or television antennas erected or maintained in a dangerous manner.~~

~~(16) F. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks.~~

G. All trees, hedges, billboards or other obstructions that prevent persons from having a clear view of all traffic approaching an intersection or a violation of the site triangle requirements set forth in City Code.

H. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.

I. Wastewater cast or permitted to flow, upon streets or other public property.

~~(17) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code.~~

~~(18) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way unless a permit is granted by the city.~~

~~(19) Wastewater cast or permitted to flow, upon streets or other public property.~~

~~(20) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located.~~

~~(21) f. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.~~

- ~~(22) The existence of any structure or part of any structure which, because of fire, wind, or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.~~
- ~~(23) The existence of any vacant dwelling, garage or other outbuilding, unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.~~
- ~~(24) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.~~
- ~~(25) The outdoor or outside storage of any abandoned or inoperable vehicles, as defined by this chapter.~~
- ~~(26) The outdoor or outside storage of any part of a motor vehicle or piece of machinery that is deteriorating or unusable or intended to be used as salvageable parts.~~
- ~~(27) Any violation of section 117-355, relating to off-street parking regulations.~~
- ~~(28) Any violation of chapter 10, relating to the keeping of animals.~~
- ~~(29) Any violation of chapter 34, article III, division 3, relating to clandestine drug labs.~~
- ~~(30) Any other act or omission declared to be a public nuisance and for which no sentence is specifically provided.~~
- ~~(31) The use or operation of a radio, musical instrument, amplified music or sound, or other machine or device used for production or reproduction or sound at a volume in the excess of that reasonably necessary for the convenient hearing of the person or in the room, vehicle, or chamber in which the same is being operated, as defined by this chapter. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, amplified music or sound, or other machine or device for the reproducing or producing of sound if the sound therefrom is audible from:

 - ~~a. An apartment or hallway of a multifamily building adjacent to a unit where the device is operating.~~
 - ~~b. The property line of the real property on which the device is being operated.~~
 - ~~c. A distance of 50 feet from any motor vehicle in which the device is operating.~~~~
- ~~(32) To operate or to cause to be operated, but not limited to, the use of any noise creating blower or power fan, internal combustion engine, air compressor or steam engine, automobile, motorcycle, snowmobile, motor boat, motor bike, scooter, recreational vehicle, all terrain vehicle, off-highway motorcycle, off-road vehicle, go-cart, or remote controlled airplane, boat, or other vehicle powered by an engine or motor, the operation of which causes noise, unless the noise from the blower or fan is muffled and such engine or compressor is equipped with a muffler device sufficient to deaden and effectively prevent such noise so that the noise shall not annoy, disturb or affect the comfortable enjoyment of life or property.

 - ~~a. Sound levels. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table 1.~~~~

TABLE 1

| | 7:00 A.M. — 10:00 P.M. | | 10:00 P.M. — 7:00 A.M. | |
|------------------------|-----------------------------------|----------------|-----------------------------------|----------------|
| Land Use | L50 | L10 | L50 | L10 |
| Residential | 60 | 65 | 50 | 55 |
| Commercial | 65 | 70 | 65 | 70 |
| Industrial | 75 | 80 | 75 | 80 |

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- b. ~~Measurement procedure.~~ The following procedures must be used to obtain a representative sound level measurement by the use of a sound measuring device:
1. ~~A decibel meter will be used to obtain readings and be used as evidence.~~
 2. ~~The operator of the device has sufficient training to properly operate the equipment and can testify as to the manner in which the device was set up and operated.~~
 3. ~~The device is operated with minimal distortion or interference from outside sources; and has been certified as being accurate and reliable.~~
 4. ~~Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.~~
 5. ~~Measurements must be made using an A weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4 1983.~~
 6. ~~Measurements must not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and the noise source being measured.~~
 7. ~~Measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement.~~
 8. ~~Measurement must be made from the property of the person making the complaint, when applicable.~~

(33) ~~Tracks and trails for riding motor vehicles are not allowed in a residential area unless said track or trail is:~~

- a. ~~1,000 feet from any residence except that of the owner; and~~
- b. ~~At least 50 feet from property lines, public streets, utilities, or easements.~~

~~(Code 1978, § 5.08.04; Ord. No. 04-34, 9-27-2004; Ord. No. 07-14, §§ 2, 3, 9-11-2007; Ord. No. 07-21, § 2, 10-23-2007; Ord. No. 11-06, § 2, 7-24-2012; Ord. No. 12-10, § 2, 7-24-2012; Ord. No. 22-07, § 2, 2-8-2022)~~

Sec. 30-4. Nuisances affecting public safety.

The following are declared to be nuisances affecting public safety:

- (1) ~~All snow and ice not removed from public sidewalks 12 hours after snow or other precipitation causing the condition has ceased to fall;~~
- (2) ~~All trees, hedges, billboards or other obstructions that prevent persons from having a clear view of all traffic approaching an intersection;~~
- (3) ~~All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;~~
- (4) ~~Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;~~
- (5) ~~Radio aerials or television antennas erected or maintained in a dangerous manner;~~
- (6) ~~Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;~~

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- ~~(7) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by code;~~
 - ~~(8) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;~~
 - ~~(9) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way unless a permit is granted by the city;~~
 - ~~(10) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;~~
 - ~~(11) Wastewater cast or permitted to flow, upon streets or other public property;~~
 - ~~(12) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;~~
 - ~~(13) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;~~
 - ~~(14) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such surface;~~
 - ~~(15) The depositing of garbage or refuse on a public right-of-way or adjacent private property.~~

~~(Code 1978, § 5-08.06; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-5. Nuisances affecting public peace Noise.

Subd. 1. Noisy parties and gatherings.

- A. It is unlawful for any person to permit or to be present at or participate in a noisy party or gathering of people from which noise emanates of sufficient volume or nature so as to disturb the peace, quiet or comfort of another or interferes with the right of another to use peacefully his/her property, whether on public or private property. It shall be presumed that a violation of this section has occurred when any noise from a gathering is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m. without having a special event permit.
- B. It is unlawful for any person, owning or possessing property upon which a party or gathering prohibited herein is in progress, to fail to abate such noise upon an order of a police officer. When a police officer has probable cause that a violation of this section is occurring, the officer may order all persons present, other than the owner or person in possession of the property, to disperse and leave the property immediately and failure of any person, other than the owner or person in possession of the property, to refuse to leave after being so ordered by the police officer shall be unlawful.

Subd. 2. Electronic sound system/audio equipment.

- A. No person shall use or operate any device, instrument, electronic sound system or audio equipment including, but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizen band radio, paging system, or any other device designed to produce or reproduce audio sound; in such an unreasonably loud manner that it disturbs the peace, quiet, and comfort of others or interferes with the right of another to use peacefully his/her property or public property without disturbance.
- B. It shall be presumed that a violation of this section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible at a distance of 50 feet or more.

