

**TITLE 1  
ADMINISTRATION**

## **CHAPTER 101**

### **OFFICIAL CITY CODE**

#### **SECTION:**

- 101.01: Title
- 101.02: Acceptance
- 101.03: Amendments
- 101.04: Code Alterations
- 101.05: Court Proceedings
- 101.06: Severability Clause
- 101.07: Construction of Words

#### **101.01: TITLE:**

Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Roseville. This City Code of ordinances shall be known and cited as the *ROSEVILLE CITY CODE* and is hereby published by authority of the City Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 101.04 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1995 Code)

#### **101.02: ACCEPTANCE:**

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. (1995 Code)

#### **101.03: AMENDMENTS:**

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1995 Code)

#### **101.04: CODE ALTERATIONS:**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Manager shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Manager. (1995 Code)

#### **101.05: COURT PROCEEDINGS:**

- A. Violations of Former Ordinances: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not. Any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect shall be governed by the former ordinance. Proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. Application of Provisions: This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Effect of Provisions: Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed. The provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions. This Chapter shall not be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person or as waiving any right of the City under any ordinance or provision in force at the time of the adoption of this City Code. (1995 Code)

#### **101.06: SEVERABILITY CLAUSE:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1995 Code)

#### **101.07: CONSTRUCTION OF WORDS:**

- A. Rules of Construction: When interpreting this Code, the following rules of construction shall be applied, except where the application of any rule of construction would result in an interpretation clearly contrary to the plain intent of a provision or of any section or chapter in which a given provision appears. The rules are as follows:
  - 1. Common Usage: All words and phrases used in this Code shall be interpreted and understood in accordance with the common and acceptable usage, but any technical words and phrases, or such others which have acquired a specific or peculiar meaning, shall be interpreted and understood in accordance with such technical, specific or peculiar meaning.
  - 2. Gender; Singular and Plural: If any word in this Code expresses male or female gender, it shall be extended to and shall be applied to both genders and every word expressing the plural number shall extend to and be applied to one person or thing as well as several persons or things.
  - 3. Tenses: The use of any verb in the present tense shall include the future when applicable and the use of any verb in the future tense shall include the present when applicable.
- B. Application of Minnesota Statutes: In addition to the rules of construction contained in subdivision A hereof, the rules and canons of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes chapter 645 governing statutory construction are hereby adopted by reference and made a part hereof as if fully set

forth herein. All references contained in these statutory provisions to laws and statutes shall be construed to apply and refer to the provisions of this Code and all references to the legislature shall be construed to apply to the City Council or appropriate governing body.

- C. Changes for Clarification: The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subdivision" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1995 Code)

## CHAPTER 102 GENERAL PENALTY

### SECTION:

- 102.01 General Penalty
- 102.02 Issuance of Ordinance Violation Summons

### **102.01: GENERAL PENALTY:**

- A. General Offense: Unless otherwise provided in City Code, any person violating any provision of the City Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 90 days, or both, or any different amounts adopted by statute. In either case the costs of prosecution may be added<sup>1</sup>. (Ord. 1067, 9-25-89; amd. 1995 Code)
- B. Petty Misdemeanor Offense: A petty misdemeanor offense is an offense which is prohibited by statute which does not constitute a crime and is classified as a petty misdemeanor for which a sentence of a fine of not more than \$300.00 or any different amounts adopted by statute may be imposed<sup>2</sup>. (1995 Code)
- C. Administrative Offense:
  - 1. Purpose: Administrative offense procedures, established pursuant to this Section, are intended to provide the City with an alternative to traditional criminal charges for violations of certain ordinance provisions.
  - 2. Definitions:
    - a. Administrative Offense: A violation of a provision of this Code that is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Subsection 11., hereafter, and which may or may not have associated compliance requirements.
  - 3. Notice: Any officer of the Police Department or any other person employed by the City, authorized under Section 102.02 of this Code shall, upon determining that there has been a violation of ordinance or Code, notify the violator or, in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, the amount of the scheduled penalty and required compliance actions, if applicable.
  - 4. Recovery of Administrative Costs: The owner of the premises, where an administrative offense ticket has been issued by the City's Community Development Department, shall be personally liable for the cost of the City for inspection of said property and administrative costs as allowed per Minnesota Statute 429.101. Staff shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.
  - 5. Notice Contestation and Hearing: Any person contesting an administrative offense may, within seven days of the time of issuance of the notice, request, in writing, a hearing. The Hearing Officer shall forthwith conduct an informal hearing to determine if a violation has occurred. The Hearing Officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the Hearing Officer, the violator shall pay the

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<sup>1</sup> M.S.A. §§412.231, 609.033(3), 609.033 and 609.034

<sup>2</sup> M.S.A. §609.0332

penalty imposed.

6. Hearing Officer: The City Manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

7. Payment of Penalty: Once notice is given, the alleged violator must pay the specified fine within seven days of the time of issuance of the notice, unless contesting the notice pursuant to Subsection 5. of this Chapter. The amount of the fine shall be set forth on the schedule of penalties for the violation as adopted by the City Council. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

8. Failure to Pay Penalty and/or Administrative Costs: In the event a party charged with an administrative offense fails to pay the penalty when due, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. In the event a party does not pay the monetary penalty and/or administrative costs, the City may seek to collect the costs of the administrative offense procedures per Section 407.07 and/or 906 of this Code.

a. If the penalty and/or administrative cost is unpaid, the City Manager shall, on or before September 1, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statute 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year, or in annual installments not exceeding ten, as the City Council may determine in each case.

