

TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: GENERAL PROVISIONS

§ 30.01 CITY COUNCIL MEETINGS.

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Hall unless the City Council decides otherwise at a prior meeting, or meeting in the City Hall is impossible.

(B) *Special meetings.* The Mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours' written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. 13D.04, Subd. 2, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. § 13D.04, Subd. 3, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. § 13D.04, Subd. 3, as it may be amended from time to time.

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(D) *Initial meeting.* At the first regular City Council meeting in January of each year, the City Council shall:

(1) Designate the depositories of city funds;

(2) Designate the official newspaper;

(3) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;

(4) Appoint officers and employees and members of departments, boards, commissions and committees as may be necessary; and

(5) Establish and appoint Council members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of city commissions and Boards, shall be conducted in accordance with the State Open Meeting Law, M.S. § 13D.04, Subd. 3, as it may be amended from time to time.

§ 30.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the City Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk-Treasurer shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

§ 30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk-Treasurer or, in the City Clerk-Treasurer's absence, by the Deputy City Clerk-Treasurer. In the absence of both, the

presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk-Treasurer and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk-Treasurer, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

§ 30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or other procedures adopted by Council resolution:

- (1) Call to order - pledge;
- (2) Approval of agenda;
- (3) Consent agenda;
- (4) Presentations;
- (5) Public forum;
- (6) Old business;
- (7) New business;
- (8) Zoning permits;
- (9) Correspondence, meetings, trainings, FYI; and
- (10) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Clerk-Treasurer upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk-Treasurer thereof at least 72 hours before new business is to be heard. The City Clerk-Treasurer may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

§ 30.05 VOTING.

The votes of the Council members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council members on any action taken shall be recorded in the minutes. The vote of each Council member shall be recorded on each appropriation of money, except for payments of judgements, claims and amounts fixed by statute. If any Council member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting".

§ 30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk-Treasurer, and filed by the City Clerk-Treasurer in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.*

(1) Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part.

(2) Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or division as it will read with the amendment.

§ 30.07 SUSPENSION OR AMENDMENT OF RULES.

These rules may be suspended only by a two-thirds vote of the members present and voting.

§ 30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and the compensation of each Council member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time.

(Ord. 2006-04, passed 10-19-2006)

§ 30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.
(Ord. 2006-04, passed 10-19-2006)

§ 30.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

§ 30.11 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

Cross-reference:

Master Fee Schedule, see Ch. 11

§ 30.12 APPLICATION OF STATE LAWS.

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. § 471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of the city and their members.

§ 30.13 BACKGROUND INFORMATION.

(A) *Applicants for city employment.*

(1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's computerized criminal history information for specified non-criminal purposes of employment background checks for the positions described in division (A)(2) below.

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(2) *Criminal history employment background investigations.* The City Clerk-Treasurer or person designated by the City Council is hereby required to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

(a) Employment positions: all regular part-time or full-time employees of the city and other positions that work with children or vulnerable adults; and

(b) In conducting the criminal history background investigation in order to screen employment applicants, the City Clerk-Treasurer or person designated by the City Council is authorized to access data maintained in the State Bureau of Criminal Apprehension's computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the Clerk-Treasurer or person designated by the City Council to the hiring authority, including the City Council, the City Clerk-Treasurer or other city staff involved in the hiring process.

(3) Before the investigation is undertaken, the applicant must authorize the City Clerk-Treasurer or person designated by the City Council by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial;

(b) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;

(c) The earliest date the applicant may reapply for employment; and

(d) All competent evidence of rehabilitation will be considered upon reapplication.

(B) Applicants for city licenses.

(1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's computerized criminal history information for specified non-criminal purposes of licensing background checks.

(2) *Criminal history license background investigations.* The City Clerk-Treasurer or person designated by the City Council is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants and their employees for the following licenses or

permits within the city: city licenses: liquor licenses, under Ch. 112 of this code, and any applicants under Chs. 113, 114, 116, 118 or 119 of this code.

(3) *Authorization to access data.* In conducting the criminal history background investigation in order to screen license or permit applicants, the City Clerk-Treasurer or person designated by the City Council is authorized to access data maintained in the State Bureau of Criminal Apprehension's computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the City Clerk-Treasurer or person designated by the City Council under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the Clerk-Treasurer or person designated by the City Council to the licensing authority, including the City Council, the City Clerk-Treasurer or other city staff involved in the license approval process.