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- C. When sound violating this section is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided that if the vehicle's owner is not present, the person in charge of the vehicle at the time of the violation is guilty of the violation.
- D. This section shall not apply to sound produced by the following:
1. Amplifying equipment used in connection with activities for which a permit has been granted or in connection with activities of any organized school, church, civic, or other event or activity open to the public and occurring between the hours of 7:00 a.m. and 10:00 p.m. while still maintaining decibel limits set by Minnesota State Law.
 2. Anti-theft devices;
 3. Bells, chimes, carillons, or the like in association with a religious institution or school;
 4. emergency civil defense warning signals; and
 5. Authorized emergency vehicles or other vehicles required by law to be equipped with sound devices.

~~(a) Specific acts. The following are declared to be nuisances affecting public peace:~~

- ~~(1) The use or operation of a radio, musical instrument, phonograph, tape recorder or other machine or device used for production of reproduction of sound at a volume in the excess of that reasonably necessary for the convenient hearing of the person or in the room, vehicle, or chamber in which the same is being operated.~~
- ~~(2) The operation between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, phonograph, tape recorder or other machine or device for the reproducing or producing of sound if the sound therefrom is audible from:
 - ~~a. An apartment or hallway of a multifamily building adjacent to a unit where the device is operating.~~
 - ~~b. The property line of the real property on which the device is being operated.~~
 - ~~c. A distance of 50 feet from any motor vehicle in which the device is operating.~~~~

Subd.3. ~~(3)~~ To operate or to cause to be operated, but not limited to, the use of any noise creating blower or power fan, internal combustion engine, air compressor or steam engine, automobile, motorcycle, snowmobile, motor boat, motor bike, scooter, recreational vehicle, all-terrain vehicle, off-highway motorcycle, off-road vehicle, go-cart, or remote-controlled airplane, boat, or other vehicle powered by an engine or motor, the operation of which causes noise, unless the noise from the blower or fan is muffled and such engine or compressor is equipped with a muffler device sufficient to deaden and effectively prevent such noise so that the noise shall not annoy, disturb or affect the comfortable enjoyment of life or property.

Subd.4. ~~(4)~~ Tracks and trails for riding motor vehicles are not allowed in a residential area unless said track or trail is:

- ~~A. a.~~ 1,000 feet from any residence except that of the owner; and
- ~~B. b.~~ At least 50 feet from property lines, public streets, utilities or easements.

Subd.5. The following activity shall be unlawful on public or private property between the hours of 10:00 p.m. and 7:00 a.m.

- A. The use of any power tools for construction activity including, but not limited to: saws; jackhammers; nail drivers; impact wrenches; and air compressors.
- B. The use of power lawn or landscape maintenance equipment, including but not limited to: lawn mowers; hedge clippers; grass/weed trimmers; garden tillers; chainsaws; leaf-blowers; wood chippers.
- C. Repair and servicing of motor vehicles, recreational vehicles or other vehicles or equipment in residentially zoned districts or those district adjacent to residentially zoned properties.

Subd.6. Construction activity, including but not limited to: operation, repair, servicing and engine start-up/warm-up of heavy construction equipment; loading and unloading of heavy equipment; and delivery of supplies between the hours of 8:00 p.m. and 7:00 a.m.

Subd.7. Exemption. The following activities are specifically exempted from the prohibitions under this section:

- A. Mining and excavation regulated by a mining and excavation permit.
- B. All activities and land uses regulated by conditional use permits including but not limited to fuel facilities, fast food establishments, major auto repair, school activities and day care facilities.
- C. Public work, construction and maintenance by federal, state, county or city authorities or their contractors and sub-contractors as approved by the city engineer.
- D. Snow removal activities.
- E. Emergency public works repair/construction.
- F. Parking lot maintenance or sweeping.

Subd.8. ~~(5)~~ All other conditions or things, which are likely to cause injury to the person or property of anyone and to interfere with the comfortable enjoyment of life or property.

~~(b) — Sound levels. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set Table 1.~~

TABLE 1

| | 7:00 A.M.—10:00 P.M. | | 10:00 P.M.—7:00 A.M. | |
|------------------------|---------------------------------|----------------|---------------------------------|----------------|
| Land Use | L50 | L10 | L50 | L10 |
| Residential | 65 | 60 | 55 | 50 |
| Commercial | 70 | 65 | 70 | 65 |
| Industrial | 80 | 75 | 80 | 75 |

~~(c) — Measurement procedure. The following procedures must be used to obtain a representative sound level measurement by the use of a sound measuring device~~

- ~~(1) — A decibel meter will be used to obtain readings and be used as evidence.~~
- ~~(2) — The operator of the device has sufficient training to properly operate the equipment and can testify as to the manner in which the device was set up and operated.~~
- ~~(3) — The device is operated with minimal distortion or interference from outside sources; and has been certified as being accurate and reliable.~~
- ~~(4) — Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures that would prevent an accurate measurement.~~

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- ~~(5) Measurements must be made using an A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.~~
 - ~~(6) Measurements must not be made in sustained winds or in precipitation that results in a difference of less than ten decibels between the background noise level and the noise source being measured.~~
 - ~~(7) Measurements must be made using a microphone that is protected from ambient conditions that would prevent an accurate measurement.~~
 - ~~(8) Measurement must be made from the property of the person making the complaint, when applicable.~~
- ~~(Code 1978, § 5.08.07; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-6. ~~Powers of city officials.~~ Sound levels and Measurement

The allowable sound levels and measurement standards follow the Minnesota Pollution Control Guidelines for Noise found in the Minnesota Administrative Rules Section 7030. Whenever the City Administrator or designee finds that a violation has occurred, penalties may be issued in accordance with State Law and the City of Ramsey Code.

~~Whenever in the judgment of the City Administrator or their Designee city's health authority, city engineer, or chief of police (or other such city official as may be determined by the city administrator), a finding is made upon investigation that a public nuisance is being maintained or exists within the city, the city may at the direction of the city administrator, issue a citation or written notice to the owner or occupant of the premises where the public nuisance is maintained requiring him to terminate and abate said nuisance. Service of said notice shall be in person or by U.S. mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice on the premises. If the nuisance is not abated within ten days of the date of issuance of the notice, the city may issue a code violation citation to the notified owner or occupant. As an alternative, the city may elect to prosecute the matter in district court without first issuing the ten-day notice described in this section.~~

~~(Code 1978, § 5.08.08; Ord. No. 04-34, § 9-27-2004)~~

Sec. 30-7 ~~Chapter 113~~–Natural Resource and Environmental Preservation and Protection

~~Article III~~– Shade Tree Diseases and Pests

Subd. 1. Purpose ~~Sec. 113 40 (101 Purpose)~~

The City Council has determined that the health of the community forest, including both public and private trees, faces threats from certain lethal diseases and pests, including but not limited to, Oak Wilt, Dutch Elm Disease, and Emerald Ash Borer. Without proper preventative and control measures in place, the loss of trees from these epidemics would result in substantial depreciation of property values, could significantly reduce wildlife habitat and the beneficial wildlife corridor linkages, and detract from the city's rural character. In addition to, and in accordance with, Minn. Stats. 18G and Minn. Stats. 89.54-89.64, the provisions of this chapter are adopted as an effort to control and prevent the spread of these shade tree diseases and pests.