9. Failure to Comply: If a violation requires code compliance within a set period of time and the compliance does not occur by the deadline specified, the City may initiate an abatement process, as provided in Chapter 407 of the City Code, and/or charge the party with a misdemeanor.

10. Disposition of Penalties: All penalties collected pursuant to this Section shall be paid to the City Treasurer and may be deposited in the City's general fund.

11. Offenses and Penalties: Offenses that may be charged as administrative offenses are infractions to the City Code. Monetary penalties associated with offenses shall be identified in the City's Fee Schedule. Subsection 314.05

12. Subsequent Offenses: In the event a party is charged with a subsequent administrative offense within an 18 month period for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 100% above the previous administrative penalty.

The City shall only increase the penalty twice within this period. (Ord. 1134, 1-24-94)

(Ord. 1366, 4-21-2008)

## **102.02: ISSUANCE OF ORDINANCE VIOLATION SUMMONS:**

The persons hereinafter named, as employees or agents of the City, shall have power to issue summons with complaints incorporated therein (citations) in the form adopted by rule by the Municipal Court, but such issuance by those named shall relate only to offenses involving the City Code; building construction, operation or maintenance; fire and fire prevention; public health and sanitation; and zoning. No such employee or agent hereinafter authorized to issue said summons shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

Those authorized are as follows:

Fire Marshal  
Fire Inspector

Director of Public Works  
Chief Code Enforcement Officer  
Code Enforcement Officer  
Electrical Inspector  
Reserve Police Officer  
Community Service Officer  
Director of Community Development

Other employees or agents of the City specifically designated, in writing, by the City Manager shall also have such authority. (Ord. 1019, 8-10-87; amd. 1995 Code)

## **CHAPTER 103 CITY OFFICIALS**

### **SECTION:**

- 103.01: City Election
- 103.015: Campaign Contribution Reporting
- 103.02: Mayor and City Council Terms
- 103.03: Mayor and City Council Compensation
- 103.04: City Clerk
- 103.05: City Manager Purchasing Authority
- 103.06: Filling a Mayor or Council Vacancy

### **103.01: CITY ELECTION:**

- A. Election Date Fixed: The city general election shall be held on the first Tuesday after the first Monday in November of each even numbered year, beginning with the 2006 election. (Ord. 1264, 6-3-2002)
- B. Primary Election Date: Whenever there are candidates for election to municipal office in excess of two for the office of mayor or in excess of two for each office of council member, then a municipal primary election shall be held for such office or offices on the same date as the state primary election in each even-numbered year. (Ord. 1158, 3-27-1995) (Ord. 1389, 3-22-2010)

### **103.015: CAMPAIGN CONTRIBUTION REPORTING:**

- A. A candidate for election to a City office must file a report with the City Clerk that includes the name of the candidate, the name and address of the person responsible for filing the report; and:
  - 1. States the name, address and employer, or occupation if self-employed, of any individual, and the name and address of any committee, or organization, which within the previous one year period has made one or more contributions that in the aggregate are greater than \$50, and the amount and date of each contribution; or
  - 2. States that within the previous one year period no individual, committee, or organization has made one or more contributions that in the aggregate are greater than \$50.
- B. The report required under this section must be filed:
  - 1. Ten days before a primary, general, or special election; and
  - 2. Thirty days after a general or special election, regardless of whether the candidate won or lost in the primary election.
- C. A candidate that intentionally fails to file the report as required in this section is guilty of a misdemeanor. When a candidate fails to file the report by the day it is due, the City Clerk shall immediately notify that candidate of the failure to file. If the report is not filed within five business days of the date the notice is mailed, the City Clerk shall immediately notify the City Attorney of the alleged violation of this section.
- D. For the purposes of this section, the term “contribution” has the meaning given it in the state statutes constituting the Minnesota Election Law.  
(Ord. 1312, 12-6-2004)

### **103.02: MAYOR AND CITY COUNCIL TERMS:**

- A. Terms: The term of office for mayor and council members shall be four years.
- B. Transition Provisions: The terms of the mayor and council member who will be elected at the 2003 city election shall end the first business day of January 2007 and those offices will be filled at the 2006 city election. The term of the council member elected at the 2005 election with the most votes shall end on the first business day of January 2011 and that office shall be filled at the 2010 city election, and the terms of the two council members elected at the 2005 election with the second and third most votes shall end the first business day of January 2009 and those offices will be filled at the 2008 city election. (Ord. 1264, 6-3-2002)

**103.03: MAYOR AND CITY COUNCIL COMPENSATION:**

The Mayor and members of the City Council shall receive a stipend for their service to the city as follows:

Effective January 1, 2000, until December 31, 2001:

Mayor	\$750.00 per month
Council members	570.00 per month

Effective January 1, 2002, and thereafter:

Mayor	\$775.00 per month
Council members	585.00 per month

This stipend offsets any local expenses incurred by elected officials in the course of their duties. (Ord. 1227, 7-12-1999)

**103.04: CITY CLERK:**

The city manager shall act as and perform all duties of the city clerk and the office of the city clerk as set forth in chapter 412 of Minnesota statutes. In the absence of the city manager, the assistant city manager shall perform all of the duties of the city clerk. (Ord. 437, 9-14-1964; amd. 1995 Code)

**103.05: CITY MANAGER PURCHASING AUTHORITY:**

The manager shall be the chief purchasing agent of the city. All purchases for the city and all contracts shall be made or let by the manager when the amount of the purchase or contract does not exceed \$5,000.00 but all claims resulting therefrom shall be audited and approved by the council as provided by law. (Ord. 1261, 4-15-2002)

**103.06: FILLING A MAYOR OR COUNCIL VACANCY:**

- A. Appointment: The Council shall appoint an eligible person to fill a vacancy in the office of Mayor or City Council member as soon as is practicable after the vacancy occurs. The person appointed shall serve for the unexpired portion of the term unless a special election is required hereunder or by state law.
- B. Special Election: A special election shall be held to fill a vacancy in the office of Mayor or City Council member if the vacancy occurs more than ten weeks before the first day to file affidavits of candidacy for the regular city election that is to be held during the final year of the unexpired term. This special election shall be held as soon after the vacancy is declared as is practical under state law. No special primary election shall occur in cases of special elections held pursuant to this section.

