

TITLE 1

ADMINISTRATION

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CHAPTER 1

OFFICIAL CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations
- 1-1-5: Policy

1-1-1: **TITLE:** Upon adoption by the City Council, this city code is hereby declared to be and shall hereafter constitute the official city code of Andover. This city code of ordinances shall be known and cited as the *ANDOVER CITY CODE* and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the city as provided in Section 1-1-3 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. (2003 Code)

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of the state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this title. (2003 Code)

1-1-3: **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 City Clerk, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this city code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the city code. (2003 Code)

1-1-4: **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. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the City Clerk when directed so to do by order of the City Council. (2003 Code)

1-1-5 **POLICY:** For those rural lots originally intended to be 2.5 acres, but upon development resulted in less than 2.5 acres but at least 2.375 acres are, for the purpose of application of the City Code, considered to satisfy the 2.5 acre requirement. (Ord. 396, 8/4/10)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:**

- A. Ordinances Repealed And Ordinances Saved From Repeal: All general ordinances of the city passed prior to the adoption of this city code are hereby repealed, except such as are included in this city code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing and naming streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances.
- B. Limitations On Repeal: The repeal of the ordinances, as provided in Subsection A of this section, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded. (2003 Code)

- 1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this city code or by virtue of the preceding section, excepting as the city code may contain provisions for such matters, in which case, this city code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2003 Code)

1-2-3: **COURT PROCEEDINGS:**

- A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, 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. Extend To All Repeals: 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. Current Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this city code. (2003 Code)

1-2-4: **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. (2003 Code)

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:**

- A. Whenever any word in any section of this city code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this city code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this city code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. 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 "subsection" 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. (2003 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

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

CITY: The City of Andover, County of Anoka, State of Minnesota.

CODE: The City Code of the City of Andover.

COUNCIL: Unless otherwise indicated, the City Council of the City of Andover.

COUNTY: The County of Anoka, State of Minnesota.

EMPLOYEES: Whenever reference is made in this code to a city employee by title only, this shall be construed as though followed by the words "of the City of Andover".

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

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

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

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

OFFICERS: Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words "of the City of Andover".

OPERATOR: The person who is in charge of any operation, business or profession.

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

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title

to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

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

RIGHT-OF-WAY: The privilege of the immediate use of the roadway or other property.

STATE: The State of Minnesota.

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

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

WHOLESALE DEALER AND

WHOLESALE DEALER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING:

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (2003 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2003 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: GENERAL PENALTY¹ :

- A. Violation; Penalties: Violation of a provision of this code is a misdemeanor and, upon conviction thereof, a person may be punished by a fine of not more than one thousand dollars (\$1,000.00), or such other amount set by law, or imprisonment for a term not to exceed ninety (90) days, or such other term set by law, or both, but in either case, the costs of prosecution may be added. Each act of violation and each day on which a violation occurs or continues is a separate violation.
- B. Definition Of Misdemeanor And Petty Misdemeanor: A "misdemeanor" is an offense or crime that the City Council is empowered to punish with a fine or imprisonment; a "petty misdemeanor" is as defined by law. (2003 Code)

1-4-2: APPLICATION OF PROVISIONS:

- A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this city code the same as though it were a part of each and every separate section.
- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this city code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this city code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2003 Code)

1-4-3: LIABILITY OF OFFICERS: No provision of this city code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2003 Code)

CHAPTER 5

CITY COUNCIL RULES AND PROCEDURES

SECTION:

- 1-5-1: Meetings
- 1-5-2: Presiding Officer
- 1-5-3: Minutes
- 1-5-4: Order of Business
- 1-5-5: Quorum And Voting
- 1-5-6: Ordinances, Resolution, Motions, Petitions And Communications
- 1-5-7: Committees
- 1-5-8: Suspension Or Amendment of Rules

1-5-1: MEETINGS:

- A. Regular Meetings: Regular meetings of the City Council shall be held on the first and third Tuesdays of each calendar month at seven o'clock (7:00) P.M. Any regular meeting falling upon a holiday shall be rescheduled at the convenience of the City Council. All meetings shall be held at City Hall or at another public location as designated by the City Council. (Amended Ord. 243, 11-4-1997; amd. 2003 Code)
- B. Special Meetings: Special meetings of the Council may be called by the Mayor or any two (2) members of the City Council by writing filed with the City Clerk. At least one day before the meeting, the City Clerk shall notify each member of the time, place and purpose of the meeting by causing written notice thereof to be delivered to each City Council member personally or, if the City Council member cannot be found, by leaving a copy at the home of the member with some person of suitable age and discretion. Special meetings may be held without prior written notice when all City Council members are present at the meeting or consent thereto in writing. Such consent shall be filed with the City Clerk prior to the beginning of the meeting. Any special meetings attended by all the City Council members shall be a valid meeting for the transaction of any business that may come before the meeting.
- C. First Meeting In January: 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 an Acting Mayor from the City Council who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city, or until a successor has been appointed and qualifies; and
 4. Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.
- D. Open Meetings: All City Council meetings, including special and adjourned meetings, shall be open to the public. (Amended Ord. 243, 11-4-1997)

1-5-2: PRESIDING OFFICER:

- A. 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 shall call the meeting to order and shall preside until the City Council members present at the meeting choose one of their number to act temporarily as presiding officer.
- B. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the City Council shall be conducted in accordance with Robert's Rules of Order Revised.
- C. Any member may appeal to the City Council from a ruling of the presiding officer. If the appeal is seconded, the member may appeal once solely on the question involved, and the presiding officer may explain his/her ruling; but no other City Council member shall participate in the discussion. The appeal shall be sustained if it is approved by the majority of the members present exclusive of the presiding officer.
- D. The Mayor or other such member of the City Council as may be presiding may move, second and debate from the chair. The presiding officer shall not be deprived of any of the privileges of a City Council member by reason of his/her acting as the presiding officer. (Amended Ord. 243, 11-4-1997)

1-5-3: MINUTES:

- A. Minutes of each City Council meeting shall be kept by the City Clerk or his/her designee. In the absence of both, the presiding officer shall appoint a secretary to keep minutes.
- B. Ordinances, resolutions, and claims need not be recorded in full in the

minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the meeting minutes.

- C. All City Council meetings shall be tape recorded, and the recorded tapes of each meeting shall be retained in the City Clerk's office for public review for a period of six (6) months from the date of the meeting; except that tape recordings of Minnesota Statutes Chapter 429 proceedings shall be retained for three (3) years.
- D. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies thereof shall be delivered to each City Council member as soon as practicable after the meeting. The minutes shall include all motions, resolutions, votes and reasons given for the decisions. In addition, any important legal information on the subject should be recorded. If any member of the City Council chooses to have any additional comments recorded, he/she should request this at the time the comment is made. At the next regular City Council meeting following such 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 the proposed additions or corrections, they may be made without a vote from the City Council. If there are no additions or corrections, the minutes shall stand approved. Minutes of all City Council meetings shall be posted at the City Hall for public review. (Amended Ord. 243, 11-4-1997)

1-5-4: ORDER OF BUSINESS:

- A. Order Established: Each meeting of the City Council shall convene at the time and place appointed therefore. City Council business shall be conducted in the following order:
 - 1. Call to order.
 - 2. Pledge of Allegiance.
 - 3. Resident forum.
 - 4. Agenda approval.
 - 5. Approval of minutes.
 - 6. Consent items.
 - 7. Discussion items.
 - 8. Staff items.
 - 9. Mayor/council input.
 - 10. Adjournment.
- B. Variations: The order of business may be varied by the presiding officer or upon City Council motion, but all public hearings shall be held at the time

specified in the notice of hearing.

- C. Agenda: An agenda of business for each regular City Council meeting shall be prepared by the City Clerk and filed in the office of the City Clerk not later than eight (8) days preceding the meeting. An agenda item will be considered only if the City Council has been given the information or report for the item prior to the meeting date, unless the item is of an emergency nature. The agenda shall be prepared in accordance with the order of business, and copies thereof shall be delivered to each council member at least four (4) days in advance of the next regular City Council meeting. No item of business shall be considered unless it appears on the agenda for the meeting, but the City Council may, at its discretion, consider matters not appearing on the agenda. (Amended Ord. 243, 11-4-1997; amd. 2003 Code)

1-5-5: QUORUM AND VOTING:

- A. Quorum: At all City Council meetings, the majority of all the City Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. (Amended Ord. 243, 11-4-1997; amd. 2003 Code)

B. Voting:

1. The votes of the members of any question pending before the City Council may be voice vote, standing vote, or in any other manner of voting which signifies the intention of the members, and the names of those voting for and against the question shall be recorded in the minutes. If any member being present does not vote, the minutes, as to his/her name, shall be marked "Present-Not Voting".

2. A majority vote of all members of the City Council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases. (Amended Ord. 243, 11-4-1997)

1-5-6: ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS:

- A. Presentation And Recording: Every ordinance and resolution shall be presented in writing. All motions shall be recorded in the minutes and stated in full before they are submitted to vote by the presiding officer. All petitions and other communications addressed to the City Council shall be in writing and shall be read in full upon presentation to the City Council. They shall then be recorded in the minutes by title and filed with the minutes in the office of the City Clerk.