(4) *Authorization to undertake investigation.* Before the investigation is undertaken, the applicant must authorize the City Clerk-Treasurer or person designated by the City Council by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- (a) The grounds and reasons for the denial;
- (b) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
- (c) The earliest date the applicant may reapply for the license; and
- (d) All competent evidence of rehabilitation will be considered upon reapplication.

Section

Police Department

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

31.01 through 31.19 Reserved

Volunteer Fire Department

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- 31.28 Duties of the officers
- 31.29 Duties of members
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POLICE DEPARTMENT

§§ 31.01 THROUGH 31.19 RESERVED.

VOLUNTEER FIRE DEPARTMENT

§ 31.20 NAME AND PURPOSE.

(A) *Name.* This organization shall be known as the Ottertail Volunteer Fire and Rescue Department.

(B) *Purpose.* Its purpose shall be to preserve life and property in the townships of Ottertail, Otto, Rush Lake, Leaf Lake, Amor, along with the City of Ottertail, and surrounding areas through mutual

aid request in case of fire and/or other emergencies. To also promote fire safety education in the whole of Ottertail County with its mutual aid partners.

(Ord. 2018-05, passed 12-20-2018)

§ 31.21 ADMINISTRATION.

In exercise of the powers conferred upon the City of Ottertail, by the State of Minnesota, the following rules and regulations are herewith adopted for the governing of the Ottertail Volunteer Fire and Rescue Department. These rules and regulations shall be amended at the discretion of the Ottertail Volunteer Fire and Rescue Department and ratified by the Ottertail City Council.

(Ord. 2018-05, passed 12-20-2018)

§ 31.22 MEETINGS.

(A) The fire and rescue department shall hold regular meetings on the first and third Wednesday of each month at a time agreed upon by the membership and shall meet in special session on order of the Fire Chief. The Fire Chief shall schedule and preside at all meetings of the department. He/she shall preserve order and shall conduct all meetings in conformity with this constitution. In the Fire Chiefs absence, the next ranking officer shall act in his/her place.

(B) The Fire Department shall meet monthly to conduct training meetings.

(Ord. 2018-05, passed 12-20-2018)

§ 31.23 MEMBERSHIP.

No activity of the membership shall discriminate on the basis of race, sex, age, creed, color or religion. Any resident of Ottertail City, outlying areas or the departments Mutual Aid areas, who has attained the age of 18 years and who is willing to submit to the department permission to conduct drug screening and background checks, found to be in good standing in the community and possessing a valid Minnesota driver's license will be eligible to apply. The results shall be considered for membership in the Ottertail Volunteer Fire and Rescue Department. Final approval is contingent on successfully passing a complete medical psychical and approval by Ottertail Fire and Rescue Department Members and the City of the Ottertail. Upon acceptance of hire, the new member shall serve a probation period from date of hire until biannual fit test, assuring physical capabilities.

(Ord. 2018-05, passed 12-20-2018)

§ 31.24 APPLICATION.

(A) An application shall be obtained from the Fire Chief or City of Ottertail prior to the next scheduled meeting. Fifty-one percent of present membership shall vote on approval of the new applicant.

(B) At the next scheduled department meeting, the application will be read to the department. Vote by ballot or hand will take place at the discretion of the Fire Chief. The prospective member not being present. The prospective member will then be notified of the result.

(C) For active member status, a majority vote will rule at which time the member will be considered a Level I probationary member and shall be exempt from voting on department issues for a period not less than six months. After which, will be considered Level II probationary for a period of not less than six months and qualified to vote on department issues, implying a total of not less than 12 months probationary period.

(D) Each new member shall participate within a 24-month period, if available, in the basic entry-level firefighting/first responder and/or approved training courses in the State of Minnesota. (Ord. 2018-05, passed 12-20-2018)

§ 31.25 EXPULSION.

Any member may be expelled from this department for cause, at any special meeting of the membership in which all elected officers are present, by 51% of the present majority vote. The member must be notified in writing, signed by the elected officers, that charges will be preferred against him/her at said meeting up to and including legal action. Documented proof of special meeting notice to all members is required. This section shall not apply to sections of this chapter, which define automatic discharge from the department, except where reference is made to this section. (Ord. 2018-05, passed 12-20-2018)

§ 31.26 ATTENDANCE.

(A) Any member who does not respond to at least 33% of the department functions (meetings, trainings, calls, after hours makeup details) during the year shall have their member status reviewed by the officers unless excused by the Fire Chief, Assistant Chief, Training Officer or Rescue Captain. Absence of over 67% is grounds for member status revocation. Voting privileges can be suspended for absence of more than one third of department functions. Sickness in the family, work, or out of town shall excuse members from drills providing such excuse has been submitted to the department by the member and is acceptable to the Fire Chief.

