



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
JANUARY 5, 2012 – 5:30 P.M.**

MAYOR:	Tim Geraghty	City Administrator:	Brian Anderson
COUNCIL:	Tom Ingemann	Supt. of Public Works:	Bruce Hanson
	Bill Sumner	Chief of Police:	Curt Montgomery
	Tracy Rahm	Fire Chief:	Mark Mailand
	Steven Gallagher	Executive Analyst:	Renee Helm

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the December 15, 2011 Regular City Council Meeting
 - B. List of Bills in the Amount of \$70,907.22
 - C. Pay Equity Report
 - D. Ordinance No. 2012-1 – Amending the City Code of Ordinances, Chapter 7, General Regulations and Offenses
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR’S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR’S REPORT
 - A. 2012 Strategic Plan Goals and Objectives
10. ATTORNEY’S REPORT
11. POLICE CHIEF’S REPORT

Agenda for 01-05-2012

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|---|------------------|-----------|
| 1. City Council Meeting – Interviews
for Annual Appointments | January 9, 2012 | 5:30 p.m |
| 2. City Council Work Session
with Library Board | January 9, 2012 | 6:15 p.m. |
| 3. Planning Commission Meeting | January 12, 2012 | 7:00 p.m. |
| 4. City Council Meeting | January 19, 2012 | 5:30 p.m. |



**City of Newport
City Council Minutes
December 15, 2011**

1. CALL TO ORDER

Mayor Tim Geraghty called the meeting to order at 5:30 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Tracy Rahm, Steven Gallagher

Council Absent – None

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney

Staff Absent – John Stewart, City Engineer

4. ADOPT AGENDA

Mayor Geraghty – An item regarding interns for a Market Study Research project will be added under “New/Old Business”

Motion by Ingemann, seconded by Rahm, to adopt the Agenda as amended. With 5 Ayes, 0 Nays the motion carried.

5. ADOPT CONSENT AGENDA

Councilman Gallagher – I would like to pull item B from the consent agenda so that Brian can explain why there is a check to Washington County Tax Services for \$635,599.

Motion by Sumner, seconded by Gallagher, to approve the Consent Agenda as amended, which includes the following items:

- A. Minutes of the December 1, 2011 Regular City Council Meeting
- C. Kennel Permit for Linda Ratay

With 5 Ayes, 0 Nays, the motion carried.

Admin. Anderson – The City wrote a check to Washington County Tax Services for \$635,599. As you know, the City decertified its TIF district last year and as such the City takes what’s left in that taxing increment and sends a check for that amount to the County. The County will then distribute the amount between the City, County, School District and any other taxing district. The reason we did it now is because we can get our portion back in January, which is approximately half of the amount.

Motion by Gallagher, seconded Ingemann, to approve the list of bills in the amount of \$635,599. With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT

Mayor Geraghty – The City hosted a volunteer appreciation dinner on December 6 where we thanked all of the individuals who volunteer for the City on Advisory Boards and Committees. We also named Emily White as the volunteer of the year for all the work she does in many areas. Yesterday, we had the holiday staff luncheon. I would like to thank all of the employees and consultants.

8. COUNCIL REPORTS

Councilman Rahm – I also attended the volunteer banquet and would like to thank Emily for all of her work. I also attended a South Washington County Cable Commission meeting and South Washington County will be putting a new website up in January.

Councilman Ingemann – Last Thursday, I attended the Planning Commission, we'll be going over an item that was presented at that meeting.

Councilman Gallagher – I attended the Holiday Train which was fun. I also attended the volunteer dinner.

Councilman Sumner – I also attended the Holiday Train and I would like to wish everyone in the City the best for the holidays.

9. ADMINISTRATOR'S REPORT

Admin. Anderson – Before I begin I would like to update you on a couple items. I did sit on an interview panel today for the Transit Station at the Knox Site. The interviews were for site plans, three firms were interviewed. We're hoping to have the bid specs ready by June or July. Also, the City does have an individual lined up to take over as staff at the Library beginning January 3. He's fine with the hours that I am proposing. Additionally, Newport on the Move would like to do some volunteer hours at the Library. I would like to propose the new hours to the Library Board and City Council in January 2012.