(Ord. 1299, 11-24-2003) (Ord. 1373, 7-28-2008)

## CHAPTER 104 PERSONNEL POLICY

### SECTION:

- 104.01: Purpose and Scope; Personnel Appointments
- 104.02: Promotions and Separations (Rep. by Ord. 1230, 8-23-1999)
- 104.03: Benefits
- 104.04: Compensation
- 104.05: Miscellaneous Regulations

### **104.01: PURPOSE AND SCOPE; PERSONNEL APPOINTMENTS:**

- A. Purpose: It shall be the purpose of this chapter to establish a uniform and equitable system of personnel administration for employees of the city. This chapter may be referred to as the *PERSONNEL ORDINANCE*. The City Council has the sole authority to change any of the provisions of this chapter. The city manager has the sole authority to interpret and implement the provisions of this chapter. The city reserves the right to amend, modify or repeal any provision of this chapter without prior notice to any employee who might be covered by it. (Ord. 1135, 2-14-1994)
- B. Employees Covered: This chapter shall establish the employment relationship of all city employees except the following:
  - 1. All elected officials and members of boards and commissions;
  - 2. City manager and city attorney; and
  - 3. Persons hired to provide services for the city on a contractual basis. (Ord. 1231, 11-8-1999)
- C. Provisions Superseded in Certain Cases: The provisions of this chapter shall be superseded in the following cases:
  - 1. Any employee included in a collective bargaining agreement, entered into in accordance with the Minnesota Public Employment Labor Relations Act (MSA Chapter 179) shall be exempt from any sections of this chapter which are governed by a collective bargaining agreement. (Ord.1401, 12-13-2010)
  - 2. Nothing in this chapter shall be effective to the extent that it is inconsistent with the "Veterans Preference Act", Section 197.455, Minnesota Statutes. (Ord.1401, 12-13-2010)
  - 3. Nothing in this chapter shall be effective to the extent that it is inconsistent with the rules of the Roseville police civil service commission or with chapter 419, Minnesota Statutes, "Police Civil Service Commissions". (Ord. 1135, 2-14-1994)
- D. Definitions: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this subsection:
  - CITY MANAGER: The city manager appointed by the City Council or the person designated by the manager to act in that capacity in a given situation.
  - PAID-ON-CALL FIREFIGHTERS: Employees whose schedules are flexible and vary based on the employee's availability and management's need. Employees who respond to calls for work on an on-call basis and are paid by the call. Paid-on-call fire staff members are not eligible for benefits except where specified. (Ord.1401, 12-13-2010)
  - PAID TIME OFF: Compensated leave which combines traditional vacation and sick leave into one bank of available time off. (Ord. 1339, 6-20-2006)
  - REGULAR FULL-TIME: A position that is regularly scheduled for a forty (40) hour week. Regular full-time positions are approved by the City Council and generally are expected to continue for more than one year. Employees that hold regular full-time positions are eligible

for benefits and paid leave.

**REGULAR PART-TIME:** A position that is regularly scheduled for less than forty (40) hours per week. Regular part-time positions are approved by the City Council and generally continue for more than one year. Regular part-time staff regularly schedule for twenty (20) or more hours per week but less than forty (40) are eligible for partial benefits and paid leave where specified. (Ord.1401, 12-13-2010)

**SERVICE CREDIT:** The unit used to measure the period of time required for an employee to be eligible for benefits.

**SICK BANK:** An employee's accrued and unused sick leave, in excess of 96 hours, as of June 30, 2006, to a maximum of 640 hours. (Ord. 1339, 6-20-2006)

**TEMPORARY SEASONAL:** Positions in this category meet one of the following definitions: Employees hired in a position limited by duration of a specific project or task. Temporary employees normally do not exceed six months with a period of at least a month off between seasonal or temporary projects with the City. Temporary employees are not eligible for benefits. Temporary positions include positions created to handle periodic increases in work load, seasonal work and special projects. Temporary and seasonal employees may work full or part-time and are not subject to all City policies, only those provided to them in their new employee orientation or during ongoing training.

A position that has been established as an internship, or as part of another specialized program is also included in this category. (Ord. 1230, 8-23-1999; amd. Ord. 1231, 11-8-1999); (Ord.1401, 12-13-2010)