~~Sec. 113 41 (102 Definitions)~~

Subd. 2 License Required ~~Sec. 113 42(103 License Required)~~

- A. Any person, firm, or corporation that provides tree care, tree trimming, or removal of trees, limbs, branches, brush, or shrubs for hire must be registered with the Minnesota commissioner of Agriculture under Minn. Stat. § 18G.07.

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- B. License Required. It shall be unlawful for any individual, partnership, or corporation to conduct, as a business for profit, the cutting, trimming, pruning, removing, spraying or otherwise treating trees, shrubs or vines in the city without having secured a license from the city to conduct such business.
 - C. Application for a license under this chapter shall be made on a form approved by the city and shall include, among other things, the name and address of the applicant, the number of and names of employees of the applicant, and a description of vehicles and equipment used for the business, including license plate numbers if applicable. It shall also include proof of compliance with Minn. Stat. § 18G.07.
 - D. Insurance Requirements. No license or renewal of a license shall be granted, nor shall the same be effective, until the applicant has filed with the city a certificate of insurance evidencing the holding of liability insurance and the limits required by Minnesota Statutes and proof of workers' compensation insurance. The city shall be named and the insurance provided shall include the city as an additional party insured. Said policy shall provide that it may not be canceled by the insurer except after ten (10) days written notice to the city and, if such insurance is so canceled and the licensee fails to replace the same with another policy conforming to the provisions of this chapter, said license shall be automatically suspended until such insurance has been replaced.
 - E. License Fee. The annual license fee shall be determined by the city's annual Fee Schedule.

Subd. 3 Nuisances Declared ~~Sec. 113-43 (200 Nuisances Declared)~~

- A. The following are considered public nuisances, as their conditions represent a threat to the health of the overall community forest. The city may submit a wood sample to a laboratory, such as the University of Minnesota's Plant Disease Clinic, to confirm the presence of the disease or pest.
 - 1. Any elm tree or part thereof infected to any degree with Dutch Elm Disease fungi (either Ophiostoma ulmi or Ophiostoma novo-ulmi), or which harbors any elm bark beetle (Hylurgopinus rufipes), European elm bark beetle (Scolytus multistriatus), or banded elm bark beetle (Scolytus schevyrewi), collectively referred to as elm bark beetles.
 - 2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material not properly covered and sealed or from which the bark has not been removed or sprayed with an effective insecticide for elm bark beetles; except that the stockpiling of uncovered bark bearing elm wood shall be permitted during the months of October through March.
 - 3. Any tree, or part thereof, within the Red Oak family (northern red oak, northern pin oak, pin oak, and black oak), infected to any degree with the oak wilt fungus (Bretziella fagacearum). This includes any diseased material that is potentially spore producing (PSP).
 - 4. Any tree, or part thereof, within the White Oak family (white oak, bur oak, swamp white oak, and chinkapin oak), that poses a threat of transmission of the oak wilt fungus to other trees of the same species through grafted roots.
 - 5. Any ash tree (Fraxinus spp.) or part thereof, infected to any degree with Emerald Ash Borer (EAB), Agrilus planipennis.
 - 6. Any tree deemed by the city to be hazardous, which may include structural defects in the roots, stem, and/or branches, that could cause the tree to fail and, should it fall, would land within a public right-of-way or upon public land.

Subd. 4. Nuisance Trees ~~Sec. 113-44 (201 Nuisance trees)~~

- A. ~~Disease or pest-infested trees.~~ Any tree located within the city, which is determined by a certified arborist or a certified tree inspector to be a nuisance tree, as defined above, ~~afflicted with any dangerous or infectious insect infestation or plant disease,~~ may be declared a public nuisance. ~~This shall include trees and shrubs harboring injurious insects or pathogens that may cause significant potential danger to the community forest.~~ A nuisance tree can be declared hazardous or potentially hazardous if circumstances warrant immediate action to abate that nuisance.
- 1. The city, or its designate, may remove or cause or order to be removed, any nuisance tree or part thereof. ~~which is in an unsafe condition or which by reason of its nature is injurious to sewers,~~

~~electric power lines, gas lines, water lines, or other public improvements, or is infected with Oak Wilt or Dutch Elm Disease~~

2. An evaluation of "imminent danger" means that the hazard to the public is immediate. If the property owner cannot be contacted or refuses to remove the hazard, the city will initiate action immediately.
3. An evaluation of "potentially dangerous" means that a hazard to the public will exist in the near future. The property owner will be notified and should remove the future hazard as soon as possible.

A. The city shall have the right to cause the removal of any ~~dead or diseased~~ nuisance tree(s), as defined above, on private property. ~~within the city, when such trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the city.~~ In the event of failure of the property owner(s) to comply with such provisions, the city shall have the authority to remove such nuisance trees and charge the cost of removal to the property owner.

1. Notice to take action. ~~An order for~~ A "Notice to Take Action" will be issued upon determination by the city, or its designee, to prevent the spread of disease or insects to public trees and the community forest at large ~~that maintenance work requiring the pruning, preservation, or removal of trees or plants upon private property when such action is necessary to ensure public safety and/or in accordance with the following provisions~~ places. Issuance of a Notice to Take Action may be based on one (or more) of the following:

- a. For Oak Wilt, any of the following: visual confirmation of wilted leaves, presence of a fungal spore pad(s), or laboratory confirmation of the presence of the Oak Wilt fungus.
- b. For Dutch Elm Disease, any of the following: laboratory confirmation of the presence of the Dutch Elm Disease fungi, visual confirmation of leaf symptoms, staining of the sapwood, or visual confirmation of elm bark beetle galleries.
- c. For Emerald Ash Borer, confirmation of EAB galleries or D-shaped exit holes.

2. The Notice to Take Action shall include the following information:

- a. ~~Such notice shall describe~~ Specify the kind of tree, ~~shrub, or other plant or plant part~~ which has been declared to be a public nuisance; its location on the property; and the reason for declaring it a nuisance.
- a. Proper disposal procedures of wood, bark and debris from said nuisance shall be detailed in said notice. These disposal procedures shall be followed within the time provided in the notice.
- c. The Notice ~~of violation~~ to Take Action shall state ~~the specific violation and indicate whether immediate enforcement will be sought or if 30 days will be allowed~~ the timeline to correct and/or remove the ~~violation~~ nuisance tree(s).
- d. If the owner of the property to whom an order has been issued fails or refuses to take remedial action in accordance with and within the time specified in ~~an order~~ a Notice to Take Action, the city, or its designate, shall cause the remedial action so ordered to be performed at the expense of the owner. Appeals shall be in accordance with ~~section 117-55~~ Chapter 2 of City Code.

Subd. 5 Preventative Measures ~~Sec. 113-45 (202 Preventative Measures)~~

A. Preventative measures. When managing nuisance trees, as defined herein, preventative measures are generally more cost effective for property owners than control measures. Hence, the following measures, either individually or in combination, shall be implemented:

1. If pruning or removal of oak trees must be conducted during the 'High Risk' timeframe (generally April through July), the cut surface shall be immediately treated with a water-based paint, wound sealant, or shellac to minimize the potential introduction of Oak Wilt.