(B) All members shall be required to attend 50% of all training sessions and meetings unless they have a reasonable excuse (as defined above) in addition to calls. All members are encouraged to attend all non-departmental continuing education provided by the State of Minnesota, Ottertail County, or neighboring departments/agencies as well as community and area events where Ottertail Fire and Rescue Department presence is required.

(C) Any member may resign from the department upon written application to the Fire Chief. All department property must be returned at that time.

(D) Reinstatement: any member who has resigned in good standing may apply to the Fire Chief for re-admission to the department and brought before the members to vote back into the department.

(E) All members must abide by all rules outlined above in order to receive good standing faith credit for the previous year of service (i.e. to receive retirement credit for the year). (Ord. 2018-05, passed 12-20-2018)

§ 31.27 OFFICER QUALIFICATIONS AND ELECTION OF OFFICERS.

The officers of the Ottertail Fire and Rescue Department shall consist of one Fire Chief, two Assistant Chiefs, two Training Officer, Rescue Captain and one Secretary. All positions shall be nominated anonymously by the active members of the department and voted upon by the members.

(A) No member of the Ottertail Fire and Rescue Department shall be eligible to hold the Office of Fire Chief until they have served five years in the fire service and four consecutive years as an active member of the Ottertail Fire and Rescue Department.

(B) No member of the Ottertail Fire and Rescue Department shall be eligible to serve as Assistant Chief until they have served four years in the fire service and three consecutive years as an active member of the Ottertail Fire and Rescue Department.

(C) No member of the Ottertail Fire and Rescue Department shall be eligible to serve as Training Officer until they have served three years in the fire service and two consecutive years as an active member of the Ottertail Fire and Rescue Department.

(D) No member of the Ottertail Fire and Rescue Department shall be eligible to serve as Secretary until they have served one year as an active member of the department, is qualified and elected by the active members of the department.

(E) No member of the Ottertail Fire and Rescue Department shall be eligible to serve as Rescue Captain until they have served two years in the fire/rescue service and have served one year as an active member of the department, is fully certified and elected by the active members of the department.

(F) The elected officers of this organization shall consist of, a Fire Chief, Assistant Chief(s), Training Officer(s), Rescue Captain and Secretary.

(G) The election of officers of this organization shall be bi-annually. Nominations for elected positions shall be made at the October business meeting. The election shall be by secret ballot. It shall

be held during the business meeting night in November. Results presented to the department for approval by present Fire Chief. Those elected shall assume their office on the business meeting night in January. All officer terms shall serve two years.

(H) All officers shall be elected by majority of members present at the regular meeting. No officer shall hold more than one elected position.

(I) All active and level II probationary members shall be eligible voters.

(J) The City of Ottertail, nor the active members of Ottertail Fire and Rescue Department shall not appoint as Fire Chief any person that has not been nominated and elected by the fire department. Upon refusal of the city to appoint the Fire Chief recommended by the Fire Department, the office shall be declared vacant as defined in § 31.28(B) and another election shall be held on the next regular fire department meeting.
(Ord. 2018-05, passed 12-20-2018)

§ 31.28 DUTIES OF THE OFFICERS.

(A) *Fire Chief.*

(1) The Fire Chief shall schedule and preside at all meetings of the department. He/she shall preserve order and shall conduct all meetings in conformity with these bylaws. He/she shall order all disbursements of funds. He/she shall appoint all committees and perform all other duties commonly belonging to this office. It shall be the duty of the Fire Chief to appoint an auditing committee, consisting of three active members and the Secretary, to examine all books annually. They shall make their report in writing, signed by each member of the committee, to the department at the annual meeting (TBD).