Mayor Geraghty – The Library Board would like to have an informal meeting at the Library on December 26. I would also like to propose that the City Council have its first meeting of 2012 at the Library to kick it off. It won't be streamed live but they can record it. The first meeting will be there.

A. Employee Recognition

Chief Montgomery recognized Sean McArdell for five years of service.

Admin. Anderson recognized the following employees from the Fire Department:

- Darl Schossow – 35 Years
- Ernest Lloyd – 25 Years
- Steven Wiley – 25 Years
- Todd Ward – 5 Years
- Davie Bailey – 5 Years
- Matt Aune – 5 Years
- Steve Lanz – 5 Years
- Neil Wood – 5 Years

B. Social Media Policy

Admin. Anderson presented on the proposed Social Media Policy as outlined in the December 15, 2011 City Council packet.

Attorney Knaak – I’ve seen a number of these and I believe this is one of the best that I’ve seen.

Councilman Sumner – What is the definition of “Officials?” Is that everyone on the Council and other Commissions?

Admin. Anderson – Yes

Attorney Knaak – Consultants should be on there as well.

Councilman Sumner – What about all employees?

Admin. Anderson – Yes

Councilman Rahm – Is there any type of approval cycle for the official social media sites? They do change a lot.

Admin. Anderson – I would inform the Council on what I would recommend for sites. The City tried Twitter but didn’t have a lot of followers.

Councilman Rahm – I just find that when companies do this they have an approval cycle for what their official sites are.

Admin. Anderson – We can add that into the policy. I would recommend Facebook and Twitter right now.

Councilman Sumner – Should it be included in the annual review of policies?

Councilman Rahm – That’s what I’m recommending.

Attorney Knaak – One of the hot issues is council members with blogs and to what extent they should be reviewed. People do pay attention to blogs and social media sites so it is good to have a policy.

Councilman Gallagher – When you say City staff does that include Council? Because it does say to be cautioned from saying where you work. I would think that we would want people to know where we are so they can contact us via social media.

Councilman Ingemann – It pretty much means that if you are posting items on your personal page and you say that you’re an employee for the City or a Council member that you should put a disclaimer on your page stating that your opinions are your own and not of the City.

Councilman Gallagher – I don’t think we want to prohibit individuals from contacting us via social media and would recommend that this policy be reviewed annually.

Motion by Sumner, seconded by Ingemann, to approve the Social Media Policy with an annual review of official sites and the policy. With 4 Ayes, 1 Nay, the motion carried.

C. Resolution No. 2011-39 – Approving a Conditional Use Permit Request by Bruce Timm, 533 Geneva Avenue North, Oakdale, MN 55128, for Property Located at 1206 Hastings Avenue, Newport, MN 55055

Admin. Anderson presented on Resolution No. 2011-39 as outlined in the December 15, 2011 City Council packet.

Councilman Rahm – Did the Planning Commission approve it unanimously?

Admin. Anderson – Yes

Councilman Gallagher – Didn't the Planning Commission talk about there not being some approved plans at the time of approval?

Admin. Anderson – Yes, he needs to submit final plans prior to issuing the permits but they usually don't submit the final plans until the CUP has been approved. It's one of the conditions.

Motion by Ingemann, seconded by Rahm, to approve Resolution No. 2011-39 to approve a conditional use permit request by Bruce Timm for property located at 1206 Hastings Avenue. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT

Attorney Knaak – There are two general items. The first is regarding the Sure Lock Motel. There are several pending criminal charges that relate to the ownership of that property. I will be keeping you apprised of that. I do want to assure you that we are moving forward very aggressively on the issue. The second matter is in regards to use issues on top of the hill and there is a recurrence of the issues. We are working on it and you will hear more from me as time goes on.

Mayor Geraghty – I would just like to note that the City is doing everything we can to improve the situation at the Sure Lock Motel.

11. POLICE CHIEF'S REPORT –

Chief Montgomery – You have the November Report before you and I will stand for any questions.