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2. If a property owner desires to retain Oak Wilt infected wood from the Red Oak family, DED infested elm wood, or EAB infested ash wood on site, the following measures shall be implemented:
 - a. Cut the wood into firewood sized pieces and stack neatly to allow for drying.
 - b. Cover the stacked wood with 4-6 mil thick clear plastic or a tarp and completely bury the edges into the ground to trap any elm bark beetles or emerald ash borers under the covering and to prevent sap feeding beetles from accessing the diseased oak wood.
 - c. The plastic or tarp can be removed after the growing season of the year following removal.

Sec. 30-78. ~~Abatement of nuisances by council~~-Violations

Any Violation of Ramsey City Code is deemed to be a Public Nuisance and is punishable as a Misdemeanor unless otherwise noted as a Petty Misdemeanor. Each day a violation continues is considered a new violation.

~~If, after such service of notice, the party fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the council, said council may cause such nuisance to be abated at the expense of the city and recover such expenditure, plus an additional 25 percent, either by civil action against the person served; or if such service has been had upon the owner or occupant, by ordering the city administrator to extend such sum, plus 25 percent as a special tax against the property upon which the nuisance existed and to certify the same to the county auditor for collection in the manner as taxes and special assessments are certified and collected.~~

~~(Code 1978, § 5.08.09; Ord. No. 04-34, § 9-27-2004)~~

~~State law reference(s)—Collection of charges as a special assessment, Minn. Stats. § 439.101.~~

Chapter 54 TRAFFIC AND VEHICLES¹

ARTICLE I. IN GENERAL

Sec. 54-1. Unnecessary acceleration.

No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city limits. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of said vehicle or both.

(Code 1978, § 6.01.04; Ord. No. 6, 3-15-1971)

Sec. 54-2. Use of roller devices in Town Center District.

(a) *Purpose and intent.* The purpose of this section is to protect public health and safety stemming from the use of roller devices in the pedestrian oriented Town Center District. The city council finds that operation of such roller devices in areas of Town Center creates unnecessary potential danger to either the user of such device or the general public; and that the use of such device may cause destruction of property in the areas described as: west of Ramsey Boulevard, south of Bunker Lake Boulevard, east of Armstrong Boulevard, and north of the Burlington Northern-Santa Fe Railroad tracks.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bicycle means a vehicle propelled through pedaling.

Inline skates means a shoe with wheels attached, or a device with wheels which is designed to be attached to a shoe. (This includes roller blades and roller skates.)

Roller device means a non-motorized wheel device including, but not limited to, inline skates, roller skis, and skateboards, and bicycles. For purposes of this definition, the provisions of this section do not apply to strollers, wagons, or wheelchairs.

Roller skis means a pair of skis with wheels attached which is intended to simulate skiing.

Skateboard means a device for riding upon, usually while standing, consisting of a piece of wood or other composition mounted on skate wheels.

(c) *Prohibited use.* No person shall operate roller devices or similar devices in the following areas of the city or under the following circumstances:

- (1) In any careless, reckless, or negligent manner which may, or be likely to endanger the safety of any person or the property of any person or has the potential to damage property.
- (2) While being pushed, pulled, or propelled in any manner by a third party.

¹State law reference(s)—Traffic generally, Minn. Stats. ch. 169; powers of local authorities, Minn. Stats. §§ 169.022, 169.04.

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- (3) On any private property without express permission of the owner or occupant of the property.
 - (4) On any city-owned facility including the municipal center campus, parking ramp, parking lot, or any other parking facility. Bicycles may be stored in designated areas.
 - (5) On any concrete sidewalk unless otherwise noted. All wheeled vehicles must travel on a road or designated area.
 - (6) In any public plaza, amphitheater, or any other improved surface intended for the use of public gathering.
 - (7) On any railing or raised surfaces such as speed control bumps or in any manner which may cause the damage or destruction of curbs, railings, walls, or any other structure or property.
 - (8) In any area to be described in the future, in addition to the areas described in this section, as established by resolution by the city council upon recommendation of city staff.
- (d) *Exceptions.*
- (1) Roller devices may be used by public safety officials while performing their official duties.
 - (2) The provisions of this section do not apply to strollers, wheelchairs, or wagons.
- (e) *Penalty.*
- (1) Violation of this section shall constitute a petty misdemeanor.
 - (2) Any police officer who observes violation of this section is authorized to impound the roller device and hold the roller device at the police department until resolution of the case following a violation. The impounded roller device shall be released to a user 18 years of age or older, or to a parent or guardian of a user who is under the age of 18, following the expiration of the impounded period.

(Code 1978, § 5.19; Ord. No. 06-34, § 2, 12-12-2006; Ord. No. 10-12, § 2, 8-9-2010)

Secs. 54-3—54-22. Reserved.

ARTICLE II. STOPPING, STANDING AND PARKING²

Sec. 54-23. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block means the entire length of a roadway between its intersections with other public streets or between its intersection with a public street and the termination of the roadway.

[Commercial Motor Vehicle For purposes of this section, "commercial vehicle" shall have the meaning as the term is defined in Minn. Stats. § 169.011](#)

²State law reference(s)—Stopping, standing and parking, Minn. Stats. § 169.32 et seq.; authority to regulate standing or parking of vehicles, Minn. Stats. § 169.04.

Roadway means that portion of a street between its curbs, or between the outer edges of its shoulders whether such portion is constructed of concrete, asphalt or gravel or any combination thereof.

[Temporary or Temporarily within parking regulations means not to exceed 4 hours.](#)

Vehicle means any motorized or unmotorized vehicle including but not limited to, automobiles, trucks, motorcycles, buses, recreational vehicles, snowmobiles and trailers.

(Code 1978, § 6.03.01; Ord. No. 5, 3-15-1971)

Sec. 54-24. Prima facie evidence of ownership.

A person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. The operation or use of a motor vehicle in violation of this article shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

(Code 1978, § 6.03.02; Ord. No. 5, 3-15-1971)

Sec. 54-25. Commercial Vehicle and Trailer On-street parking.

- a. [It is unlawful to park any detached semitrailer upon any street, city owned parking lot, or other public property unless specifically approved by City Council and Sign Posted.](#)
- b. [It is unlawful to park or store any Commercial Motor Vehicle as designated by Minnesota State Statute on any street, city owned public property, or other public property unless specifically approved by City Council and sign posted.](#)
- c. [It is unlawful to transfer materials and equipment from one commercial vehicle to another on a public roadway.](#)
- d. [It is unlawful to load or unload on a public road or right of way where zoning regulations and properties have accommodated for deliveries.](#)
- e. [Exemptions:](#)
 1. [Actively loading or unloading in designated loading zones.](#)
 2. [For the purpose of emergency repairs or construction activity of adjacent infrastructure or buildings.](#)
 3. [Postal or mail delivery](#)
 4. [Residential moving vehicles actively loading or unloading not obstructing normal flow of traffic.](#)

~~All persons who hold the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. The operation or use of a motor vehicle in violation of this article shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.~~

~~(Code 1978, § 6.03.03; Ord. No. 5, 3-15-1971)~~

Sec. 54-26. Permits for curb loading and unloading.

- (a) The city engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit.
- (b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Code 1978, § 6.03.06; Ord. No. 5, 3-15-1971)

Sec. 54-27. Lights on a parked vehicle.

Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residential district, no lights need be displayed upon such parked vehicle.