(2) The Fire Chief shall have full charge of all apparatus, equipment and the building or part of building in which such apparatus is housed. He/she shall be in the sole charge of this department. Members shall take orders from no other than the Chief or his/her delegated representative(s). The Fire Chief shall be responsible for the efficiency of any and all apparatus used by this department. He/she shall conduct personal inspection of all apparatus at least once a month, to insure all means of combating fires are at their highest efficiency. He /she shall communicate such information, facts, and remarks as the interest of the Department may require. At each regular meeting, and special meetings called for this purpose, the Fire Chief shall conduct, or have conducted, practice drills or training classes covering the handling of pumps, hoses, ladders, hookups, rescue, salvage, ventilation, inspections, fire prevention and other information subjects that are of value to firemen and rescue personnel. The Fire Chief shall appoint all fire ground leaders, pump operators, hose-person, drivers and/or make such other appointments, as he/she may deem advisable for the efficient operation of the department. The Fire Chief

shall have the authority to make mutual aid agreements with other departments in the surrounding areas. Any officer has the authority to order department apparatus to the aid of other departments upon request of said department. In the event that the fire department and/or apparatus responds to a call from another nearby area, it shall be the duty of the Fire Chief to make arrangements or provisions for suitable temporary protection for his own community.

(B) *Assistant Chief(s)*. The Assistant Chief(s) shall assist the Fire Chief. In the absence of the Fire Chief, he /she shall perform all duties of that office. If the office of the Fire Chief is at any time declared vacant, he/she shall become successor to the Chief for the remainder of the term in office or until his successor is elected. It shall be the duty of the Assistant Chief(s) to see that all meetings and drills and other department business are conducted in conformity with these bylaws. The Assistant Chief(s) shall report to the Fire Chief at fires and drills and shall assist him at all his duties. In the absence of the Fire Chief, he/she shall be in charge at fires and drills.

(C) *Secretary*. The Secretary shall keep a true and accurate account of the proceedings of every meeting in a book provided for that purpose which shall be open for inspection by any member; secretary shall assist in the examination and auditing of all books and accounts belonging to the department; secretary shall in case he/she cannot attend any meetings, deliver to his/her successor in office all books, papers, and all other property in their possession pertaining to this office. He/she shall attend to department correspondence and perform all other duties commonly belonging to the office of secretary.

(D) *Training officer(s)*. The training officers shall be nominated by the department and elected by the department. They shall schedule monthly training exercises and record attendance in the training log. The Fire Chief must certify him/her.

(E) *Rescue Captain*. The Rescue Captain shall be nominated by the department and elected by the department. They shall supervise and direct the delivery of skilled emergency and non-emergency services in a variety of areas including emergency medical and rescue operations, advanced medical assistance, mentoring, training, quality improvement, public education and other duties as assigned. (Ord. 2018-05, passed 12-20-2018)

§ 31.29 DUTIES OF MEMBERS.

(A) Every member, at the alarm of fire or rescue, shall promptly respond to the alarm following the traffic laws of the State of Minnesota. One should remember that the State of Minnesota does not allow emergency vehicles to violate traffic laws. This applies to driving Department vehicles or personal vehicles. Upon arrival at the fire, every member shall check in with the incident commander, register his or her presence with the incident commander, and assist in any work assigned by the incident commander. He/she shall not leave the fire ground without checking out with the Incident Commander.

(B) On orders to pick-up at fires, all members present shall assist in breaking, draining and loading of lines and replacing the equipment on the apparatus. They shall report back to the firehouse, answer roll call, and help put the apparatus in condition for the next run.

(C) Any member appearing at a fire, drill, meeting or going into the fire station appearing to be under the influence of alcohol or a controlled substance shall be reprimanded and/or expelled in accordance with § 31.27.

(D) Any member being disorderly toward an officer at a fire or while on duty, shall be reprimanded and expelled from the scene. The department may direct in accordance with § 31.27.

(E) Any member bringing any person into the fire station shall be held responsible for any act that person may commit.

(F) Every member of the department shall be provided with a copy of this chapter. Acknowledgement of receipt shall be signed and returned to the Chief.

(G) In order that this department may function efficiently, the following rules and regulations shall be observed, and it shall be the duty of all active members to know them:

(1) It shall be the first duty of all members to give strict obedience to the lawful orders of their elected and appointed officers.

(2) All work at fires or drills shall be done in a confidential and orderly manner.

(3) The following shall be the chain of command: Fire Chief, Assistant Chief, or designated Incident Commander.

(4) The following shall be the chain of command on Rescue Call: Fire Chief, Rescue Captain, Assistant Chief or designated Incident Commander.

(5) It shall be the duty of any qualified active member of the Ottertail Fire and Rescue Department to drive the equipment to fires and rescue calls. The first qualified member reaching the fire station shall drive the equipment to the fire and operate the pumps until relieved by the truck captain, or (in his absence) the operator on duty shall be responsible for checking on all small equipment on the apparatus and see that none is left at the fire or lost.