- E. **City Manager Authority:** The city manager makes all employment-related decisions within the city, including personnel appointments. The city manager is also responsible for providing work direction to staff. The city manager may dismiss, demote, or suspend any employee. (Ord. 1230, 8-23-1999)
- F. **Physical Examination:** All candidates for municipal service may be required to undergo a physical examination as a condition of employment in conjunction with an offer of employment. The examination shall be conducted by a physician selected by the city manager. All costs of the examination shall be paid by the city.
- G. **Background Investigations:** The city will conduct a background investigation of an applicant for a position where justified by the job requirements or where allowed or required by state or federal law. This may include investigation of past criminal convictions by the police department or by the bureau of criminal apprehension. (Ord. 1135, 2-14-1994)
- H. **Probationary Period:** (Rep. by Ord. 1230, 8-23-1999)
- I. **Completion of Probationary Period:** (Rep. by Ord. 1230, 8-23-1999)
- J. **Employment of Relatives:** For purposes of this policy, a "relative" is defined as mother, father, son, daughter, brother, sister, grandchild, grandparent, stepchild, stepparent, or legal guardian. However, relatives of employees will not be employed when a conflict of interest exists. In order to ensure the lack of bias, prejudice and/or favoritism, or its appearance, relatives or those living in the same household as current employees and City Council members are not eligible for employment in a job classification in which a conflict of interest may occur or is not in the best interest of the City as determined by the City Manager. City Manager approval is required for all full-time and part-time regular positions. Spouses of employees or elected officials are also excluded from employment as a bona fide occupational requirement, when a conflict of interest exists. The following list highlights situations that would constitute a conflict of interest:
  - Where one employee would supervise or have authority to appoint, remove, or discipline a spouse or a relative.
  - Where one spouse or relative would be responsible for auditing the work of another.
  - Where a policy level employee of an organization or company is related to a policy level employee or official of the city and there is a contract or agreement between the

entities, such that there is a potential appearance of inappropriate influence.

- Where confidentiality of the city would be jeopardized.

Promotions or transfers of a spouse or relative, which would result in a conflict of interest, will not be acted upon until the conflict is satisfactorily resolved. (Ord.1401, 12-13-2010)

**K. Equal Employment Opportunity:**

1. State and Federal Regulations: The city provides equal opportunity to all employees and applicants for employment in accordance with all applicable state and federal laws, directives and regulations.

2. Discrimination: Discrimination based on race, creed, color, national origin, place of residence, disability, marital status, status with regard to public assistance, sex, sexual orientation, veteran status, pregnancy, age or any other class protected by state or federal law is prohibited in all personnel policies, programs and practices.

3. Responsibility of City Manager: The city manager is responsible for implementing this policy. Failure of any city employee to act in a manner consistent with this policy may result in disciplinary action against that employee. (Ord. 1230, 8-23-1999)

**104.02: PROMOTIONS AND SEPARATIONS:** (Rep. by Ord. 1230, 8-23-1999)

**104.03: BENEFITS:**

A. Employee Benefits: Employees hired in regular full-time positions are eligible to receive Paid Time Off, paid holidays and any other benefits which are approved by council resolution.

Regular part-time employees who work at least 20 hours per week are eligible for paid holidays on a pro rata basis and any other benefits which are approved by council resolution.

B. Service Credit: Service credit for a regular or probationary full-time employee begins on the date of employment and is calculated as follows:

1. Full-Time Employee, Twelve or More Days: A regular or probationary full-time employee who works 12 or more days in a calendar month will receive full service credit for that month.

2. Full-Time Employee, Twelve Or Less Days: A regular or probationary full-time employee who works less than 12 days in any calendar months will not receive service credit for that month unless the time off is covered by approved sick leave, vacation, military leave or family/medical leave.

3. Temporary Employee Transferred to Full-Time: A temporary employee transferred to a regular position will not receive any service credit for service prior to such transfer.

4. Regular Part-Time Employee Transferred to Full-Time: A regular, part-time employee who transfers to a regular full-time position will receive credit for prior service. The prior service will be calculated by multiplying the number of months of prior service by the budgeted full-time equivalent status of the part-time position.

C. Paid Time Off: Paid Time Off is provided to allow employees equitable leave time for both illness and rest and relaxation. Paid Time Off will be granted to eligible employees according to earned service credit.

D. Legal Holidays Occurring during Paid Leave Period: When a recognized holiday falls on a working day during an employee's Paid Time Off, the day of the holiday will not be counted as a day of Paid Time Off.

E. Rate of Accumulation of Paid Time Off: Regular full-time employees shall earn Paid Time Off at the following rates:

1. First through Fourth Year: Beginning with the initial date of employment through the end of the fourth year of service credit, the employee shall earn 5.538 hours bi-weekly.

2. Fifth through Fourteenth Year: Beginning with the fifth year of service credit through the end of the fourteenth year of service credit, the employee shall earn 7.077 hours bi-weekly.

3. Fifteenth Year On: Beginning with the fifteenth year of service credit, the employee shall

earn 8.615 hours bi-weekly.