(Code 1978, § 6.03.07; Ord. No. 5, 3-15-1971)

State law reference(s)—Lights on parked vehicles, Minn. Stats. § 169.53.

Sec. 54-28. Prohibited parking.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) Directly across from a public or private driveway and, except for culs-de-sac and eyebrows, within three feet of either side of a public or private driveway, measured at the curb, other than the owner's driveway.
- (2) Within a properly marked fire lane;
- (3) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city engineer has indicated a different length by signs or marking;
- (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (7) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (8) On any boulevards; and
- (9) No motor vehicle shall stop or park on the shoulders of a public highway or street in the immediate vicinity of a theater during the hours it is in operation.

[\(10\) On or across any sidewalk, crosswalk, or trail-way](#)

(Code 1978, § 6.03.08; Ord. No. 5, 3-15-1971)

State law reference(s)—General parking prohibitions, Minn. Stats. § 169.34.

Sec. 54-29. Minimum roadway width.

No person shall park any vehicle upon a street other than an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway of any abutting property.

(Code 1978, § 6.03.09; Ord. No. 5, 3-15-1971)

Sec. 54-30. Display for sale.

No person shall park a vehicle upon any roadway, [boulevard, sidewalk, trail, or Right of Way](#) for the principal purpose of displaying such vehicle for sale [or parked in such a manner as to be used as advertising of a business](#).

(Code 1978, § 6.03.10; Ord. No. 5, 3-15-1971)

Sec. 54-31. Repairing ~~automobiles~~ [vehicles](#) on the street.

No person shall make or allow to be made any washing, greasing, or repairing of a vehicle, on a street, except repairs necessitated by an emergency.

(Code 1978, § 6.03.11; Ord. No. 5, 3-15-1971)

Sec. 54-32. No parking signs; public facilities.

The city engineer is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school or hospital property or any public facility (i.e., fire station, recreation center) when such parking would, in their opinion, interfere with traffic or create a hazardous condition.

(Code 1978, § 6.03.12; Ord. No. 5, 3-15-1971)

Sec. 54-33. No parking signs; street width.

The city engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet or for snow removal.

(Code 1978, § 6.03.13; Ord. No. 5, 3-15-1971)

Sec. 54-34. Other prohibited parking areas.

The city engineer is authorized to determine and designate by proper signs, places in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(Code 1978, § 6.03.15; Ord. No. 5, 3-15-1971; Ord. No. 96-09, 7-7-1996)

Sec. 54-35. Removing vehicles from streets.

- (a) Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city, under the circumstances hereinafter enumerated:
 - (1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube, tunnel or under-pass where such vehicle constitutes an obstruction to traffic.
 - (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
 - (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic or snow plowing.
- (b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records of the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event, the officer shall immediately send or cause to be sent written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(Code 1978, § 6.03.16; Ord. No. 5, 3-15-1971)

State law reference(s)—Towing of vehicles, Minn. Stats. § 169.041.

Sec. 54-36. Parking in areas affected with public interest.

Parking of vehicles in areas affected with a public interest shall conform to any stores or designated positions for parking and no vehicle shall be parked or allowed to stand in any area of such parking lot which has been designated or is used for a lane for moving traffic so as to interfere with the movement of traffic thereon.

(Code 1978, § 6.03.17; Ord. No. 5, 3-15-1971)

Sec. 54-37. Removal of keys from car.

Every person parking a passenger automobile on a public street, alley, public parking lot, or place affected with a public interest in the city shall lock the ignition, remove the key and take the key with him.

(Code 1978, § 6.03.18; Ord. No. 5, 3-15-1971)

Sec. 54-38. Time zone parking.

- (a) The city engineer is authorized to determine and designate by proper signs places not exceeding 100 feet in length in which parking is to be limited for a designated time in order to facilitate more efficient traffic movement.
- (b) Evening parking. No parking on any city street shall be permitted between the hours of 2:00 a.m. and 6:00 a.m.

(Code 1978, § 6.03.19; Ord. No. 5, 3-15-1971)

Sec. 54-39. Inclement weather parking.

- (a) No person shall, at any time, park or permit to be parked any vehicle within any block or any public street when within the preceding 24 hours, falling or blowing snow or a combination of falling and blowing snow has accumulated to a depth of three inches or more at street level anywhere within that block; provided, however, that parking shall be permitted within any block of any public street where not otherwise prohibited whenever the entire length of roadway of such block has been cleared of snow from curb to curb or, in the case of streets without curbs, between the outer edges of the shoulders of such streets. Any vehicle parked in violation of this section may be removed as provided by section 54-35.
- (b) No person shall at any time park or permit to be parked any vehicle upon a public street when such parking interferes with the snow removal operations of the city and any vehicle so parked may be removed by the city at the owner's expense in accordance with the provisions of section 54-35, provided that the owner of said vehicle is notified of the city's intention to remove snow by the placement of a warning tag on such vehicle at least 24 hours prior to removal.
- (c) Any person violating the provisions of this section shall be guilty of a petty misdemeanor.

(Code 1978, § 6.03.20; Ord. No. 5, 3-15-1971)

State law reference(s)—Towing of vehicles, Minn. Stats. § 169.041.

Sec. 54-40. Cost of removal.

Where it is necessary for the police department to remove or cause to be removed any vehicle pursuant to this article, the expense of such removal shall be paid by the vehicle owner.

(Code 1978, § 6.03.21)

Sec. 54-41. Ramsey Parking Ramp.

- (a) *Definitions.*

As used herein, the term motor vehicle is specifically limited to automobiles and motorcycles.

Ramsey Parking Ramp refers to the municipal parking ramp adjacent to city hall. The legal description of the Ramsey Parking Ramp is Lot 2, Block 1, COR ONE, Anoka County, Minnesota.

- (b) *Parking regulations.*

- (1) The sole permitted use of the Ramsey Parking Ramp is the parking of motor vehicles, as that term is defined by this section, which fit within the marked spaces.

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- (2) Persons parking in the Ramsey Parking Ramp must abide by all posted signs and all space markings. Spaces reserved for residents of the residential units located on Lot 3, Block 1, COR ONE, Anoka County, Minnesota, shall only be utilized by those residents, subject to this section. Only electric vehicles may park in spaces with vehicle recharging stations. Electric vehicles may only be recharged at designated recharging stations. Bicycles may only be parked in designated areas.
 - (3) The following shall not be stored or parked in the Ramsey Parking Ramp:
 - a. Personal property other than permitted motor vehicles.
 - b. Recreational vehicles, including boats, jet skis, snowmobiles and ATVs.
 - c. Travel trailers, campers, RVs, motorhomes and the like.
 - d. Utility trailers, horse trailers, boat trailers, and other trailers.
 - e. Commercial/business vehicles except as provided in subsection (7) below.
 - (4) Vehicle maintenance is prohibited in the Ramsey Parking Ramp. Vehicle maintenance includes changing oil, washing cars, or engaging in any other activity involving tools and/or chemical agents, except for changing flat tires, jump starting vehicles and replacing dead batteries.
 - (5) Electrical outlets (other than those associated with electrical charging stations) in the Ramsey Parking Ramp are for city use only. Outlets shall not be used to plug in vehicles or to provide electrical power for any other private or business use.
 - (6) No business activities may be conducted in the ramp, except as provided herein. The term business activities include loading and unloading products or goods for commercial purposes; storage of vehicles other than one driven as a personal vehicle; employee parking; and dispatching employees. Temporary use of the ramp to park a business vehicle for delivery of products or services to city hall, adjacent businesses, or residents of residence at the COR apartment homes are excluded from this prohibition.
 - (7) Any vehicle violating this section may be towed at the owner's expense, and any personal property violating this section may be removed. Violation of this section is a petty misdemeanor. Violators of this section may also receive a citation, in accordance with section 2-333 of this Code.
- (c) *Severability.* Should any section, subdivision, clause, or other provision of this chapter be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this title as a whole, or of any part thereof, other than the part held to be invalid.