(6) It shall be the duty of the hose team to handle all hose lines and to extinguish fires with the least possible water damage. They shall connect hoses to the apparatus; stretch hose lines and handle the nozzles. It shall be their duty to learn and practice the best methods of performing their special tasks.

(7) It shall be the duty of the ventilation team to make rescues and to open and ventilate burning building and conduct salvage operations.

(8) The officer in charge at a fire shall fill out a report on each fire or rescue call on the form provided for this purpose, immediately after returning to the fire station. The report shall state date,

times, address, owner, occupant, and extent of damage, probable cause of fire, how extinguished, number of firefighters' present. From this report, a discussion of the fire shall be held at the next regular meeting.

(9) It shall be the duty of the Fire Chief to see that the information in the fire report, if required, is reported and available to the proper authorities. Any member ordered to remain at the fire hall shall be entitled to compensation the same as members at the scene of the incident.

(10) Each member of the fire/rescue department shall be responsible for his/her turnout gear and any other equipment used by him/her. And shall return all fire/rescue department property to its proper place. All members having been issued firefighting clothing are required to wear such clothing (full structure gear) at all incidents. Wild land gear if issued may be worn for wild land fires.

(11) The Chiefs may from time to time appoint certain members of the department to care for the apparatus for a certain period of time. All members assigned to this detail shall inspect the equipment as ordered by the Chiefs.

(12) No member of this department, except an officer acting on orders of this department (or Chief) shall disclose to any person, not a member of this department, business or other discussion which takes place at official functions of this department. Any member divulging disclosures that are deemed detrimental to the good of the department shall be subject to expulsion in accordance with § 31.25, or township liabilities.

(13) Each member of the Ottertail Fire and Rescue Department is expected to conduct him/herself, in act, deed or official colors to not bring discredit or adverse criticism on the department or the township board. Said member can and will be dismissed from the department by the Fire Chief and or Assistant Chief in accordance with § 31.28(A) and (B).

(14) Members are strongly encouraged to attend all Ottertail County Association meetings and funerals of fellow firefighters, active and honorary.
(Ord. 2018-05, passed 12-20-2018)

§ 31.30 QUORUM, AMENDMENTS AND DISSOLUTION.

(A) One-third of the active members of the department shall constitute a quorum, and in all transactions not otherwise provided for, a majority of present votes shall govern.

(B) This chapter may be amended by vote of two-thirds of the Ottertail Fire Department active members present at any regular meeting. Amendments will be approved by the City Council at its next regular meeting upon passage.
(Ord. 2018-05, passed 12-20-2018)

§ 31.31 HONORARY MEMBERS.

(A) There shall be established an honorary list of retired firefighters/rescue personnel with the requirement for the same established by vote of the membership. Those persons shall become honorary members and will be entitled to attend all fire department social events.

(B) Retired/honorary members are those who have acquired ten years of service to the Ottertail Volunteer Fire and Rescue Department or have become disabled and unable to actively serve on the department. He/she shall be considered for honorary membership with the approval of the active membership.

(C) The Fire Chief shall notify any member forced to leave the department due to sickness or accident that he/she is entitled to honorary membership if he/she desires.

(D) Upon special emergencies, honorary members that are willing and able may be called upon to assist in emergency management such as, traffic control, water truck operating, filling air packs, rehab efforts for the active personnel on site, etc.
(Ord. 2018-05, passed 12-20-2018)

Section

- 32.01 Policy and purpose
- 32.02 Definitions **CHAPTER 32: EMERGENCY MANAGEMENT**
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§ 32.01 POLICY AND PURPOSE.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of the city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

(A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters (Emergency Operation Plan adopted 6-29-2011);

(B) To provide for the exercise of necessary powers during emergencies and disasters;

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

(D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 32.02 DEFINITIONS.

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

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as ***CIVIL DEFENSE*** functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and

control of the Council. The emergency management organization shall conform to and be consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 C.F.R. part 201, as it may be amended from time to time.

§ 32.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Fire Chief (herein, called “Director”) shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city’s emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting and training of emergency management personnel, which may be required on

a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 32.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days, except by or with the consent of the Council. Any order, or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk-Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 32.99

§ 32.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance and safeguarding of essential public services, emergency health, fire and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health and welfare in declared emergencies.

(B) Every resolution of the emergency operations plan shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk-Treasurer. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk-Treasurer's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.37, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids and requirement for bids.

Penalty, see § 32.99

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

§ 32.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions or conduct other than official acts of city employees or officers is guilty of a misdemeanor.