- F. Paid Time Off on Termination of Employment: An employee who terminates his/her employment shall receive, upon termination, unused Paid Time Off.
- G. Carryover and Disposition of Paid Time Off: Each employee shall be permitted to carry over up to a maximum of 500 hours from one year to the next. Allowable disposition of hours in excess of the maximum may be contributed to deferred compensation accounts or pre-dedicated for use within the first quarter of the following year.
- H. Sick Bank: Eligible employees may utilize the sick leave bank, until the bank is used up or the bank sunsets in 2025, for the following:
  - 1. Personal illness or injury.
  - 2. Personal medical or dental appointments.
  - 3. Illness or injury of a spouse, child, parent or other member of an employee's household which requires the employee's care and attention.
  - 4. Medical or dental appointments of a spouse, child, parent or any other member of an employee's immediate household which require the employee's care and attention.
- I. Application of Workers' Compensation Benefits to Paid Time Off or Sick Bank Program: In cases of absence where an employee receives compensation benefits under workers' compensation, the total compensation received from both workers' compensation and Sick Bank, and Paid Time Off shall not exceed the amount of pay normally received. Paid Time Off and/or Sick Bank benefits may be paid in an amount such that the benefits plus the workers' compensation benefits equal the normal pay received.
- J. Bereavement Leave: In cases of a death in an employee's immediate family, a regular employee's department head may authorize leave benefits for such absences up to a maximum of three days for each occasion. For purposes of this section, "immediate family" includes spouse, child, siblings, parents, parents-in-law, grandchildren, and grandchildren of the employee's spouse, grandparents, grandparents-in-law, brothers-in-law, sisters-in-law and any other member of an employee's immediate household. (Ord. 1135, 2-14-1994); (Ord.1401, 12-13-2010)
- K. Mandated Leaves: The city will comply with the provisions of any federal or state laws that grant employees leave time, such as the Family and Medical Leave Act. (Ord. 1230, 8-23-1999)
- L. Special Leave: The manager may allow an employee special leave at full pay for attendance at conferences benefiting the municipality. (Ord. 1135, 2-14-1994)
- M. Military Leave of Absence: (Rep. by Ord. 1230, 8-23-1999)
- N. Leave of Absence Without Pay: Upon request of an employee, leave of absence without pay may be granted by the city manager. Such leave of absence shall not exceed a period of 12 weeks and, if applicable, shall be taken simultaneously with any leaves mandated by law, such as the Family and Medical Leave Act. Prior to requesting leave under this section, an employee must first exhaust all accrued Paid Time Off and Sick Bank if leave is due to injury or illness. The leave may be extended beyond 12 weeks to a maximum of one year by the city manager. No Paid Time Off benefits shall accrue during a period of leave of absence without pay. A leave of absence without pay will be considered a break in service for purposes of computing service credit if it exceeds 12 weeks. (Ord. 1230, 8-23-1999)
- O. Official Holiday: The following shall be the official holidays for all employees subject to this chapter:
  - New Year's Day, January 1.
  - Martin Luther King, Jr., Birthday, the third Monday in January.
  - Presidents' Day, the third Monday in February.
  - Memorial Day, the last Monday in May.
  - Independence Day, July 4.
  - Labor Day, the first Monday in September.

Veterans' Day, November 11.

Thanksgiving Day, the fourth Thursday in November.

Post-Thanksgiving Day, the day following Thanksgiving Day.

One-half day (afternoon) Christmas Eve Day, December 24.

Christmas Day, December 25.

One floating holiday annually, to be designated by the City Manager.

When New Year's Day, Independence Day, Veterans' Day or Christmas Day fall on a Sunday, the following day shall be a holiday.

When New Year's Day, Independence Day, Veterans' Day, or Christmas Day fall on a Saturday, the preceding day shall be a holiday.

When Christmas Eve Day falls on a Saturday or a Sunday, the 1/2 day will be taken on the preceding Friday afternoon. (Ord. 1135, 2-14-1994)

P. Severance Pay: Severance pay shall be paid to the following city employees who terminate their employment:

1. Retirement: Regular, full-time employees who meet the eligibility requirements for receipt of a pension pursuant to the Public Employees Retirement Association Statute, Minnesota Statutes Chapter 353, with ten or more years of service with the city who terminate their employment because of retirement.

2. Reduction of City Employment or Change in Municipal Operations: Regular, full-time employees with ten or more years of service with the city who terminate their employment because of reduction of city employment or changes in city operations.

3. Death of Employee: Regular, full-time employees, with ten or more years of service with the city, who die before they terminate their employment shall have severance pay as calculated in this section paid to their named beneficiary or their estate if they fail to name a living beneficiary.

The severance pay shall be in an amount Paid Time Off plus 50% of accumulated Sick Bank hours, but in no event shall such payment of Sick Bank hours exceed the equivalent of 320 hours at the employee's wage rate at the time of such separation. (Ord. 1230, 8-23-1999)

Q. Part-Time Firefighters: The members of the fire department shall organize themselves into a firefighter's relief association. The City Council shall establish by resolution pension and funeral benefits for part-time firefighters. (Ord. 1231, 11-8-1999)

(Ord. 1339, 6-20-2006)

#### **104.04: COMPENSATION:**

A. Rates of Pay: The City Council shall, by resolution, establish and, from time to time, revise a position classification and pay plan.

B. Payday: All regular employees shall be paid on the day set by resolution of the council.

C. Payroll Deductions: Automatic payroll deductions shall be made as required for federal and state government taxes and the various pension plans. Employees may elect to have payroll deductions made for a city employee group insurance or flexible benefit plan, a deferred compensation account, United States savings bonds, charity drive contributions, bank and credit union accounts and union dues. (Ord. 1135, 2-14-1994)

D. Overtime Pay: Employees who are eligible for overtime under the guidelines of the Fair Labor Standards Act (FLSA) will be compensated at the rate of time and one-half for all hours worked in excess of 40 hours per week. This compensation will take the form of either time and one-half pay or, where permitted by the Fair Labor Standards Act, compensatory time. Compensatory time is paid time off at the rate of 1 and one-half hours off for each hour of overtime worked. (Ord. 1230, 8-23-1999)

E. Resignation: When an employee resigns, he/she shall receive pay for any accrued unused Paid Time Off. No payment shall be made for unused sick bank leave benefits. (Ord. 1339, 6-20-

2006)

- F. Indebtedness to the City: If any employee owes any money or leave time to the city at the time of his/her termination, his/her final pay will be applied against this amount in whatever amount necessary to pay it off. A receipt shall be given to the employee for the amount applied against the debt. (Ord. 1135, 2-14-1994)