- B. Signatures And Proof Of Publication Required: Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk and filed. Proof of publication of every ordinance shall be attached to and filed with the ordinance.
- C. Amendments And Repeals: Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and title of the ordinance or resolution to be repealed in whole or in part. No ordinance, resolution or subdivision thereof shall be amended by reference to the title alone, but such amending ordinance or resolution shall set forth in full each section or subdivision to be amended. (Amended Ord. 243, 11-4-1997)

1-5-7: COMMITTEES: Committees of the City Council shall be of two (2) types, standing and special.

- A. Standing Committees: Standing committees shall be permanent and shall be appointed by the Mayor with the advice and consent of the City Council at the first regular meeting of the City Council each year. Each standing committee shall consist of two (2) members of the City Council, and the chairperson of each committee shall be designated by the Mayor. Each standing committee member shall serve as appointed unless excused by a majority of the members of the City Council. The City Council may appoint a number, not to exceed three (3) additional persons (not members of the City Council), to work with and advise each standing committee. The standing committees and their functions are:

1. Finance Committee: Shall have under its cognizance in an advisory capacity matters relating to budget, audit, licenses, assessments and such other matters as may be referred to it.

2. Personnel Committee: Shall have under its cognizance in an advisory capacity matters involving the administrative structure relating to form, organization, staff responsibilities, duties, and to advise the City Council on matters relating to the establishment of training opportunities, fringe benefits and such other matters as referred.

- B. Special Committees: Special committees shall be appointed, as the need arises, to carry out a specified task, at the completion of which, that is, on presentation of a special report to the City Council, it automatically ceases to exist. A special committee should not be appointed to perform a task that falls within the assigned function of an existing standing committee. Special committees shall be appointed by the Mayor, with the advice and consent of the City Council, as the need arises. The chairperson of each committee shall be designated by the Mayor. Such committees shall consist of as many members and perform such duties as the City Council may require.

C. Reports And Recommendations: Any matter brought before the City Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him/her for a written report and recommendation before it is considered by the City Council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the City Clerk prior to the City Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it. (Amended Ord. 243, 11-4-1997)

1-5-8: SUSPENSION OR AMENDMENT OF RULES: These rules, or any of them, may be temporarily suspended by a majority vote of all of the City Council members, and shall not be repealed or amended except by a majority vote of the whole City Council after notice has been given at some preceding City Council meeting. (Amended Ord. 243, 11-4-1997)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

SECTION:

- 1-6-1: Salaries Of Mayor and Council Members
- 1-6-2: City Administrator
- 1-6-3: City Clerk And City Finance Director/Treasurer; Annual Audit

1-6-1: SALARIES OF MAYOR AND COUNCIL MEMBERS:

- A. Mayor: The salary of the Mayor of the City of Andover shall be nine thousand five hundred dollars (\$9,500.00) annually.
- B. Council Members: The salaries of the Council Members of the City of Andover shall be seven thousand five hundred dollars (\$7,500.00) annually.
- C. Effective Date Of Salaries: The salaries established in this section shall become effective on January 1, 2003. (Ord. 209B, 5-17-2002)

1-6-2: CITY ADMINISTRATOR:

- A. Position Established: The position of City Administrator is hereby established providing for the Administrator to be the chief administrative officer of the city. (Ord. 216, 3-17-1998; amd. Ord. 299, 8-17-2004)
- B. Position Summary:
 - 1. Directs and manages all city operations as delegated by the City Council within the parameters of state statute and city policy to ensure the effective and efficient operation of all city departments through a subordinate department head structure.
 - 2. Serves as primary liaison with the City Council to inform them of relevant projects and issues.
 - 3. Recommends policy changes and communicates Council decisions to appropriate city staff.
 - 4. Guides the development and implementation of departmental management, human resource and labor relations policies and practices.

5. Serves as the city's key representative in cooperative efforts with other governmental or private entities.
6. Responds to citizen questions and complaints either directly or through appropriate personnel.
7. Reports to and serves at the discretion of the elected Mayor and Council.
8. Exercises supervisory authority over all city employees, through a departmental structure.
9. Oversees all hiring, promotion, and termination recommendations as well as rewards, discipline, grievances, training, performance appraisal and other employment conditions.
10. Directs and oversees the development of the annual city budget and periodically monitors revenues and expenditures against approved budgets to ensure the soundness of city finances.

C. Major Areas Of Accountability:

1. Supervise directly or indirectly all personnel of the city, making recommendations to the City Council regarding employment and dismissal; budgeted temporary personnel may be hired and discharged by the City Administrator.
2. Administer personnel matters for the city consistent with the city personnel policy; develop and issue administrative rules, policies and procedures necessary to ensure the proper functioning of all departments.
3. Negotiate or delegate the negotiation of terms and conditions of employee labor contracts for presentation to the City Council.
4. Inform the City Council on matters dealing with administration of the city and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure (personnel policy). (Ord. 216, 3-17-1998)
5. Attend and participate in all meetings of the City Council; coordinate the preparation of the City Council, Planning and Zoning Commission and Park and Recreation Commission agendas; recommend to the City Council such measures as deemed necessary for the welfare of the citizens and the efficient administration of the city; may attend at own discretion or at the direction of the Council, other committee and commission meetings.

6. Represent the city at functions as directed by the Council; maintain good public relations with the citizens of the community.
7. Consult with officials of both public and private agencies as may be required, while maintaining knowledge of federal, state and county programs which affect the city.
8. Oversee the preparation of annual fiscal budget and capital improvement plan; maintain financial guidelines for the city within the scope of the approved budget and capital improvement program; ensure reports are submitted to the Council on the financial condition of municipal accounts, and ensure the annual financial statement is prepared in accordance with Minnesota Statutes. (Ord. 216, 3-17-1998; amd. 2003 Code)
9. Supervise the purchasing function of the city by ensuring all purchases are in accordance with approved municipal budgets; has the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed one thousand dollars (\$1,000.00); present to the City Council all claims resulting from orders placed by the city for Council audit.
10. Negotiate or delegate contract negotiation responsibilities for any kind of merchandise, materials, equipment or construction work for presentation to the City Council.
11. Coordinate municipal programs and activities as directed by the Council; monitor all consultant and contract work performed for the city; coordinate the activities of the City Attorney.
12. Take an oath of office; be bonded at city expense with a position bond to indemnify the city.
13. Perform such other duties as prescribed by law or required by ordinance or resolution adopted by the Council and as apparent or assigned. (Ord. 216, 3-17-1998)

D. Background And Experience:

1. Bachelor's degree (Master's degree preferred) in public or business administration, finance, economics or related field and ten (10) years' experience in municipal government administration with at least five (5) years in a responsible management position.
2. Considerable knowledge of municipal government operations,

procedures, public relations, finances, purchasing and all administrative requirements for proper municipal operation; have knowledge of or access to all laws affecting the city.

3. Have the ability to provide harmonious relations with municipal employees and the general public; have the ability to plan development, to collect material and analyze for reporting and to conduct and implement standards of procedure, operation and organization.

4. Excellent oral and written communication skills. (Ord. 216, 3-17-1998; amd. 2003 Code)

E. Appointment; Term Of Office; Removal: The Administrator shall be chosen by the City Council solely on the basis of training, experience and administrative qualifications. The City Administrator shall be appointed "at will" by a majority of the City Council and may be removed from office only by a majority of the City Council, in accordance with the terms of the Administrator's employment contract. (Ord. 299, 8-17-2004)

**1-6-3: CITY CLERK AND CITY FINANCE DIRECTOR/TREASURER;
ANNUAL AUDIT:**

A. Offices Created: The offices of the City Clerk and City Finance Director/Treasurer are hereby created.

B. Duties And Responsibilities: The duties and responsibilities of the City Clerk and City Finance Director/Treasurer shall be those duties and responsibilities required by state law and as explained in their respective job descriptions.

C. Annual Audit: The Council shall provide for an annual audit of the city's financial affairs by the State Auditor or a public accountant in accordance with the procedures prescribed by the State Auditor. (Ord. 211, 3-18-1997; amd. 2003 Code)

CHAPTER 7

REVENUE AND FINANCE

SECTION:

- 1-7-1: Deferral Of Special Assessments For Seniors And Retired Disabled Homeowners
- 1-7-2: Lower Rum River Watershed Management Tax District
- 1-7-3: Permit Fees, Service Charges, And Penalties

1-7-1: DEFERRAL OF SPECIAL ASSESSMENTS FOR SENIORS AND RETIRED DISABLED HOMEOWNERS:

- A. Legislative Authority: Pursuant to Minnesota Statutes Section 435.193, the City Council may defer special assessments levied against the homestead property of a senior citizen or retired disabled homeowner for whom it would be a hardship to make the annual payments. The City Council will act on all deferral requests once an application, as set forth in Subsection B of this section, has been completed.
- B. Eligibility For Deferral; Application:
 - 1. Any person sixty five (65) years of age or older or retired due to total or permanent disability may apply for a deferral of special assessments, provided the following conditions are met:
 - a. Homestead: The property being assessed must be the applicant's principal place of domicile. The classification of the property as homestead on the county's tax rolls combined with the applicant's name being shown as owner shall be considered adequate proof that the property is the applicant's homestead.
 - b. Annual Income: The applicant's income for the year preceding the year in which the application for deferment is made shall be as set by Council resolution.
 - 2. The application, in a form to be prescribed by the city, shall be completed and filed with the City Clerk, who will verify that the applicant meets the above conditions. Any additional forms required by the county for recording the deferral shall also be completed.
- C. Interest On Deferred Assessments: All deferred assessments shall be subject to and charged simple interest at the rate established by the City Council in the resolution adopting the assessment roll. This interest shall

accrue over the life of the assessment. No interest shall accrue past the date at which the assessment would have been fully paid if not deferred.