(Ord. No. 20-15 , § 3, 7-28-2020)

Secs. 54-42—54-68. Reserved.

ARTICLE III. PRIVATE, PUBLIC AND SEMI-PUBLIC PROPERTY

Sec. 54-69. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means every vehicle that is self-propelled and not deriving its power from overhead wires.

Motorcycle means every vehicle having a saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters, minibikes, bicycles with motor attached, but excluding a tractor.

Private property means property owned by a person, firm, voluntary association, or corporation other than a governmental body and is not generally open for use by the public.

Public property means property that may be used by all of the public subject to reasonable regulation by a governmental body. For the purposes of this definition, such property includes city parks or parking lots and school parking lots or yards, but does not include public streets and highways.

Semi-public property means private property generally open for use by the public but not owned or maintained by a governmental body. Such property includes without limitation church property, shopping center property, and other property generally used by patrons of a commercial or private business establishment, but not including private streets in residential areas.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1978, § 6.02.01)

Sec. 54-70. Traffic regulations.

- (a) No person shall operate or halt any vehicle on public or semi-public property carelessly or heedlessly in disregard of the rights or safety of others.
- (b) No person shall park a vehicle, motor vehicle, [commercial motor vehicle](#), or motorcycle in any designated parking area for disabled persons on public or semi-public property unless such person is physically handicapped and the vehicle displays an identifying certificate or insignia issued by the state department of public safety.
 - (1) For the purposes of this section, the term "physically handicapped" shall include any person who has sustained an amputation or permanent material disability of either or both arms, or legs, or who has been otherwise permanently disabled in any manner rendering it difficult and burdensome for him to walk.
 - (2) No person charged with violation of this section may be convicted notwithstanding that no identifying certificate or insignia is displayed on the vehicle if that person is, in fact, physically disabled.
- (c) [No person shall obstruct any disability parking space, access aisle, or ramp with any material, vehicle, or object to include the piling of snow in those spaces, unless they are designated emergency vehicles responding to an emergency or call for service.](#)
- (d) [It shall be unlawful for property owners or the responsible party to fail to install Handicapped Accessible signage in accordance with the Minnesota State Accessibility Code and Statute.](#)
- (E) [It shall be unlawful for a person to park any vehicle for the sole intention to camp, sleep or live and reside out of on any street, public and private property unless in a designated campground. Commercial Vehicle operators in conformance with the Federal Motor Carrier Safety Act and Minnesota Statute may utilize appropriate rest stops, truck stops or as posted to maintain compliance with mandatory rest periods.](#)
- (f) [All violations of this section \(54-70\) are considered a misdemeanor.](#)

(Code 1978, § 6.02.02; Ord. No. 5, 3-15-1971)

Sec. 54-71. Private property.

- (a) No vehicles, motor vehicles, or motorcycles shall be driven across or upon any private property without the written or oral permission of the owner, occupant, or lessee thereof. Written permission may be given by a posted notice of any kind or description that the owner, occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed.
- (b) It is unlawful for a person to post any notice or sign provided in this section upon lands over which they have no right, title, interest, or license.

(Code 1978, § 6.02.03; Ord. No. 88-08, 7-12-1988)

Sec. 54-72. Public property.

It shall be unlawful for any person to operate any vehicle, motor vehicle, or motorcycle upon public property other than a paved surface designed for vehicular use or upon a path or area designated by appropriate signs permitting such use.

(Code 1978, § 6.02.04; Ord. No. 88-08, 7-12-1988)

Sec. 54-73. Semi-public property.

It shall be unlawful for any person to operate any vehicle, motor vehicle, or motorcycle upon public property other than a paved surface designed for vehicular use or upon a path or area designated by appropriate signs permitting such use.

(Code 1978, § 6.02.05; Ord. No. 88-08, 7-12-1988)

Sec. 54-74. Exceptions.

The provisions of this article shall not apply to emergency vehicles, vehicles used by governmental bodies, or to persons driving upon such property with the consent of the owner or his agent or any person in lawful possession of such real property.

(Code 1978, § 6.02.06; Ord. No. 88-08, 7-12-1988)

Sec. 54-75. Speed limits.

No person shall operate a vehicle, motor vehicle, or motorcycle on public or semi-public property at a speed greater than is safe and reasonable under the conditions of traffic then existing, and in no event shall exceed a speed of 15 miles per hour.

(Code 1978, § 6.02.07; Ord. No. 88-08, 7-12-1988)

Sec. 54-76. Age requirements.

No person under the age of 15 years of age shall operate any vehicle, motor vehicle, or motorcycle on any property other than upon private property with the express or implied permission of the owner thereof.

(Code 1978, § 6.02.08; Ord. No. 88-08, 7-12-1988)

Secs. 54-77—54-95. Reserved.

ARTICLE IV. RECREATIONAL VEHICLES³

Sec. 54-96. Purpose.

The purpose of this article is to provide reasonable regulations for the use of recreational vehicles on public and private property in the city. This article is not intended to allow what the Minnesota state statutes expressly prohibit nor to prohibit what the state statutes allow. It is intended to prevent public nuisance.

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-97. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural zone means the areas in the state lying south and west of a line along the following highway rights-of-way: starting at the North Dakota border, the line goes east along State Highway 10 to State Highway 23, then follows Highway 23 east to State Highway 95, which it follows to the Wisconsin border.

All-terrain vehicle (ATV) means a motorized flotation-tired vehicle of not less than three but not more than six low-pressure tires. It includes Class 1 (engine displacement of less than 960 cubic centimeters and total dry weight of less than 1,000 pounds) and Class 2 (engine displacement of less than 960 cubic centimeters and total dry weight of 1,000 to 1,800 pounds) ATVs as per Minnesota State Statute.

Boulevard means that portion of the street or highway between the roadway and private property.

Designated non-use area means that area south of a straight line running from east to west at the 16700 block, starting at the Rum River on the east and running to the City of Elk River border on the west. Within the non-use area, access to Elmcrest Park and Central Park will be made and restricted to loading and unloading of snowmobiles and ATVs in the parking lots only. A designated route from the parking lot will be clearly posted to allow access to 167th Avenue from Elmcrest Park. A designated route from the parking lot of Central Park will be clearly posted to allow access to Armstrong Blvd. for direct northbound travel to the designated use area.

Designated trail means a clearly marked route for recreational vehicles to follow.