#### **104.05: MISCELLANEOUS REGULATIONS:**

- A. Travel Expenses: When traveling on city business, an employee will be reimbursed for his/her travel expenses. In order to receive such reimbursement, the employee shall, immediately upon return to work, fill out and submit the appropriate claims form.
- B. Car Expenses: An employee required to use his/her personal automobile on city business shall be reimbursed at the rate currently permitted by the Internal Revenue Service for allowable travel expense purposes.  
Claims for mileage shall designate date of travel, purpose of travel and miles traveled. Certain employees designated by the city manager may receive a vehicle allowance in lieu of reimbursement for expenses.
- C. City Tools and Equipment: City tools and equipment shall not be used for anything other than city purposes unless approved by the council.
- D. Outside Employment: An employee's activities outside working hours must not interfere with the performance of the employee's job with the city. An employee must have the approval of his/her department head before obtaining outside employment. An employee must notify his/her department head of the outside employer's name and address, the hours of his/her work and a description of duties.
- E. Political Activity: No city employee shall directly or indirectly:
  - 1. During his/her hours of employment, solicit or receive political funds.
  - 2. At any time use his/her authority or official influence to compel any employee:
    - a. to apply for membership in or to become a member of a political organization.
    - b. to pay or promise to pay any assessment, subscription or political contribution.
    - c. to take part in any political activity. (Ord. 1153, 9-26-1994)
- F. Layoffs: When necessary due to reorganization or budgetary constraints, layoffs of regular full-time and part-time employees may occur. The City Manager will decide which job classes within a department are subject to layoff. Within a department and job class, the City Manager will consider job performance, qualifications and length of service to determine which employee(s) will be affected by the layoff. (Ord. 1230, 8-23-1999)
- G. Conflict of Interest: It is expected that every employee shall exercise good judgment in avoiding becoming involved with conflicting outside business interests. These include, but are not limited to, the following:
  - 1. Those in which an employee has financial interest in, or receives benefits from, a business in which he/she occupies a position which may enable him/her to influence the placing of city business either inside or outside the city government.
  - 2. Those in which an employee accepts full-time or part-time work elsewhere, where such activity interferes with their duties and job performance at the city.
  - 3. Those in which an employee may gain access to information not generally available to the public which may allow him/her to directly or indirectly gain anything of value.
- H. Endorsement of Products or Services: No employees of the City will endorse any product or service offered by a private business, which will ultimately be used in sale or advertising promotions. This includes statements of interpretation about the product or service or the providing of information in such a manner which implies endorsement.
- I. Acceptance of Gratuities: Minnesota Statutes section 471.895, prohibiting the giving of gifts by interested persons and the receipt of such gifts by public officials is hereby adopted by

reference. (Ord. 1153, 9-26-1994)

- J. Smoking Policy: Smoking is not permitted in any city building or city vehicle. Smoking includes carrying a lighted cigarette, cigar or pipe. This policy is in compliance with requirements of the Minnesota Clean Indoor Air Act.

In an effort to provide and promote a healthy, comfortable and productive working environment, use of tobacco products (e.g. chewing tobacco, smoking, etc.) is prohibited in all city buildings, vehicles and equipment. (Ord.1401, 12-13-2010)

- K. Harassment: The harassment of any employee of the city by any other employee or nonemployee is prohibited. The city will not tolerate the harassment of any of its employees and will take immediate, positive steps to stop it when it occurs. The city manager shall establish and administer a detailed policy prohibiting harassment, including specific measures which will be taken when harassment occurs. (Ord. 1339, 6-20-2006)

- L. Alcohol and Other Drug Use: All employees are strictly prohibited from using, possessing, selling, transferring or being under the influence of drugs or alcohol while working or performing job duties or while on the City's premises or while operating the City's vehicles, machinery or equipment. "Drugs" are defined as any controlled substance.

Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment and, in certain circumstances, to legal prosecution.(Ord. 1135, 2-14-1994) (Ord.1401, 12-13-2010)

- M. Criminal History and Driving Record Background Checks.

1. The City of Roseville Police Department is authorized to conduct a criminal history and driving record background investigation on any applicant who is a finalist for a paid or volunteer position with the City of Roseville. All finalist applicants must provide the City of Roseville with written authorization to investigate the applicant's criminal history and driving record, and provide the results to the City Manager or designee. Any finalist applicant who does not grant the City written authorization to investigate the applicant's criminal history and driving record will not be considered for the position

2. Pursuant to Minn. Stat. § 364.05, if the applicant is denied employment based on the findings of the criminal history and driving record background investigation, the City shall inform the applicant in writing of the following:

- a. The grounds and reasons for the denial or disqualification;
- b. The opportunity to request reconsideration of the City's decision and to provide the City with competent evidence of rehabilitation and present fitness for the position within five days of the notice of denial;
- c. The applicable complaint and grievance procedure as set forth in section Minn. Stat. § 364.06;
- d. The earliest date the person may reapply for a position with the City; and
- e. That all competent evidence of rehabilitation will be considered upon reapplication.

3. This section shall apply to all positions of the City, including those represented by a bargaining unit, full-time, part-time and seasonal, and volunteer (as determined appropriate by the City). Paragraph two of this section does not apply to those positions listed as exceptions under Minn. Stat. § 364.09.

4. The City of Roseville Police Department is authorized to contract with other entities, individuals or corporations to conduct criminal history and driving record background checks. The City's authority to conduct such background checks is subject to any requirements in state law relating to background checks for specific types of applicants.

5. The City of Roseville Police Department is authorized to conduct criminal history background checks on license applicants as required by City Code and/or State law.