D. Termination Of Deferral Status:

1. Special assessments deferred pursuant to the eligibility requirements set forth herein shall terminate and become payable, together with accumulated interest, upon the occurrence of any one of the following events:

a. Transfer Of Ownership: The property is sold, transferred, subdivided or in any way conveyed to another by the individual for whom the deferral was granted.

b. Death Of Owner: The death of the owner qualified for the deferral, unless a surviving joint tenant or tenant in common is eligible for the deferral benefit provided herein.

c. Loss Of Status: The property loses its homestead status for any reason.

d. No Hardship: The City Council determines that there would be no hardship to require an immediate or partial payment.

1. It shall be the duty of the applicant, his/her heirs or legal representative to notify the City Clerk of any event that may affect eligibility for deferment.

2. At the time of termination of the deferral, the City Council may provide for payment of the deferred amounts in installment payments in accordance with the original terms of the special assessments. (Amended Ord. 101, 8-18-1992)

1-7-2: LOWER RUM RIVER WATERSHED MANAGEMENT TAX DISTRICT:

A. Background And Purpose: The Minnesota State Legislature has recognized the need for surface water management programs to preserve and use natural water storage and retention systems and to construct storm sewer systems for the collection and disposal of storm water. Recognizing that water does not follow political boundaries, the legislature authorized municipalities to establish separate tax districts following watershed boundaries for the purpose of paying the costs associated with the necessary planning and capital improvements for each watershed area. The Lower Rum River Watershed is a "watershed" as defined in Minnesota Statutes Section 103B.205, Subdivision 11 and covers a portion of the city. (Ord. 257, 5-4-1999)

B. District Established: Pursuant to Minnesota Statutes Sections 444.17 and 103B.245, the Lower Rum River Watershed Management Tax District is hereby established. This district shall include all of the property in the city within the legally described area as stated in the exhibit attached to ordinance 257 and on file in the office of the City Clerk for public use and inspection. (Ord. 257, 5-4-1999; amd. 2003 Code)

C. Use Of Revenues:

1. All tax levies collected within the Lower Rum River Watershed Management Tax District shall be used only for the following purposes:

- a. Water management planning and regulation;
- b. Capital costs of water management facilities;
- c. Maintenance and repair of water management facilities; and
- d. Incidental costs associated with the purposes stated above.

2. All tax levies shall be used only for those purposes that benefit property within the district. (Ord. 257, 5-4-1999)

1-7-3: PERMIT FEES, SERVICE CHARGES, AND PENALTIES: The following permit fees and service charges are hereby established for the year 2017. (Ord. 446, 12-16-14)

Administration:

Administrative Fee: (non project related activity)	15% of total charges for overhead costs
Advertising: Ice Arena Wall Banner – 4x8 Wall Banner – 8x8 Dasher Board – 3x8 In Ice Ad Zamboni – side panel Scoreboard – lighted Scoreboard – non-lighted Field House Wall Banner – 4x8 Wall Banner – 8x8 Scoreboard – 2x8 Parks Fence Banner	 \$600.00 per year \$1,000.00 per year \$500.00 per year \$1,200.00 per year \$600.00 per year \$1,000.00 per year \$750.00 per year \$600.00 per year \$1,000.00 per year \$350.00 per year \$240.00 per a two year sign agreement
Approval/Recording of Deeds: Abstract & Torrens Properties	\$100.00
Bad Check Fee:	\$30.00
Canvasser/Solicitor License:	Investigation Fee \$25.00 per individual – 30 day license (Ord 352: 8-7-07)
City Publications: Budget Financial Statements Comp Plan	\$25.00 \$25.00 \$25.00
Convenience Fee – Online Permits	3.95% plus \$2.00 (rounded up to the nearest dollar)
Copies: (per sheet) Up to 8 1/2” x 14” Oversize 18”x24” 24”x36” Larger Sizes Surveys Surveys Requested by Owner	\$0.35 \$0.50 \$3.00 \$4.00 \$7.00 \$3.00 \$1.25

City Code-paper copy	\$50.00
Dog Licensing:	
Yearly License	\$6.00 per year
Commercial Kennel (more than 3 dogs)	\$380.00 Includes mailing labels
Commercial Kennel Recording Fees	
Abstract and Torrens	\$100.00
Private Kennel (more than 3 dogs)	\$200.00 Includes mailing labels
Annual Kennel Renewals	\$25.00
Facility Use Fees:	
Sunshine Park Gazebo Rental	\$30.00 per 4 hour period
Non-Profit/Service Organizations	N/C weeknights after 4:30 p.m. Monday - Friday
Sunshine Park Conference Room	
Non-Profit/Service Organizations	\$100.00 refundable key/damage/maintenance deposit
For-Profit Organizations/Businesses	\$25.00 + \$100.00 refundable key/damage/maintenance deposit
Sunshine Park Building – Athletic Assns	\$100.00 refundable key/damage/maintenance deposit
City Hall Front Conference Room	\$100.00 refundable key/damage/maintenance deposit
Non-Profit/Service Organizations	\$25.00 + \$100.00 refundable key/damage/maintenance deposit
For-Profit Orgs/Businesses	
Council Chambers	
Non-Profit/Service Organizations	\$100.00 refundable key/damage/maintenance deposit
For-Profit Orgs/Businesses	\$25.00 + \$100.00 refundable key/damage/maintenance deposit
City Hall Lunchroom	
Non-Profit/Service Organizations	\$100.00 refundable key/damage/maintenance deposit
For-Profit Orgs/Businesses	\$25.00 + \$100.00 refundable key/damage/maintenance deposit
Field Lights	\$100.00 refundable key/damage/maintenance deposit
Community Center	
Prime Time Ice Rental	
Weekdays 3:00 p.m. to 10:00 p.m.	\$205.00 per hour
Weekends 7:00 a.m. to 10:00 p.m.	\$205.00 per hour
Non-Prime Ice Rental	\$155.00 per hour
Open Skate	\$5.00 adults \$4.00 students age 18 and under
Prime Time Field House Rental	
Weekdays 3:00 p.m. to 10:00 p.m.	\$52.00 per hour
Weekends 7:00 a.m. to 10:00 p.m.	\$52.00 per hour
Non-Prime Field House Rental	\$42.00 per hour
Open Gym	
Youth	\$4.00 per session
Adult Resident	\$4.00 per session
Adult Non Resident	\$6.00 per session
Helmet Rental	\$2.00
Skate Rental	\$3.00
Skate Sharpening	\$4.00
Meeting Rooms	
½ Room	\$25.00-fee waived for qualified non-profits
Full Room	\$50.00-fee waived for qualified non-profits

False Alarm Fine: (Police & Fire)	
Police	\$75.00 fee upon receipt of third false alarm notice at an address in one calendar year. Each additional false alarm after the third is \$75.00.
Fire	\$150.00 fee upon receipt of third false fire alarm notice at an address in one calendar year. Each additional false fire alarm after the third is \$150.00
Garbage Hauler License:	\$150.00 per year + \$25.00 per truck inspection \$50.00 re-inspections per truck
Horses:	
Boarding & Stable Fee of Stray Horses By City	Per contracted rate + administrative fee
Impoundment of Horses (city ordered)	Per contracted rate + administrative fee
Transportation (trailer rental)	Per contracted rate + administrative fee
Illegal Dumping:	\$50.00 plus the cost of disposal
Interest Charge on Past Due Escrows:	18% annually (if not paid within 30 days of bill date)
Liquor:	
<u>3.2 % Malt Liquor</u>	
Off Sale	\$75.00 per year
On Sale	\$200.00 per year
Temporary On Sale	\$25.00 – 3 day maximum
2:00 a.m. Closing	\$50.00 per year
<u>Intoxicating:</u>	
Sunday Liquor	\$200.00 per year
On Sale Liquor	\$5,250.00 per year
On Sale Wine	\$500.00 per year
Off Sale Liquor	\$200.00 per year
2 a.m. Closing	\$50.00 per year
<u>Liquor Compliance Violations</u>	
1 st Violation	\$750.00
2 nd Violation	\$1,500.00
3 rd Violation	\$3,000.00
4 th Violation	Suspension or revocation
Maps:	
City Maps	\$3.00
Zoning Maps 11"x17" colored	\$4.00
Topographical Maps	\$11.00 per acre
Full Size Color Maps 36"x36"	\$15.00
½ Section / Address Book	\$38.00
Custom GIS Maps	Time and materials
Notary Fee:	\$3.00 per document
Ordinance Violations:	City of Andover, 10 th Judicial District Fine for Ordinance Violations-on file with the City Clerk.
Outdoor Food & Beverage Sales/Temp. Retail Food Establishment:	\$25.00 – 10 day license
Outdoor Party Permit Fee:	\$10.00
Barricades	\$50.00 refundable damage deposit
Outdoor Promotional Fee-Temporary:	\$100.00 per event
Parking Violations:	
Street Obstructions: Golf Carts, Motorized Vehicles, Snowmobiles, ATVs, Off-Highway Motorcycles, Abandoned and Disabled Vehicles	\$50.00 plus any court imposed fees and/or surcharges