12. FIRE CHIEF'S REPORT – No Report

13. ENGINEER'S REPORT – No Report

14. SUPERINTENDENT OF PUBLIC WORKS REPORT – No Report

15. NEW/OLD BUSINESS

Admin. Anderson – The Council may remember that we discussed the City doing a business marketing strategy at the last EDA meeting. Councilman Rahm came forward with a program at the University of St. Thomas where graduate students conduct some work. I've been talking with the coordinator and the students are able to do a majority of the work for a marketing strategy. They'll be able to give us a lot of the information that is used in a marketing strategy. The coordinator suggested hiring an intern to finish the report. The price is a little over \$3,000. I believe this is a good price as many cities are paying about \$30,000.

Mayor Geraghty – Move forward.

Councilman Rahm – I want to make sure that as a Council, we understand what problem the students are fixing or exposing.

16. ADJOURNMENT

Motion by Geraghty, seconded by Ingemann, to adjourn the regular Council Meeting at 6:10 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

CITY OF NEWPORT

12/15/11

*Check Summary Register©

December 2011

Name	Check Date	Check Amt	
10100 Central Bank			
Paid Chk# 013031	ATOM	12/15/2011	\$150.00 training
Paid Chk# 013032	ATOMIC-COLO, LLC	12/15/2011	\$6,194.69 computer support
Paid Chk# 013033	CENTURY COLLEGE	12/15/2011	\$2,095.00 police, fire training
Paid Chk# 013034	CENTURY LINK	12/15/2011	\$104.52 phones - parks
Paid Chk# 013035	CINTAS -754	12/15/2011	\$318.45 parks uniforms
Paid Chk# 013036	DAKOTA SUPPLY GROUP	12/15/2011	\$1,799.76 water meter
Paid Chk# 013037	ENVENTIS TELECOM	12/15/2011	\$0.59 long distance
Paid Chk# 013038	FLEET ONE LLC	12/15/2011	\$1,783.30 gas - fire, streets
Paid Chk# 013039	GERLACH OUTDOOR POWER E	12/15/2011	\$3,005.66 street cont. services
Paid Chk# 013040	H&L MESABI	12/15/2011	\$1,937.65 streets supplies
Paid Chk# 013041	ING LIFE INSURANCE & ANNUIT	12/15/2011	\$1,024.62
Paid Chk# 013042	INTERNATIONAL UNION OF OP.	12/15/2011	\$160.00 union dues
Paid Chk# 013043	JEFF LUEDKE	12/15/2011	\$125.96 clothing allowance
Paid Chk# 013044	JOHN BRTLE HARDWARE	12/15/2011	\$172.10 parks, fd supplies
Paid Chk# 013045	LAW ENFORCEMENT LABOR SE	12/15/2011	\$252.00 union dues
Paid Chk# 013046	LAWSON PRODUCTS	12/15/2011	\$241.43 lube/oil
Paid Chk# 013047	MAGNOLIA BLOSSOM CRUISES	12/15/2011	\$525.00 mosaic cruise
Paid Chk# 013048	MENARDS - COTTAGE GROVE	12/15/2011	\$75.44 sewer supplies
Paid Chk# 013049	OXYGEN SERVICE CO.	12/15/2011	\$34.68 welding supplies
Paid Chk# 013050	PERA	12/15/2011	\$8,085.75
Paid Chk# 013051	RIVERTOWN NEWSPAPER GRO	12/15/2011	\$318.76 publishing
Paid Chk# 013052	TITAN MACHINERY	12/15/2011	\$144.29 street mower
Paid Chk# 013053	UNIFORMS UNLIMITED, INC.	12/15/2011	\$350.42 uniforms
Paid Chk# 013054	VERIZON	12/15/2011	\$140.52 police cell phone
Paid Chk# 013055	WASHINGTON CTY SHERIFF	12/15/2011	\$0.00 mdc
Paid Chk# 013056	WINZER	12/15/2011	\$0.00 street supplies
Paid Chk# 013057	XCEL ENERGY	12/15/2011	\$9,023.85 electricity
Paid Chk# 013058	WASHINGTON CTY SHERIFF	12/15/2011	\$6,835.00 mdc
Paid Chk# 013059	WINZER	12/15/2011	\$316.25 street supplies
		Total Checks	\$45,215.69