(Ord. 1295, 9-15-2003)

## **CHAPTER 105 INDEMNIFICATION**

### **SECTION:**

- 105.01: Definitions
- 105.02: City Indemnification
- 105.03: Types of Claims
- 105.04: Amount
- 105.05: Immunity
- 105.06: Insurance
- 105.07: Exceptions
- 105.08: Interference

### **105.01: DEFINITIONS:**

For the purpose of this chapter, the following definitions are stated:

**COMMISSION MEMBERS:** All persons serving on a commission established by the City Council or by state law as a part of city government. This also includes any member of a commission or other entity appointed or approved by the City Council, pursuant to a joint powers agreement with other governmental bodies.

**EMPLOYEES:** All employees of the city including part time employees and volunteers working under the direct supervision of a city employee. (Ord. 1269, 9-23-2002)

### **105.02: CITY INDEMNIFICATION:**

In accordance with applicable state statutes, the city will defend, insure, and indemnify all employees, officers, commission members and City Council members of the city against losses sustained by liability claims for damages resulting from their torts, including those which the city claims immunity, which arise out of their conduct in the course of and scope of their employment or official actions.

The city will provide defense or reimburse legal fees of its appointed and elected officials in proceedings which may be related to their service as city officials, including any legal action taken to enforce this chapter, to the same extent and in accord with the state statutory provisions applicable to nonprofit corporations<sup>3</sup>. Issues or disputes regarding eligibility, or the scope of coverage under this section shall be made by those members of the City Council disinterested in the proceeding, or upon the request of any council member by a special committee established by the City Council upon the recommendation of the city attorney. (Ord. 1269, 9-23-2002)

### **105.03: TYPES OF CLAIMS:**

The indemnification and insurance set forth in section 105.02 of this chapter includes claims arising out of accidents, occurrences, acts or omissions, or to reimburse any elected official who takes legal action against the city or its employees or officials for failure to provide public information to an elected official, or where the public information is provided in a discriminatory

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<sup>3</sup> M.S.A. 317A.521

manner. (Ord. 1269, 9-23-2002)

**105.04: AMOUNT:**

The indemnification of section 105.02 of this chapter applies regardless of the amount of the claim, even if claims are in excess of limits set by Minnesota law. (Ord. 1269, 9-23-2002)

**105.05: IMMUNITY:**

By adoption of this chapter, the city does not waive any limit or immunity from liability established by Minnesota law, and reserves the right to assert such limits or immunity in defending any person pursuant to this chapter. (Ord. 1269, 9-23-2002)

**105.06: INSURANCE:**

The City Council will have sole discretion to purchase insurance or self-insure for the protection of the persons covered by this chapter. (Ord. 1269, 9-23-2002)

**105.07: EXCEPTIONS:**

The insurance and indemnification established by this chapter shall not apply to the following acts or conduct:

- A. Action or conduct beyond the scope of a person's employment or responsibility.
- B. Intentional acts which violate any of the following: criminal statutes, ordinances or regulations of the United States, the state of Minnesota or the city except as allowed pursuant to Minnesota statutes 317A.521 and 465.76.
- C. Intentional acts which violate an established city policy as set forth by the city manager or City Council. (Ord. 1269, 9-23-2002)

**105.08: INTERFERENCE:**

It shall be a violation of this code, punishable by misdemeanor prosecution, for any employee or elected official to interfere with the indemnification or reimbursement process. (Ord. 1269, 9-23-2002)

## **CHAPTER 106**

### **CITY DEPARTMENTS**

#### **SECTION:**

- 106.01: City Manager
- 106.02: Departments
- 106.03: Administration
- 106.04: Community Development
- 106.05: Finance
- 106.06: Fire
- 106.07: Parks and Recreation
- 106.08: Police
- 106.09: Public Works

#### **106.01: CITY MANAGER:**

All departments and personnel of the city shall be subject to the control and direction of a city manager, who shall be appointed by the council in accordance with state law. The city manager shall be responsible to the council for the proper administration of all matters relating to the City and shall have the powers and duties specified in state law and as delegated by ordinance, resolution or other action of the council. (Ord. 1268, 9-23-2002)

#### **106.02: DEPARTMENTS:**

The city shall have the following departments:

- Administration
- Community Development
- Finance
- Fire
- Parks and Recreation
- Police
- Public Works

(Ord. 1268, 9-23-2002)

#### **106.03: ADMINISTRATION:**

The Administration Department shall include the City Manager, Assistant City Manager, City Clerk, and other personnel. The Administration Department is responsible for management, human resources, election administration, and communications activities. The Manager shall be responsible for the performance of all duties assigned by law to the city clerk. (Ord. 1268, 9-23-2002)

#### **106.04: COMMUNITY DEVELOPMENT:**

The Community Development Department shall be under the direction of the City Manager and Community Development Director and is responsible for community planning, land use, economic development, housing, building code and related programs. (Ord. 1268, 9-23-2002)

#### **106.05: FINANCE:**

The Finance Department shall be under the direction of the City Manager and Finance Director and is responsible for budget, investment, accounting, and other financial services. The Finance Director shall serve as treasurer for the City, in addition to other assigned duties. (Ord. 1268, 9-23-2002)

**106.06: FIRE<sup>4</sup>:**

There is established a Fire Department consisting of a fire chief to be appointed by the City Manager and other subordinate officers and personnel as determined. The Department shall be responsible for the provision of emergency services including prevention and suppression of fires, the protection of life and property against fire, natural disasters, and other events. The Fire Department shall also be responsible for administration of the State Fire Code. The members of the Fire Department may organize themselves into a Firefighters Relief Association. (Ord. 1268, 9-23-2002)

**106.07: PARKS AND RECREATION:**

The Department of Parks and Recreation shall be under the direction of the City Manager and Parks and Recreation Director and is responsible for management and operations of the City's Park and Recreation facilities and programs. (Ord. 1268, 9-23-2002)

**106.08: POLICE:**

The Police Department shall be under the direction of the Police Chief who shall be responsible to and under the direct supervision of the City Manager. The Police Department is responsible for the preservation of public peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property and the enforcement of state laws and city ordinances, and the rendering of emergency services. (Ord. 1268, 9-23-2002)

**106.09: PUBLIC WORKS:**

The Public Works Department shall be under the direction of the City Manager and Public Works Director, and is responsible for the design, construction and maintenance of public facilities, the provision of utility services, including recycling collection and operation and maintenance of city vehicles. (Ord. 1268, 9-23-2002)

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<sup>4</sup> See also Chapter 902 of this code.