Trailer Parking	\$50.00
Peddler License:	\$100.00 – 30 day license
Project Recovery Rate Factor: Engineering Inspection Services City Staff Services (All projects directly related to staff time. All public & private improvement projects.)	2.9 x hourly rate 2.0 x hourly rate
Searches: Special Assessment	\$25.00 each
Therapeutic Massage Establishment **: Single Application Fee Corporate Application Fee Partnership Application Fee Renewal Fee ** Residential Application Requires a Conditional Use Permit	All fees include investigation fee \$200.00 \$300.00 \$300.00 \$150.00
Therapeutic Massage Therapist:	\$175.00 annually
Tobacco License: Admin & Enforcement <u>Tobacco Compliance Violations</u> 1 st Violation 2 nd Violation within 24 months 3 rd Violation within 24 months Individual selling to a minor	\$250.00 \$75.00 \$200.00 \$250.00 in addition to license suspension for not less than 7 days \$50.00
Transient Merchant License:	\$50.00 - 7 day license
Tree Trimmer License: Commercial License Fee	\$50.00 per year
Vehicle Sales License:	\$105.00 per year

BUILDING INSPECTION & PERMIT FEES

BUILDING PERMIT FEES:

Valuation Based Building Permit Fees <i>(Fees are to be based on Building Valuation as determined by current State of Minnesota Building Valuation Data and Building Official)</i>	Building Permit	1997 Uniform Building Permit Fee Schedule as Extracted from the 1997 Uniform Building Code, Table No. 1-A		
	Plan Review	If building valuation exceeds \$1,000 and a plan is required to be submitted, a plan review fee of 65% of the building permit fee must be paid in addition to the building permit fee. <i>(Except as per MN Rules 1300.0160, Subp. 5 for similar plans after the first submittal, a 25% plan review fee may be paid)</i>		
Fixed Fee Building Permits	Agricultural Land Use Permit	\$25.00		
	Basement Finish Permit	\$150.00		
	House Moving Permit	\$150.00		
	Roofing, Siding, Window or Door Replacement Permit	\$75.00		
	Demolition Permit	Single Family Dwelling	\$100.00	
		Two-family Dwelling	\$150.00	
		Residential Garage	\$75.00	
		Agricultural Structures	\$75.00	
Multifamily Structures:		1st Two Units	\$150.00	
	Each Additional Unit	\$50.00		
	Commercial/Industrial	\$250.00		

State Surcharge: State Surcharge must be paid per MN Statutes 326B.148, in addition to the building permit fee.

MECHANICAL PERMIT FEES:

Fixed Fee Mechanical Permits	New Residential Complete HVAC Combination Permit	\$175.00 <i>(Does not include Gas Fireplaces – permitted separately, see below)</i>	
	Existing Residential Repair/Replacement Mechanical Permit	\$75.00 per Fixture <i>(“Fixture” includes: Heating/Air Conditioning Combination, Air to Air Exchanger, Gas Fireplace, Geo-Thermal Heating/Cooling, Boiler, In-Floor Heating & Boiler, Exhaust Fan, Direct Fired Heater, Unit Heater, Heat Pump and other mechanical equipment)</i>	
	Commercial Mechanical Permit	\$75.00 per Fixture or 1.5% of job valuation, whichever is greater <i>(“Fixture” includes: Furnace, Air Conditioning, Air to Air Exchanger, Gas Fireplace, Geo-Thermal Heating / Cooling, Boiler, In-Floor Heating & Boiler, Exhaust Fan, Direct Fired Heater, Unit Heater, Heat Pump, Commercial Hood, Make-Up Air Unit, and other mechanical equipment)</i>	
	Commercial Mechanical Plan Review	10% of permit fee when job valuation exceeds \$50,000	
	Gas Piping Permit - Not Associated With A Fixture	\$75.00 minimum or \$12.00 per gas opening, whichever is greater	

State Surcharge: State Surcharge must be paid per MN Statutes 326B.148, in addition to the building permit fee.

PLUMBING PERMIT FEES:

Fixed Fee Plumbing Permits	New Single Family Residential Plumbing Permit	\$175.00
	Commercial & Residential Plumbing Permit	\$75.00 minimum or \$12.00 per opening or fixture, whichever is greater <i>("Fixture" includes all plumbing fixtures regulated by the Minnesota Plumbing Code; and, "Opening" includes water supply or waste piping installed for a future fixture.)</i>
	Commercial Plumbing Plan Review	Water distribution and drain, waste and vent systems, including interceptors, separators, or catch basins: 26 to 50 drainage fixture units \$250.00 51 to 150 drainage fixture units \$350.00 151 to 249 drainage fixture units \$500.00 250 or more drainage fixture units \$3.00 per drainage fixture unit to a maximum or \$4,000.00
		Interceptor, separator, or catch basin: \$70.00
		Building sewer service only: \$150.00
		Building water service only: \$150.00
		Building water distribution system only, no drainage system: \$5.00 per supply fixture unit or \$150.00 whichever is greater
		Storm drainage system a minimum fee of: \$150.00, or \$50.00 per drain opening, up to a maximum of \$500.00, and \$70.00 per interceptor, separator, or catch basin
		Manufactured home park or campground: 1 to 25 sites \$300.00 26 to 50 sites \$350.00 51 to 125 sites \$400.00 more than
		Water Heater or Water Softener, New or Replacement
	Gas Piping Permit - Not Associated With A Fixture	\$75.00 minimum or \$12.00 per gas opening, whichever is greater
	Landscape Irrigation System Backflow Preventer Installation	\$45.00
State Surcharge: State Surcharge must be paid per MN Statutes 326B.148, in addition to the building permit fee.		

ELECTRICAL PERMIT FEES:

RESIDENTIAL – ONE & TWO FAMILY; TOWNHOMES		
New Residential Electrical Service	Per Living Unit, Includes thirty (30) new circuits and/or feeders per service, and three (3) inspection trips.	\$150.00
Existing Residential Electrical Service	Electrical Service Alteration - Includes one (1) inspection trip. (Work Examples Include: Power Supply/Feeder to Separate Structure/Detached Garage, Electrical Service Upgrade / Repair/ Replacement, Riser/Mast, Meter Socket.)	\$45.00
	New Circuits / Feeders, Remodeling, Additions - Includes all circuits / feeders and two (2) inspection trips. (Work Examples Include: Electrical Panel Change-out, Subpanel Addition, Basement Finish Swimming Pool/Spa, Solar Electric, Remodeling and Additions)	\$90.00
	Replacement or Alteration of Hard-Wired Equipment / Appliance - Includes one (1) inspection trip. (Work Examples Include: Water Heater, HVAC/ Furnace/Boiler, Air Conditioning, Baseboard or Radiant Heat, Pumps, Appliances, Machinery and Equipment)	\$45.00
Residential – Additional Circuits/Feeders		\$8.00 each
Residential – Additional Per Inspection Trip Charges		\$45.00 each
Residential – Electrical Work Without A Permit		Double the Permit Fee

MULTIFAMILY / COMMERCIAL / INDUSTRIAL / INSTITUTIONAL		
New Commercial Electrical Service	Per Individual Service; Includes three (3) inspection trips, but NO CIRCUITS OR FEEDERS are included.	\$150.00
Existing Commercial Electrical Service	Electrical Service Alteration - Includes one (1) inspection trip (Work Examples Include: Power Supply/Feeder to Separate Structure OR Tenant Space, Electrical Service Upgrade / Repair / Replacement, Riser/Mast, Meter Socket)	\$75.00
	New Circuits / Feeders, Remodeling, Additions - Includes two (2) inspection trips, but NO CIRCUITS OR FEEDERS are included. (Work Examples Include Electrical Panel Change-out, Subpanel Addition, Tenant Finish, Swimming Pool/Spa, Solar Electric, Remodeling and Additions)	\$90.00
	Replacement or Alteration of Hard-Wired Equipment / Appliance - Includes one (1) inspection trip. (Work Examples Include: Water Heater, HVAC/ Furnace/Boiler, Air Conditioning, Baseboard or Radiant Heat, Pumps, Appliances, Machinery and Equipment)	\$45.00