FILTER: None

NEWPORT, MN

12/21/11

***Check Summary Register©**

December 2011

Name	Check Date	Check Amt
10100 Central Bank		
Paid Chk# 013061 Cardmember Services	12/21/2011	\$6,836.42 visa
Paid Chk# 013062 COTTAGE GROVE, CITY OF	12/21/2011	\$6,575.75 building inspection
Paid Chk# 013063 H&L MESABI	12/21/2011	\$1,597.79 Str veh repair plow blade
Paid Chk# 013064 LEAF	12/21/2011	\$619.83 copier
Paid Chk# 013065 METRO HEATING AND COOLING	12/21/2011	\$45.00 plumbing permit reimb.
Paid Chk# 013066 MINNESOTA BENEFIT ASSOC.	12/21/2011	\$61.43 Neska
Paid Chk# 013067 MMKR	12/21/2011	\$3,300.00 accounting
Paid Chk# 013068 ST. PAUL PARK REFINING CO. L	12/21/2011	\$1,446.95 police fuel
Paid Chk# 013069 Washington Cty Public Safety	12/21/2011	\$4,326.84 radio costs
Paid Chk# 013070 XCEL ENERGY	12/21/2011	\$881.52 electricity
	Total Checks	\$25,691.53

FILTER: None



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: December 22, 2011

SUBJECT: Pay Equity Report

BACKGROUND

The City is required to submit a pay equity report to the State of Minnesota by January 31, 2012. The reason for this report is to eliminate sex-based wage inequities in regards to compensation. Below is the report that will be submitted to the State. The points are based on the State's Job Match System, the City's 2009 report, and the City's current pay scale for each employee.

Males	Females	Title	Points	Monthly Wage Range
0	1	Accountant	225	\$3,912-3,912
1	0	Administrator	716	\$7,667-7,667
1	0	Assistant Superintendent of Public Works	411	\$6,230-6,230
1	0	Chief of Police	585	\$6,951-6,951
0	1	Executive Analyst	233	\$3,912-3,912
6	0	Police Officer	298	\$4,852-5,391
5	0	Public Works Maint. Worker	290	\$4,449-4,449
1	0	Superintendent of Public Works	603	\$6,951-6,951

The City Council must approve or decline the report in order for the State to accept it.

RECOMMENDATION

It is recommended that the City Council approve the Pay Equity Report as outlined above. If the City Council approves the Report, City staff will forward it to the State.



MEMO

TO: Newport City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: December 29, 2011

SUBJECT: Proposed Amendments to Chapter 7, General Regulations and Offenses

Recently, staff reviewed each ordinance to ensure that they were formatted correctly. Upon review, staff found that Chapter 7, General Regulations and Offenses, had two sections numbered 740: Graffiti and Tobacco. Ordinance No. 2012-1 amends Chapter 7 to renumber the sections accordingly. Additionally, staff made minor changes throughout the ordinance to format it correctly. A red-lined version is attached for your review.

RECOMMENDATION

It is recommended that City Council approve Ordinance No. 2012-1 amending Chapter 7, General Regulations and Offenses, of the Newport Code of Ordinances.

**CITY OF NEWPORT
ORDINANCE 2012-1**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY
CODE OF ORDINANCES CHAPTER 7, GENERAL REGULATIONS AND OFFENSES**

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

Section 700.02 Definitions shall be amended to read:

Subd. 1 Emergency. "Emergency" shall mean a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

Subd. 2 Establishment. "Establishment" shall mean any privately-owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment or refreshment.

Subd. 3 Guardian. "Guardian" shall mean an adult appointed pursuant to Minn. Stat. § 525.6155 or § 525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. § 525.619.

Subd. 4 Juvenile. "Juvenile" shall mean a person under the age of seventeen (17). The term shall not include persons under 17 who are married or have been legally emancipated.

Subd. 5 Parent. "Parent" shall mean birth parents, adoptive parents and stepparents.

Subd. 6 Proprietor. "Proprietor" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term shall include the members or partners of any association or partnership and the officers of a corporation.

Subd. 7 Public Place. "Public Place" shall mean any place to which the public or a substantial group of the public has access and includes, but shall not be limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Subd. 8 Responsible Adult. "Responsible Adult" shall mean a person over the age of eighteen (18) specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Subd. 9 Serious Bodily Injury. "Serious Bodily Injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.

Section 730.01 Definitions shall be amended to read:

Subd. 1 Alarm System means an assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into a one-hundred-ten volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond.