Designated use area means the area north of a straight line running from east to west at the 16700 block, starting at the Rum River on the east and running to the City of Elk River border on the west.

Go-cart means a low, four-wheeled motorized device with an open or closed frame designed and used for off-street operation only.

³Editor's note(s)—Ord. No. 12-07, § 2, 3, adopted June 12, 2012, repealed the former Art. IV, §§ 54-96—54-102, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Code 1978, §§ 6-04-01, 6-04-03—6-04-08; Ord. No. 88-1, 2-25-1988; Ord. No. 88-19, 12-18-1988; Ord. No. 93-18, 12-13-1993; Ord. No. 09-14, § 1, 9-22-2009; Ord. No. 11-16, § 2, 11-22-2011.

State law reference(s)—Off-highway vehicles, Minn. Stats. § 84.771 et seq.; off-road motorcycles, Minn. Stats. § 84.787 et seq.; off-road vehicles, Minn. Stats. § 84.797 et seq.; snowmobiles, Minn. Stats. § 84.41 et seq.

Golf-cart means a passenger conveyance, electric or gasoline motor powered vehicle, with four low pressure tires and a engine displacement not exceeding 800 cubic centimeters and a total dry weight not exceeding 800 pounds.

Mini-bike means a small, two-wheeled motorized device designed for off-street operation. Mini-bikes may include miniature motorcycles and do not qualify as a moped, motorcycle or an ATV.

Off-highway motorcycle (OHM) means vehicles traveling on two wheels with a seat to be straddled by the operator with handlebars for steering control. OHMs may include some mini-bikes. They are for off-street operation only.

Operate means to ride in or on, and control the operation of a recreational vehicle.

Operator means every person who operates, or is in actual physical control of a recreational vehicle.

Public property means property that may be used by the public, subject to reasonable regulation by a governmental body. Such property includes city parks, city parking lots and public school parking lots and grounds.

Public road right-of-way means the entire right of way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders and medians.

Recreational vehicle means all-terrain vehicles, utility task vehicles, golf carts, snowmobiles, off-highway motorcycles, mini-bikes, go-carts, and other motorized vehicles, that by their use fit this definition.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel but not including the boulevard. For the purposes of this article, roadways not dedicated for public use and not maintained by the city are not included within this definition.

Semi-public property means private property generally for use by the public but not owned or maintained by a governmental body. Such property includes without limitation: church property, shopping center property and other property generally used by patrons of a commercial or private business establishment.

Snowmobile means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Street or highway means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic (includes the right-of-way or boulevard). For the purposes of this article, streets or highways not dedicated for public use and not maintained by the city are not included within this definition.

Utility task vehicle means a side-by-side, four-wheel drive that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

(Ord. No. 12-07, § 3, 6-12-2012; Ord. No. 11-16, § 2, 11-22-2011)

Sec. 54-98. Operation regulations for ATVs and utility task vehicles.

- (a) ATVs and utility task vehicles MAY NOT be operated in the following areas of the city:
- (1) Any area posted that ATVs or utility task vehicles are not allowed.
 - (2) On or along the Burlington Northern railroad right-of-way.
 - (3) On lots less than two and one-half acres in size unless it is for maintenance or plowing.
 - (4) On city sidewalks, bike or pedestrian trails.
 - (5) On semi-public, public or private property unless permission is posted.
 - (6) Within a city parking ramp.

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- (7) Within a county or state highway right-of-way other than as listed in Specific Limitations defined below.
 - (8) Within the boulevard of a city roadway.
 - (9) Within a county or state highway right-of-way in the designated non-use area.
 - (10) Within a county or state highway right-of-way from April 1 to August 1 as part of Minnesota's Agricultural Zone.
- (b) ATVs and utility task vehicles MAY be operated in the following areas of the city:
- (1) On your own property or the property of another with written permission, only if the property is two and one-half acres or greater in size, subject to the provisions of this article.
 - (2) On privately owned property if the operator has in possession written permission from the property owner; or on privately owned property if the property owner has posted a clearly visible notice indicating "ATVs allowed" or "utility task vehicles allowed" or words substantially similar.
 - (3) On all city roadways as allowed by Minnesota State Statute, however, NOT including county or state highways.
 - (4) On public or semi-public property only if posted with a clearly visible notice indicating "ATVs allowed" or "utility task vehicles allowed" or words substantially similar.
- (c) *Specific Limitations for operation of ATVs and utility task vehicles.*
- (1) A direct crossing of a street, roadway, county or state highway is permitted if:
 - a. The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet.
 - b. The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway.
 - c. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
 - d. In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road.
 - e. The crossing is made during period of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle must be on.
 - f. A person born after July 1, 1987 possesses a MN DNR ATV safety certificate.
 - (2) An ATV may only be operated with the number of passengers that it was designed to carry.
 - (3) If ridden on a roadway, persons driving must be 18 years of age or older.
- (d) Every person operating an ATV or utility task vehicle on the roadway has the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stats. chapters 169 and 84, except those provisions that cannot be reasonably applied.
- (e) Every operator/owner of an ATV or utility task vehicle must provide proof of insurance complying with Minn. Stats. § 65B.48, subd 5.
- (f) For an ATV or utility task vehicle to be used off of the owner's property, the owner first must request and obtain a city permit from the police department.
- (g) Permits.

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- (1) A permit application containing the following information must be completed and approved by the city's police department, prior to receiving a permit.
 - a. Registered owner name, address and telephone number.
 - b. Make, model, vehicle identification number and DNR registration number of the ATV or utility task vehicle.
 - c. Proof of insurance for the vehicle.
 - d. Class description (ATVs only).
 - (2) Permits must be affixed to the front center handlebar, lower center windshield area, or other location visible from the front center of the recreational vehicle.
 - (3) A granted permit will be valid for a maximum term of three years.
 - (4) A permit may be revoked for a violation of any provision of this article, after due investigation by the city's police department and final determination by the police chief. Any revocation may be appealed to the city council by providing a request for appeal in writing within 14 days of the final revocation. The revocation will remain in force until the appeal process has been completed.

(Ord. No. 12-07, § 3, 6-12-2012; Ord. No. 11-16, § 2, 11-22-2011)

Sec. 54-99. Operation regulations for golf carts.

- (a) Golf carts MAY NOT be operated in the following areas:
 - (1) Any area posted that golf carts are not allowed.
 - (2) On or long the Burlington Northern railroad right-of-way.
 - (3) On city sidewalks, bike or pedestrian trails.
 - (4) On semi-public, public or private property unless permission is posted.
 - (5) Within a county or state highway right-of-way other than as listed in specific limitations defined below.
 - (6) Within the boulevard of a city roadway.
 - (7) Within a county or state highway right-of-way in the designated non-use area.
 - (8) Within a county or state highway right-of-way from April 1 to August 1 as part of Minnesota's Agricultural Zone.
- (b) Golf carts may be operated only as follows:
 - (1) On your own property or the property of another with written permission, subject to the provisions of this article.
 - (2) On privately owned property if the operator has in possession written permission from the property owner; or, on privately owned property if the property owner has posted a clearly visible notice indicating "golf carts allowed" or words substantially similar.
 - (3) On all city roadways as allowed by Minnesota State Statute, however, NOT including county or state highways.
 - (4) On public or semi-public property only if posted with a clearly visible notice indicating "golf carts allowed" or words substantially similar.
- (c) Specific limitations for operation of golf carts.