Special Commercial Electrical Installations	Multifamily Units With Common Service – Per Apartment or Condominium Unit - Includes one (1) inspection trip. NOTE: 1. Add in one new commercial service above, 2. Add in total number of dwelling units here; 3. Add in total number of circuits below; then 4. Add in total number of expected inspection trip charges below.	\$75.00
	Fire Alarm, Fire Sprinkler Monitoring, Remote Control, Signal Circuit - Less Than 50 Volts Includes all circuits and inspections.	\$45.00
	Traffic Signal -- Includes all circuits and inspections.	\$225.00
	Transformer (Light / Heat / Power) -- includes all circuits and inspections.	\$ 45.00
Commercial – Additional Circuits / Feeders		\$8.00 each
Commercial – Additional Per Inspection Trip Charges		\$45.00 each
Commercial – Electrical Work Without A Permit		Double the Permit Fee

Residential and Commercial Solar Electric / Photo Voltaic Installation Permit Fees <i>NOTE: IN ADDITION TO AN ELECTRICAL PERMIT, A BUILDING PERMIT IS REQUIRED FOR THE INSTALLATION OF A SOLAR ELECTRIC / PHOTO VOLTAIC INSTALLATION</i>	0 watts to and including 5,000 watts	\$90.00
	5,001 watts to and including 10,000 watts	\$100.00
	10,001 watts to and including 20,000 watts	\$150.00
	20,001 watts to and including 30,000 watts	\$200.00
	30,001 watts to and including 40,000 watts	\$250.00
	40,001 watts to and including 1,000,000 watts	\$250.00 and \$25.00 for each additional 10,000 watts over 40,000 watts
	1,000,000 watts to 5,000,000 watts	\$2,650.00 and \$15.00 for each additional 10,000 watts over 1,000,000 watts
5,000,000 watts and larger	\$8,650.00 and \$10.00 for each additional 10,000 watts over 5,000,000 watts	

For the purpose of solar electric/PV permit fees, the watt rating is the total estimated alternating current (AC) energy output of the solar system. The total direct current (DC) energy output is not used.

The solar electric/PV permit fees include inverters, modules, panels, combiners, converters, charge controllers, disconnecting means and electrical conductors between the inverter and the ac panel board for stand-alone solar PV systems, or the conductors between the inverter and the service equipment or other power production, distribution and utilization system, such as a utility system and its connected loads, that is external to and not controlled by the solar PV power system.

In addition to solar electric/PV permit fees, additional inspection fees may be charged on large-scale projects for additional electrical infrastructure between the inverter output circuit and the electrical production and distribution network. Solar electric/PV permit fees must be calculated according to [Minnesota Statutes 326B.37, subd. 2, 3, 4, and 6, paragraphs \(d\), \(f\), \(j\), and \(k\).](#)

State Surcharge: State Surcharge must be paid per MN Statutes 326B.148, in addition to the building permit fee.

ON-SITE SEWAGE TREATMENT SYSTEM PERMIT FEES:

Septic System New or Repair	At Grade System	\$75.00
	Mount or Bed System	\$100.00
	Pumping	\$15.00

CONTRACTOR LICENSE FEES:

	Contractor License Verification Fee	\$5.00
	Contractor License	\$50.00

SITE DEVELOPMENT FEES:

	Grading Inspection Fees: (engineering)	1st & 2nd No Charge 3rd \$75.00 4th \$125.00 5th & subseq. \$150.00
	Escrow Inspection Fee	\$50.00 per inspection
	Plan Check Trees Protection/Inspection	\$65.00

BUILDING DEPARTMENT ESCROWS:

	As-Built Survey	\$500.00
	Grading & Erosion Control	\$1,500.00
	Topsoil, Seed & Mulch 18 ft. wide (Rural lot)	\$0.09 per sq. ft
	Front Yard Sod or Seed (Urban Lot)	\$2,500.00
	Hydro-seeding (in addition to sod escrow)	\$160.00
	Retaining Wall	\$30.00 per sq. ft.
	Driveway (Urban lot)	\$2,000.00
	Driveway Apron (Rural lot)	\$500.00
	Steps	\$100.00 per riser
	Sidewalk	\$4.00 per sq. ft.
	Garage Floor	\$4.00 per sq. ft.
	Trees	\$750.00

RENTAL HOUSING LICENSE FEES:

Single-Family Rental Housing License <i>(SEE ORDINANCE)</i>	Two-Year Rental License & Inspection Fee	\$50.00 per unit
Multifamily Rental Housing License <i>(SEE ORDINANCE)</i>	Two-Year Rental License & Inspection Fee - Structure without fire suppression systems	\$75.00 per licensed unit (except owner occupied)
	Two-Year Rental License & Inspection Fee - Structure with fire suppression systems	\$52.00 per licensed unit (except owner occupied)
Single Family & Multifamily	Re-inspection – Fee Per Valid Complaint	\$50.00 per re-inspection

Engineering

Curb Cut Permit & Secondary Driveway:	\$50.00 permit and \$600.00 refundable deposit. Note: Deposit will be refunded once requirements are inspected and approved.
Driveway-Secondary: Request/Construction	\$600.00 refundable deposit. Note: will be refunded once driveway requirements are inspected and approved.
Hold Harmless/Encroachment Agreement Fee	\$100.00
Fence (Plan Check):	\$30.00
Flood Zone Search/Map:	\$15.00
Illicit Discharge: Grass Clipping Cleanup	\$50.00
Retaining Wall (Plan Check):	\$30.00
Rights-of-Way Permit Fee Structure:	
Annual Registration Fee	\$50.00
Excavation Permit Fee	\$200.00
Per Add'l Excavation (paved area)	\$30.00
Per Add'l Excavation (unpaved area)	\$15.00
Trench Fee	
Underground Utility/Telecom Installation Directional Boring or Tunneling (in addition to excavation permit fee)	\$40.00 per 100 L.F.
Underground Utility/Telecom Installation Open Trenching (in addition to excavation permit fee)	\$55.00 per 100 L.F.
Overhead Utility/Telecom Installation (in addition to excavation permit fee)	\$5.00 per 100 L.F.
Obstruction Permit Fee	\$50.00
Permit Extension Fee	\$55.00
Annual Mapping Fee	\$10.00 per Permit (\$0.00 if in the City format)
Delay Penalty (up to 3 days late) (each day late over 3 days)	\$60.00 Plus \$10.00 per Day
Individual Service Work in the Right-of-Way	\$250.00 annual fee or \$10.00 per service
Per Lot Fee (Can be used as an alternative for new developments)	
	<u>Urban</u> <u>Rural</u>
Connexus Energy	\$31.00 per lot \$35.00 per lot
Reliant Energy	\$39.00 per lot \$60.00 per lot
Qwest	\$24.00 per lot \$40.00 per lot
AT & T	\$34.00 per lot \$47.00 per lot
Special Assessment Costs (Estimated):	See Development Contract Escrows
Street Opening Permit (Sewer & Water):	\$350.00 – Permit & Engineering Inspection
Trail Fee (Bikeway/Pathway):	
Residential	\$807.00 per unit
Internal Trails (New Plats)	Developer's Responsibility
Commercial/Industrial	Developer's Responsibility
Collected pursuant to development contract or Council resolution	
Vacation of Easement	\$150.00 – Includes mailing labels
Recording Fee: Abstract and Torrens	\$100.00

CITY INSTALLED IMPROVEMENTS

Part A of Development Contract

1. Developer's Improvements Costs

- Erosion Control..... \$750.00
 - Tree Protection..... \$750.00
 - Street Sweeping.....\$1,000.00
 - Iron Monuments..... \$100.00 per Lot
 - Grading, Clearing & Grubbing Certification, As-Builts..... Value of Work Not Completed
 - Tree Removal..... \$1,000.00
 - Installation of Street Lights..... Value of Work Not Completed
 - Grading Certification & As-Builts.....\$2,500.00
 - Landscaping Improvements (if required) Value of Work Not Completed
 - Sodding of Boulevard (if required in common areas) Value of Work Not Completed
-
- The estimated engineering, legal, and administrative fees are 15% of the total estimated cost for the developer's improvements.

 - The total Developer's Improvement costs (including engineering, legal, and administrative) are then multiplied by 150% to establish the Developer's Security for the project.

Part B of Development Contract

1. Developer's Improvements Costs

- Streets & Utilities (Based on Developer's estimated construction cost)..... Value of Work

 - Trails/Sidewalks..... Value of Work
-
- The estimated engineering, legal, and administrative fees are 15% of the total estimated cost for the developer's improvements.

 - The total Developer's Improvement costs (including engineering, legal, and administrative) are then multiplied by 105% to establish the Developer's Security for the project.

2. Project Security Requirements Prior to Final Street & Utility Plans & Specifications are as follows:

- a. Developer to escrow 6% of estimated construction cost to complete street and utility construction plan, if plans are requested prior to the execution of the development contract. This will be returned to the developer when the development contract is executed. This only applies to urban developments.

Special Assessment Costs (estimated)

1. Estimated Construction Costs (costs vary according to project requirements):

- | | |
|--------------------------|---------------|
| ✓ Lateral Sanitary Sewer | ✓ Storm Sewer |
| ✓ Trunk Sanitary Sewer | ✓ Streets |
| ✓ Lateral Water Main | ✓ Sidewalks |
| ✓ Trunk Water Main | ✓ Other |

All project cost estimates are identified within the project feasibility report. The construction cost estimates are based on current industry construction cost standards. The final construction costs are based on competitive bids and final construction quantities.