## **CHAPTER 107**

### **EMERGENCY MANAGEMENT**

#### **SECTION:**

- 107.01: Establishment
- 107.02: Coordination with Other Agencies
- 107.03: Personnel
- 107.04: Director of Emergency Management
- 107.05: Recruitment and Training

#### **107.01: ESTABLISHMENT:**

The Department of Emergency Management is hereby established pursuant to the requirements of Chapter 12, Minnesota Statutes, to provide for the exercise of necessary powers during emergencies for the purposes set forth in Chapter 12. (1995 Code)

#### **107.02: COORDINATION WITH OTHER AGENCIES:**

The Emergency Management functions of the City shall be coordinated to the extent practicable with comparable functions of the Federal, State and other local governments as well as private agencies. (1995 Code)

#### **107.03: PERSONNEL:**

Emergency Management personnel shall consist of personnel employed by the City and any other volunteer or paid member of the local Emergency Management Department engaged in carrying on emergency management functions in accordance with the provisions of this Chapter. (1995 Code)

#### **107.04: DIRECTOR OF EMERGENCY MANAGEMENT:**

The Emergency Management Department shall be under the supervision and control of the Director of Emergency Management, who shall be appointed by the Mayor for an indefinite period and who may be removed by the Mayor at any time. The Director shall have direct responsibility for the administration of the Emergency Management Department. (1995 Code)

#### **107.05: RECRUITMENT AND TRAINING:**

In cooperation with existing departments and agencies, the Director shall organize, recruit and train personnel that may be required on a volunteer basis to carry out the Emergency Management Plan of the City. The Director may dismiss any emergency management volunteer at any time and require him/her to surrender any equipment and identification device furnished by the City. (1995 Code)

## **CHAPTER 108**

### **PUBLIC HEARINGS**

#### **SECTION:**

108.01: Procedure for Conducting Certain Public Hearings

#### **108.01: PROCEDURE FOR CONDUCTING CERTAIN PUBLIC HEARINGS:**

- A. Hearings: When a public hearing involving the Comprehensive Plan, zoning or subdivision regulations is required by this Code or by a Minnesota statute, the Planning Commission shall hold the public hearing. All parties interested shall be given an opportunity to be heard. The Planning Commission, after citing the reason, may request the City Council to extend the review period for up to 60 days.
- B. Notice: Notice of the time and place of such hearing shall be published in the designated legal newspaper no less than ten nor more than thirty days prior to the hearing. In the event the hearing involves a particular parcel of land, mailed notice shall be given by the City to the owner and each of the property owners within 500 feet of the outside boundaries of the parcel and to State, County, and Federal agencies, if applicable. Failure to mail notice or failure of the property owner to receive the notice shall not invalidate the proceedings. (Ord. 1357, 1-14-2008)
- C. Council Hearings: The City Council shall hold further hearings using the notice procedure in subsection B of this Section only in the event that such hearings are required by other sections of this Code, by State statute, or because the Planning Commission has failed to hold the required hearing or make a recommendation. If not previously done in response to a Planning Commission request, the City Council may extend the review period for up to 60 days. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or action of the City Council. (Ord. 1175A, 11-25-1996)

## **CHAPTER 109**

### **PORT AUTHORITY**

#### **SECTION:**

109.01: Recitals

109.02: Bonding Authorization

#### **109.01: RECITALS**

- A. Pursuant to Minnesota Statutes, Section 469.082, the City of Roseville Minnesota (the “City”) may exercise all of the powers of a port authority provided by Minnesota Statutes, Section 469.048 to 469.068; and
- B. the City proposes to undertake a redevelopment project consisting of redeveloping its park system and constructing a new fire station because of water infiltration and mold problems at an existing fire station located at Woodhill and Lexington (the “Project”) in the exercise of its legal powers and in furtherance of its goals and purposes, and requires financing for the Project; and
- C. the City believes that it is desirable and necessary it issue general obligation bonds to provide funds to finance the Project.

#### **109.02: BONDING AUTHORIZATION**

Pursuant to and in accordance with the provisions of this Ordinance and the provisions of Minnesota Statutes, Sections 469.060 and 469.082 and Chapter 475, the issuance of general obligation bonds by the City, in one or more series, in fully registered form, and in the aggregate principal amount not to exceed \$27,000,000 (the "Bonds"), for the purpose of providing funds to assist in financing the Project, together with such costs of issuance and related costs as may be incidental to the issuance of the Bonds is hereby authorized and found to be proper. The Bonds shall be issued and sold by the City in the exercise of its port authority powers for the purpose of financing the Project. The City Council hereby gives specific consent to the pledge of the City's full faith, credit, and resources to the payment and security of the Bonds and authorizes the levy of taxes for the payment of the Bonds. The issuance of the Bonds shall be further subject to the consent and approval of the City Council by resolution as to the form, content, and specific details of the Bonds and their rate or rates of interest.

(Ord. 1419, 10-24-2011)