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- (1) A direct crossing of any street, roadway, county or state highway is permitted if:
 - a. The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet.
 - b. The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway.
 - c. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
 - d. In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road.
 - e. If the crossing is made during period of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle must be on.
 - (2) A golf cart may only be operated with the number of passengers that it was designed to carry.
 - (3) If ridden on a roadway, persons driving must be 18 years of age or older.
 - (d) *Golf cart equipment requirements.*
 - (1) Slow moving vehicle emblem.
 - (2) Operable horn.
 - (3) Seat belts for driver and passengers.
 - (e) Every person operating a golf cart on the roadway has the rights and duties applicable to the driver of any other vehicle under the provisions of the Minn. Stats. chapter 169, except those provisions that cannot be reasonably applied.
 - (f) Every operator/owner of a golf cart must be able to provide proof of insurance when required, by an authorized enforcement officer, complying with Minn. Stats. § 65B.48, subd 5.
 - (g) For a golf cart to be used off of the owner's property, the owner first must request and obtain a City of Ramsey permit from the police department.
 - (h) Permits.
 - (1) A permit application containing the following information must be completed and approved by the city's police department, prior to receiving a permit.
 - a. Registered owner's name, address and telephone number.
 - b. Make, model, and vehicle identification number of the golf cart.
 - c. Proof of liability insurance for the golf cart.
 - (2) Permits must be affixed to the lower center windshield area or other location visible from the front center of the recreational vehicle.
 - (3) A permit will be valid for a maximum term of three years.
 - (4) A permit may be revoked for a violation of any provision of this article, after due investigation by the city's police department and final determination by the police chief. Any revocation may be appealed to the city council by providing a request for appeal in writing within 14 days of the final revocation. The revocation will remain in force until the appeal process has been completed.

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-100. Operation regulations for snowmobiles.

- (a) *Designated non-use areas.* Snowmobiles may not be operated in the designated non-use areas except in those limited areas where permitted as follows:
 - (1) Within the non-use area, access to Elmcrest Park and Central Park will be made and restricted to loading and unloading of snowmobiles in the parking lots only.
 - (2) A designated route from the parking lot will be clearly posted to allow access to 167th Avenue from Elmcrest Park. A designated route from the parking lot of Central Park will be clearly posted to allow access to Armstrong Boulevard for direct travel to the designated trail.
 - (3) On any clearly marked designated trail.
 - (4) On your own property or the property of another with written permission only if the property is greater than two and one-half acres in size.
- (b) *Designated use areas.* Snowmobiles may be operated only in the areas defined in section 54-97 as the designated use areas and then only as follows:
 - (1) On the operator's property subject to the provisions of this article.
 - (2) On privately owned property if the operator has in possession written permission from the property owner; or, on privately owned property if the property owner has posted a clearly visible notice indicating "snowmobiles allowed" or words substantially similar.
 - (3) On county or state highways within the designated use area as regulated by state statute.
 - (4) On city streets within the designated use area only as allowed by state statute.
 - (5) On public or semi-public property within the designated use area only if said property is clearly posted with signs designating the area or specific areas as open to recreational vehicles.
- (c) *Agricultural zone.* No snowmobiles may be operated within the right-of-way, including the ditch of a trunk, county state-aid, or county highway from April 1 to August 1 as part of Minnesota's Agricultural Zone.
- (d) *Hours of operation.* Snowmobiles may not be operated any place in the city between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Friday, and between the hours of 1:00 a.m. and 8:00 a.m. Saturday and Sunday.
- (e) *Snow cover.* From November 1 to March 31, snowmobiles may not be operated off the operator's property or the property of another that the operator has written permission to be on, unless there is a minimum six inches of snow cover on the ground.
- (f) *Reflective Material.* Snowmobiles must have reflective material of at least 16 square inches on each side forward of the handlebars, so as to reflect lights at a 90-degree angle.

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-101. Operation limitations for mini-bikes and go-carts.

- (a) Mini-bikes greater than 110 cc may not be operated within the designated non-use area, regardless of lot size.
- (b) Go-carts may not be operated within the designated non-use area.
- (c) Mini-bikes and go-carts may not be operated off of their own property without the written permission of the owner of the property being ridden on.

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(Supp. No. 12, Update 2)

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-102. Towing restriction.

It is unlawful for any person to operate a recreational vehicle so as to tow any person or thing on a street or highway except through the use of a rigid tow bar, as defined by state statute, attached to the rear of the recreational vehicle.

(Ord. No. 12-07, § 3, 6-12-2012; Ord. No. 11-16, § 2, 11-22-2011)

Sec. 54-103. Map.

A map showing the boundaries of the designated use and non-use areas shall be on display at the city hall and the police department for public viewing, during normal business hours.

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-104. Permit fee.

The permit fee for a Recreational Vehicle required by this section shall be set by council resolution and listed in the rates and fees ordinance.

(Ord. No. 12-07, § 3, 6-12-2012)

Sec. 54-105. Penalty.

Violation of any provision of this section shall constitute a petty misdemeanor [unless otherwise determined by Minnesota State Statute as a Misdemeanor](#).

(Ord. No. 12-07, § 3, 6-12-2012)

CC Work Session

Meeting Date: 11/28/2023

Primary Strategic Plan Initiative: Enhance City’s communication through transparency and accountability.

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussions. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Tentative dates have been assigned.

Timeframe:

Funding Source:

Responsible Party(ies):

Outcome:

For Council review - no formal action necessary.

Attachments

Future Topics List

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 11/22/2023

Reviewed By

Brian Hagen

Date

11/22/2023 09:29 AM

Started On: 11/21/2023 11:17 AM

| Row # | | <u><i>Tentative City Council Future Work Session Topics</i></u> | |
|-------|---------------|---|--------------------|
| | Proposed Date | Topic | Minutes (Estimate) |
| | 2023 | | |
| | 12/12 | 2024 COR Infrastructure Improvements | 30 |
| | 12/12 | Further Personnel Policy Discussion | 60 |
| | TBD | Discuss Recycling Program | 45 |
| | TBD | Discuss Solicitor License approval process | 15 |
| | TBD | Continue Policy Project Discussion – continue Park Policy discussion – Riverblood | 30 |
| | TBD | Draft Trail Maintenance Policy – Riverblood | 30 |
| | TBD | Draft Stormwater Pond Maintenance Policy – Westby | 30 |
| | TBD | Review procedure/policy/best practice for introduction of resolutions/proclamations – Staff | 20 |
| | TBD | Discuss Council and B/C Remote Meetings Policy - Staff | 15 |
| | TBD | Development Interest Info to Council | |
| | TBD | Decorum of Council Towards Meeting Attendees | |
| | 2024 | | |
| | January | THC Moratorium Update | |
| | 01/09 | Council Organization | 15 |
| | 01/09 | Legislative Priorities | 30 |
| | 01/09 | Nuisance Code Discussion | |
| | 01/09 | Further Personnel Policy Discussion | |