Development of Street & Utility Feasibility Report.....\$7,500.00

2. Estimated Project Expenses:

- ✓ **Engineering** - The estimate is based upon project size, scope and complexity. The amount assessed is based upon billable hourly rates times project recovery rate factor.
- ✓ **Aerial Mapping** - 1% of Street. The estimate is based upon 1% of the value of the street construction. The final value is based upon 1% of the final street costs.
- ✓ **Administration** - 3%. The estimate is based upon 3% of the estimated construction cost. The final value is based upon 3% of the final construction cost.
- ✓ **Assessing** - 1%. The estimate is based upon 1% of the estimated construction cost. The final value is based upon 1% of the final construction cost.

- ✓ **Legal** - Legal costs will be actual billing.
- ✓ **Easement** - Estimates are project-specific.
- ✓ **Advertising** – Project specific.
- ✓ **City Costs** - Includes inspection and city related project costs.
- ✓ **Street Signs** - The cost is based upon the size of the project. See Signs under the Public Works section for cost determination.
- ✓ **Construction Interest** – Rate is determined at time of project estimate.
- ✓ **Bonding** - 0.5% of total project cost.
- ✓ **Drainage Plan** - 0.3% of street & storm sewer costs.
- ✓ **County Road Improvement Fee (if applicable)** – Project-specific, determined at Preliminary or Final Plat

3. Crack Seal and Seal Coating: \$2.30 x sq. yd. of paved street surface.

DEVELOPER INSTALLED IMPROVEMENTS

Part A of Development Contract

1. Developer’s Improvements Costs

- Erosion Control..... \$750.00
- Tree Protection..... \$750.00
- Street Sweeping..... \$1,000.00
- Iron Monuments..... \$100.00 per Lot
- Grading, Clearing & Grubbing Certification, As-Built..... Value of Work Not Completed
- Tree Removal..... \$1,000.00
- Installation of Street Lights..... Value of Work Not Completed
- Grading Certification & As-Built..... \$2,500.00
- Landscaping Improvements (if required) Value of Work Not Completed
- Sodding of Boulevard (if required in common areas) Value of Work Not Completed

- The estimated engineering, legal, and administrative fees are 15% of the total estimated cost for the developer’s improvements.

- The total Developer’s Improvement costs (including engineering, legal, and administrative) are then multiplied by 150% to establish the Developer’s Security for the project.

Part B of Development Contract

1. Developer’s Improvements Costs

- Streets & Utilities (Based on Developer’s estimated construction cost)..... Value of Work

- Trails/Sidewalks.....Value of Work

- The estimated engineering, legal, and administrative fees are 15% of the total estimated cost for the developer’s improvements.

- The total Developer’s Improvement costs (including engineering, legal, and administrative) are then multiplied by 105% to establish the Developer’s Security for the project.

Project Expenses

1. Project Expenses – collection of expenses will be outlined in the development contract agreed to before street and utility construction can begin:

- ✓ **Aerial Mapping** - 1% of Street. The estimate is based upon 1% of the value of the street construction. The final value is based upon 1% of the final street costs.
- ✓ **Administration** - 2%. The estimate is based upon 2% of the estimated construction cost. The final value is based upon 2% of the final construction cost.
- ✓ **Crack Seal and Seal Coating** - \$2.30 x sq. yd. of paved street surface.
- ✓ * **Water Area Charge** – Refer to Water Fees
- ✓ * **Water Connection Fee** - Refer to Water Fees
- ✓ * **Sanitary Sewer Area Charge** – Refer to Sanitary Sewer Fees
- ✓ * **Sanitary Sewer Connection Fee** - Refer to Sanitary Sewer Fees
- ✓ * **Sanitary Sewer Lift Station Connection Fee (if applicable)** – Refer to Sanitary Sewer Fees

- ✓ * **Sanitary Sewer 2nd Lift Station Connection Fee (if applicable)** – Refer to Sanitary Sewer Fees
- ✓ * **Sanitary Sewer & Water Main Railroad Crossing Fee** – Refer to Sanitary Sewer Fees
- ✓ * **County Road Improvement Fee (if applicable)** – Project specific, determined at Preliminary or Final Plat

2. Project Security Requirements Prior to Final Street & Utility Plans & Specifications are as follows:

- a- Developer to escrow 6% of estimated construction cost to complete street and utility construction plan, if plans are requested prior to the execution of the development contract. This will be returned to the developer when the development contract is executed. This only applies to urban developments.

3. City Costs including engineering (design), inspection and City related project costs. The amount of expenses shall be invoiced to the developer as work is completed.

Fire

Accident Response Fees **: Each Fire Engine/Pumper Each Utility Vehicle or Pickup, Command Van Ladder/Aerial Truck 6-wheel/ATV Each Firefighter Chief(s) response Fire Marshal response	\$250.00 per hour \$125.00 per hour \$500.00 per hour \$75.00 per hour \$18.00 each, per hour \$100.00 per hour \$70.00 per hour
** Fees would be charged to the insurance companies of the parties involved. Fire officer would collect information needed to charge on the scene. The resident, should the insurance company not pay, will <u>not</u> be responsible for the charges.	
Copies of Fire Reports:	\$20.00
Building and Fire Re-inspection Fees:	\$50.00 per hour
Burning Permits:	\$20.00
Fire & Pyrotechnics Special Effects:	\$250.00
Gas Pipeline Response Fees **: Each Fire Engine/Pumper Each Utility Vehicle or Pickup, Command Van Ladder/Aerial Truck 6-wheel/ATV Each Firefighter Chief(s) response Fire Marshal response	\$250.00 per hour \$125.00 per hour \$500.00 per hour \$75.00 per hour \$15.00 each, per hour \$100.00 per hour \$70.00 per hour
** This fee would be charged to contractors or sub-contractors who hit properly marked gas lines. Charges would not apply to residents who hit a gas line.	
Home Occupation Inspections:	\$50.00 per hour
Inspection Fees: Aboveground Storage Tanks Commercial Hood Extinguishing Systems (plan review, permit, inspection, modification) Day Care Licensing Inspections Fire Alarm Systems (plan review, permit, inspection, modification) Fire Sprinkler Monitoring Systems (plan review, permit, inspection, modification) Fire Sprinkler Systems (plan review, permit, inspection, modifications) Underground Storage tanks (plan review, install and removal)	Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00). Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00). \$50.00/per inspection (includes 1 re-inspection) Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00). Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00). Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00). Permit Fee – 1.25% of total project value (minimum \$25.00). Plan Review Fee – 65% of permit fee (minimum \$25.00).
Other Inspections as Requested:	\$50.00 per hour
Special Investigation as Requested:	\$50.00 per hour

Parks

<p>Ball Field Usage:</p> <p>Adult Rec Play</p> <p>Youth Rec Play</p> <p>Field without Lights (Private Use)</p> <p>Field with Lights (Private Use)</p> <p><u>Rental Equipment for Tournament</u></p> <p>Limer</p> <p>Lime</p> <p>Drag</p> <p>Hose and Nozzle</p> <p>Batter's Box</p> <p><u>Tournaments</u></p> <p>No Field Maintenance/Adult</p> <p>No Field Maintenance/Youth</p> <p>With Field Maintenance/Adult</p> <p>With Field Maintenance/Youth</p>	<p>\$75.00 per team, per season \$10.00 additional, per player, non-resident fee</p> <p>\$0.00 per team, per person \$0.00 additional, per player, non-resident fee</p> <p>Note: Includes the use of fields for both lighted and non-lighted</p> <p>\$15.00 per hour or \$75.00 per day</p> <p>\$20.00 per hour or \$100.00 per day</p> <p>\$6.00 per tournament \$7.00 per bag \$3.00 per tournament \$3.00 per tournament \$3.00 per tournament</p> <p>\$275.00 tournament fee for the park plus \$200.00 field usage fee per field</p> <p>\$275.00 tournament fee for the park plus \$100.00 field usage fee per field, for youth organizations not affiliated with Andover Youth</p> <p>\$650.00 tournament fee for the park plus \$200.00 field usage fee per field plus \$300.00 escrow per field for additional maintenance (see tournament application)</p> <p>\$650.00 tournament fee for the park plus \$100.00 field usage fee per field, for youth organizations not affiliated with Andover Youth</p> <p>Note: 1 day tournaments will be charged 75% of the tournament and field usage fee.</p>
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<p>Hockey Rinks Usage: Adult Rec Play</p> <p>Youth Rec Play</p> <p>Rink without Lights (Private Use)</p> <p>Rink with Lights (Private Use)</p> <p>Tournaments No Rink Maintenance/Adult</p> <p>No Rink Maintenance/Youth</p> <p>With Rink Maintenance/Adult</p> <p>With Rink Maintenance/Youth</p>	<p>\$75.00 per team, per season \$10.00 additional, per player, non-resident fee</p> <p>\$0.00 per team, per person \$0.00 additional, per player, non-resident fee</p> <p>Note: Includes the use of rinks for both lighted and non-lighted</p> <p>\$15.00 per hour or \$75.00 per day</p> <p>\$20.00 per hour or \$100.00 per day</p> <p>\$200.00 tournament fee for the rink or rinks plus \$100.00 rink usage fee per rink</p> <p>\$200.00 tournament fee for the rink or rinks plus \$100.00 rink usage fee per rink for youth organizations not affiliated with Andover youth</p> <p>\$400.00 tournament fee for the rink or rinks plus \$100.00 rink usage fee per rink plus \$300.00 escrow per rink for additional maintenance (see tournament application)</p> <p>\$400.00 tournament fee for the rink or rinks plus \$100.00 rink usage fee per rink for youth organizations not affiliated with Andover youth plus \$300.00 escrow per rink for additional maintenance (see tournament application)</p> <p>Note: 1 day tournaments will be charged 75% of the tournament and rink usage fee</p>
<p>Park Dedication Fees: Single Family Residences Town Home and Twin Home Apartment (Multi-Family) Lot Splits Commercial/Industrial</p> <p>Collected pursuant to development contract or Council resolution.</p>	<p>\$3,038.00 per unit \$3,038.00 per unit \$3,038.00 per unit \$3,038.00 per unit \$9,106.00 per acre or 10% of market value of land, which ever is less (per Ord. 10 Sec.9.07.5)</p>
<p>Vehicle Rental – Truckster:</p>	<p>\$50.00 per day and \$350.00 refundable damage deposit</p>

Planning

Adult Use Business License: (see ordinance)	\$8,000.00 per year
Commercial Site Plan Review: Escrow for services & agree to reimburse city for services provided.	\$1,500.00 for small projects less than 5,000 sq. ft. \$2,000.00 for projects between 5,000 and 10,000 sq. ft. \$2,500.00 for projects 10,000 sq. ft. and greater Billable Staff Time x Project Recovery Rate Factor (2.0)
Comprehensive Plan Amendment: Public Notification Sign	\$500.00 - Includes mailing labels \$30.00
Conditional Use Permit : Commercial Residential Amended Conditional Use Permit Public Notification Sign Recording Fee	\$1,000.00 escrow to facilitate ARC review \$350.00 - Includes mailing labels \$200.00 - Includes mailing labels \$30.00 \$100.00
Interim Use Permit: Amended Interim Use Permit Public Notification Sign	\$350.00-Includes mailing labels \$150.00 – Includes mailing labels \$30.00
Lot Split Fee: Lot Split Public Notification Sign Administrative Lot Split	\$400.00 - Includes mailing labels \$30.00 \$30.00 – 5 acres or more
Pawnbroker, secondhand goods dealer, precious metal License: New Renewal	\$5,500.00 per year \$5,000.00 per year
Planned Unit Development Fee: PUD Review Fee Amended PUD Review Fee Public Notification Sign	\$1,000 escrow for services & agree to reimburse city for all services provided. Billable Staff time x Project Recovery Rate Factor (2.0) \$350.00 – Includes mailing labels \$1,000 escrow for service & agree to reimburse city for all services provided. Billable staff time x Project Recovery Rate Factor (2.0) \$30.00
Plat Fees: Sketch Plan Fee Preliminary Plat Filing Fee Final Plat Fee Plat Escrow Deposit Urban Lot Rural Lot Public Notification Sign	\$1,000 escrow for services & agree to reimburse city for all services provided. Billable Staff time x Project Recovery Rate Factor (2.0) \$350.00 \$150.00 \$350.00 per lot \$700.00 per lot \$30.00
Re-zoning: Public Notification Sign	\$350.00 - Includes mailing labels \$30.00
Sign Permit:	\$2.00 per square foot/side \$4.00 per square foot per side erected without permit if approved
Towers & Antennas: Application Fee Conditional Use Application Fee Conditional Use – Water Tower Lease Rates	\$3,000.00 escrow - Includes mailing labels \$8,000.00 escrow – Includes mailing labels Negotiated

Variations: Zoning Ordinance Variance Requests	\$150.00 for single family \$125.00 for other requests
Zoning Letter:	\$50.00

Public Works

Service Charges: Equipment Fee Labor Non-Emergency After Hours Call In	\$110.00 per hour (minimum charge ½ hour) Billable hourly rate times project recovery rate factor \$100.00 minimum
Signs: Materials Labor	Cost plus administrative fee Billable hourly rate times project recovery rate factor

Sanitary Sewer

Laterals:	\$49.00 per front foot															
Plumbing:	Homeowner contracts for															
Sanitary Sewer Rates: Sewer Area Charge Sewer Connection Fee Commercial Connection Fee	\$1,678.00 per acre \$452.00 per unit Rate = 1 connection fee for each SAC unit															
Sanitary Sewer Sanitary Sewer Extra Depth Lateral Fee (Connection to lateral Sanitary Sewer at Xeon Street NW located within the Sophie's South development) South Coon Creek Drive Sewer Connection	\$15,000 plus cost index percentage (Engineers New Record) dated back to September of 2004 (This connection will only be allowed by City Council approval) (Ord. 367, 4-15-08) \$59,138.00 plus cost index percentage (Engineers News Record) dated back to December 2012. Constructed with City Project #11-10.															
Sanitary Sewer Lift Station Connection Fee: Fox Hollow Lift Station Shadowbrook Lift Station Chesterton Commons Lift Station (Lift Station #4) Constance Corners Lift Station (Lift Station #6) Aztec Estates Lift Station (Lift Station #5)	\$249.00 per unit \$1,086.00 per unit \$600.00 per unit \$1,075.00 per unit \$57,345.00 plus construction cost index percentage dated back to Jan. 2004 (Amount to be charged to remaining benefiting properties when developed.)															
Sanitary Sewer & Water Main Railroad Crossing Fee @ 161st Avenue:	\$232.00 per unit															
Service Connection/Inspection Fee:	\$75.00															
Sewer Availability Charge – Met Council Fee:	\$2,485.00															
Sewer Contracting: Equipment Fee Labor Fee	\$110.00 per hour Billable hourly rate times project recovery rate factor															
Sewer Usage Rates: Sewer Usage Rate Senior Citizen Reduced Rate* Disabled Persons Reduced Rate* Penalty/Late Payment *must meet income eligibility	<table border="1"> <thead> <tr> <th></th> <th><u>Monthly</u></th> <th><u>Quarterly</u></th> </tr> </thead> <tbody> <tr> <td>Sewer Usage Rate</td> <td>\$20.39</td> <td>\$61.15</td> </tr> <tr> <td>Senior Citizen Reduced Rate*</td> <td>\$10.20</td> <td>\$30.58</td> </tr> <tr> <td>Disabled Persons Reduced Rate*</td> <td>\$10.20</td> <td>\$30.58</td> </tr> <tr> <td>Penalty/Late Payment</td> <td colspan="2">18% annually</td> </tr> </tbody> </table>		<u>Monthly</u>	<u>Quarterly</u>	Sewer Usage Rate	\$20.39	\$61.15	Senior Citizen Reduced Rate*	\$10.20	\$30.58	Disabled Persons Reduced Rate*	\$10.20	\$30.58	Penalty/Late Payment	18% annually	
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Penalty/Late Payment	18% annually															

Storm Water

Storm Water Utility Fee:	<u>Monthly</u>	<u>Quarterly</u>
Zoning Category		
Single Family Urban	\$3.28	\$9.82
Single Family Rural, Estates, Suburban & Farmstead	\$3.28	\$9.82
Manufactured Housing	N/A	N/A
Multiple Dwelling (per acre)	\$7.22	\$21.64

Business, Commercial Industrial & Public (per acre)	N/A	\$41.75
Developed Parks (per unit)	N/A	\$9.82
Elementary & Middle Schools (per acre)	N/A	\$19.65
High Schools (per acre)	N/A	\$19.65
Churches (per acre)	N/A	\$19.65
Undeveloped Open Space	N/A	N/A
Penalty/Late Payment	18% annually	

Water

Hydrant Meter Deposit & Rental Rates:	<u>Deposit</u>	<u>Rental Rate</u>
3/4" hydrant meter setup	\$250.00	\$4.00 per day for the first 7 days \$2.00 per day thereafter for full rental period
3" hydrant meter setup	\$1,300.00	\$5.00 per day for the first 30 days \$3.00 per day thereafter for full rental period
Hydrant Use:	Deposit (as stated above) plus standard water rates	
Laterals:	\$49.00 per front foot	
Service Charges:	Billable hourly rate times project recovery rate factor Cost plus administrative fee	
Labor Testing 0 to 6" Meters		
Violation Penalties:		
<u>May 1st through August 31st</u>		
1 st Penalty	Warning	
2 nd Penalty	\$100.00	
3 rd Penalty	\$200.00	
4 th Penalty	\$200.00 & Turned over to the City Attorney for criminal prosecution.	
Unit Connection Charges:		
Residential	\$4,833.00 per unit	
Non-residential and Institutional (Land owned or operated by municipal, school district, county, state or other governmental agencies)	\$14,499.00 per acre	
Water Area Charges:		
Residential and Commercial	\$4,428.00 per acre	
Water Main Construction Fee:		
Water main extension north of White Pine Wilderness 2 nd Addition/South of Aassness Open Space	\$78,652.34	
Water Meter Charges:		
3/4" Meter	\$157.85	
#2 Horn (for 3/4" meter)	\$60.27	
3/4" Meter with #2 Horn	\$232.23	
Special Sizes	Cost plus administrative fee	
Water Permit Fees:		
Service/Connection/Inspection Fee	\$75.00	
Tapping Main	\$30.00	
Disconnection/Reconnection Requests for Non-Repairs	\$50.00	
HVAC	\$15.00	
Re-Inspection (all)	\$50.00 per hour	
Water Usage Rates:		
<u>Monthly Rate Structure</u>	\$5.81 Base Rate	
	\$2.18 per 1,000 for 1 st 6,000 Gallons	
	\$2.36 per 1,000 for 6,001 – 16,000	
	\$2.77 per 1,000 for 16,001 – 33,000	

Monthly Minimum	\$3.54 per 1,000 for 33,001 and above
Penalty/Late Payment	\$8.30 18% Annually
Water Usage Rates (Cont): <u>Quarterly Rate Structure</u>	\$13.33 Base Rate \$2.18 per 1,000 for 1 st 18,000 Gallons \$2.36 per 1,000 for 18,001 - 48,000 \$2.77 per 1,000 for 48,001 - 99,000 \$3.54 per 1,000 for 99,001 and above
Minimum per quarter	\$16.49
Penalty/Late Payment	18% Annually

Street Lighting

Charges:	<u>Monthly</u>	<u>Quarterly</u>
Urban Residential Areas	\$2.67	\$8.00
Rural Residential Areas	\$4.54	\$13.60
Commercial Property	\$2.67	\$8.00

(Ord. 337, 12-18-2007; Amendment Ord. 373, 7-1-08; Amendment Ord. 377, 12-2-08; Amendment Ord. 382, 6-2-09; Amendment Ord. 384, 7-7-09; Amendment Ord. 387, 8-18-09; Amendment Ord. 389, 12-15-09; Amendment Ord. 393, 6-1-10; Amendment Ord. 398, 8-17-10; Amendment Ord. 400, 12-21-10; Amended Ord. 409, 7-6-11; Amended Ord. 412, 7-6-11; Amended Ord. 413, 7/19/11; Amended Ord. 414, 12/20/11; Amended Ord. 417, 2/6/12; Amended Ord. 419, 6/5/12; Amended Ord. 420, 8/21/12; Amended Ord. 425, 12/18/12; Amended Ord. 428, 8/5/13; Amended Ord. 434, 12/17/13; Amended Ord. 435, 4/1/14; Amended Ord. 443, 11/18/14; Amended Ord. 446, 12/16/14; Amended Ord. 447, 4/21/15; Amended Ord. 448, 6/2/15; Amended Ord. 452, 11/2/15; Amended Ord. 454, 12/15/15; Amended Ord. 462, 5/17/16; Amended Ord. 465, 8/16/16; Amended Ord. 467, 12/20/16; Amended Ord. 473, 8/15/17)

CHAPTER 8

EMERGENCIES; WAIVER OF ORDINANCE REQUIREMENTS

SECTION:

- 1-8-1: Purpose And Intent
- 1-8-2: Policy
- 1-8-3: Validity

1-8-1: PURPOSE AND INTENT: This chapter is adopted for the purpose of allowing for immediate action to protect the health, safety and welfare of the residents in emergency situations, realizing such action is of a temporary nature and will not affect the long term development of the city. (Ord. 242, 11-4-1997)

1-8-2: POLICY: If it is determined by the City Council that strict compliance with specific provisions of city ordinances may affect the health, safety or welfare of a resident in a declared emergency situation, such provisions may be waived by the City Council or its authorized representatives. The terms and conditions of such waiver shall be set out in the emergency declaration or resolution by the City Council. (Ord. 242, 11-4-1997)

1-8-3: VALIDITY: The waiver shall be valid after declaration by the City Council of an emergency situation. (Ord. 242, 11-4-1997)

CHAPTER 9

PREVAILING WAGE REGULATIONS

SECTION:

- 1-9-1: Definitions
- 1-9-2: Wage Rates and Hours for City Projects
- 1-9-3: Applicability
- 1-9-4: Violations and Penalties
- 1-9-5: Effective Date

1-9-1: DEFINITIONS: For purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them in this section:

1. Basic Hourly Rate. The hourly wage paid to any employee.
2. Prevailing Wage Rate. Shall have the meaning contained in Minn. Stat. § 177.42, Subd. 6, as determined for the area including the City of Andover by the Minnesota Department of Labor and Industry. The Minnesota Department of Labor and Industry shall determine the prevailing wage rate in accordance with § 177.41 et seq. and applicable rules, including but not limited to Minnesota Rules 5200.1000 et seq.
3. Apprentice. A person employed and registered in a bona fide apprenticeship program registered with the U.S. Department of Labor or with a state apprenticeship agency. "Apprentice" shall also include a person in the first ninety (90) days of probationary employment as an apprentice who is not registered in the program but who has been certified by the U.S. Bureau of Apprenticeship and Training or a state apprenticeship agency or council to be eligible for probationary employment as an apprentice.
4. Project. Erection, construction, reconstruction, remodeling or demolition of City streets, utilities, storm drains, buildings or parks where the City is a party to the construction contract. Project shall not include contracts for the purchase, rental or repair of motor vehicles or other equipment or personal property, or maintenance contracts or any work performed pursuant thereto including contracts for the maintenance of equipment or personal property or for the routine maintenance or repair of City streets, utilities, storm drains, buildings or parks. Activities involving the insertion of public funds, such as tax increment financing, shall not be considered a project under this Chapter unless the City is a direct party to the construction contract.
5. Laborer, Mechanic. All persons utilized, employed or working on a project who are doing work usually done by mechanics and laborers, including proprietors, partners, and members of cooperatives.

1-9-2: WAGE RATES AND HOURS FOR CITY PROJECTS:

1. Any contract which provides for a project of estimated total cost of over \$150,000.00 shall contain a stipulation that no laborer, mechanic or apprentice employed directly upon the project work site by the contractor or any subcontractor shall be permitted or required to work at a rate of pay less than the prevailing wage rate.

2. All contractors for City projects shall have applicable schedules of prevailing wage rates set forth in the contract. Schedules of applicable prevailing wage rate shall be present on all project job lists and shall either be posted on the site or be on the person of any supervisor in charge of the job site.
3. Upon request of the City, any contractor or subcontractor working on a project shall furnish the City with a copy of all payrolls relating to the project. Such payroll reports shall be submitted on U.S. Department of Labor Standard Forms or their equivalent to the employee of the City in charge of supervising contract performance. Payroll so submitted shall include the classification of each employee and shall set out accurately and completely all the information required to be maintained under 29 C.F.R. part 5, section 5.5(a)(3)(I).
4. No contractor or subcontractor working on a project shall evade or attempt to evade the provision of this section through the use of non-recognized training programs. The only employees involved in training programs that shall be allowed to work on projects covered by this Chapter shall be apprentices as defined by this Chapter.

1-9-3: APPLICABILITY: This Chapter shall not apply to contracts from projects where the total estimated cost of the project is less than \$150,000.00; nor to employees who do no more than deliver materials to the work site, except that this Chapter shall apply to employees who deliver asphalt, concrete or mineral aggregate such as sand, gravel or stone where such material is incorporated into the project by depositing the material substantially in place, either directly or through spreaders, from the transporting vehicle.

1-9-4: VIOLATIONS AND PENALTIES:

1. The contractor shall be the responsible party to ensure the payment of prevailing wages by the contractor or by any subcontractor employed and/or performing work as a part of a municipal improvement.
2. The contractor or any subcontractor who violates the prevailing wage provisions of the contract shall be liable directly to the underpaid laborer or mechanic for the unpaid wages and the contractor or subcontractor, by agreement to perform work on the project, agrees that laborers or mechanics have such cause of action against the contractor or subcontractor.
3. Failure to pay prevailing wages may result in contract payment delay, cancellation of the contract, and/or payment of a fee of up to five percent (5%) of the entire contract price to the City as liquidated damages.
4. On receipt of a written complaint alleging a violation of this Chapter filed with the City Clerk or on its own initiative, the City may refer the complaint to the Minnesota Department of Labor and Industry to determine whether there has been a violation of this Chapter. In the event that the Minnesota Department of Labor and Industry declines to conduct such an investigation, the City may elect, in its own discretion, to either investigate the matter or refer it to an independent investigator. The City and the Minnesota Department of Labor and Industry shall have the right to interview during working hours any employees whether employees of the contractor or any subcontractor.
5. Any person violating the provision of this Chapter shall be guilty of a misdemeanor with each day of violation constituting a separate offense. In addition, if the prevailing wage rate is not paid to employees working on a

project, the City of Andover may withhold contract payments to the contractor until such deficiencies are corrected.

1-9-5: EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage and publication.