Subd. 2 Audible Alarm means a device designed for the detection of unauthorized entry on premises, and which, when actuated, generates an audible sound on or near the premises.

Subd. 3 Criminal Activity means entrance upon or into the property of another, taking the property of another, or damaging the property of another without permission. Criminal activity includes burglary,

robbery, assault, theft, damage to property, or other crimes as defined by State law.

Subd. 4 False Alarm means any alarm system triggered by some reason other than criminal activity. It does not include activation of the alarm by acts of God or by utility company power outages.

Section 740 Tobacco shall be amended to read:

Section 750 - Tobacco

750.01 Tobacco, Tobacco Products and Tobacco Related Devices.

750.02 Purpose. Because the city recognizes that many person under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices, and such sales, possession, and user are violations of both State and Federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices, and to further the purposes of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn.Stat. 144.391.

750.03 Definitions and Interpretations. Except as may otherwise be provided or -clearly implies by context, all terms shall be given their commonly accepted definitions, the singular shall include the plural and the plural shall include the singular. the masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

Subd. 1 Compliance Checks. "Compliance Checks" shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or Local laws and regulations relating to tobacco, tobacco products, and tobacco related devices.

Subd. 2 Individually Packaged. "Individually packaged" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

Subd. 3 Loosies. "Loosies" shall mean the common term used to refer to a single or individually packaged cigarette.

Subd. 4 Minor. "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 5 Moveable Place of Business. “Moveable Place of Business: shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 6 Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 7 Sale. A “sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 8 Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 9 Tobacco or Tobacco Products. "Tobacco" or "Tobacco products" shall mean any substance or item containing tobacco leaf, including but not limited to cigarettes; cigars; pipe tobacco; snuff, fine cut or other smoking tobacco; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready -rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, duttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.

Subd. 10 Tobacco Related Devices. “Tobacco related devices” shall mean any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

Subd. 11 Vending Machine. “Vending Machine” shall mean any mechanical, electrical or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products, or tobacco device.

750.04 License. No person shall sell or offer any tobacco, tobacco products, or tobacco related devices without first having obtained a license to do so from the city.

Subd. 1 Application. An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administration shall forward the application to the council for action at its next regularly scheduled council meeting. If the administration shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2 Action. The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

Subd. 3 Term. Except as herein otherwise provided, licenses issued under this ordinance shall be valid for one calendar year from the date of issue. The City, by ordinance, may from time to time establish one uniform period for all such licenses.

Subd. 4 Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

Subd. 5 Transfers. licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

Subd. 6 Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

Subd. 7 Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8 Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

750.05 Fees. No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set annually by the City.

750.06 Basis for Denial of License. The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section.

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or Local law, ordinance provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.
- C. The applicant has had a license to sell tobacco, tobacco products, or tobacco related devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other Local law, ordinance, or other regulation, from holding such a license.

750.07 Prohibited Sales. It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- A. To any person under the age of eighteen (18) years.

- B. By means of any type of vending machine, except as may otherwise be provided in this ordinance.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer.
- D. By means of loosies as defined in Section 200 of this ordinance.
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- F. By any other means, to any other person, or in any other manner or form prohibited by Federal, State or other Local law, ordinance provision or other regulation.

750.08 Vending Machines. It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

750.09 Self-Service Sales. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco related devices at the time this ordinance is adopted shall comply with this Section within 60 days following the effective date of this ordinance except where 90% of the sales of the particular establishment are tobacco related products and minors are at all times prohibited from entering the licensed establishment.

750.10 Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this ordinance, State or Federal law, or other applicable law or regulation.

750.11 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel.

Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in

this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

750.12 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this ordinance.

Subd. 1 Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor.

Subd. 2 Illegal Possession. It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3 Illegal Use. It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

Subd. 4 Illegal Procurement. It shall be a violation of this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5 Use of False Identification. It shall be a violation of this ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

750.13 Violations.

Subd. 1 Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

Subd. 2 Hearings. If a person accused of violating this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3 Hearing Officer. The City Council shall serve as the hearing officer.

Subd. 4 Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officers' reasons for finding a violation and the penalty to be imposed under Section 1300 of this ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Subd. 5 Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the city in which the alleged violation occurred.

Subd. 6 Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

Subd. 7 Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

750.14 Penalties.

Subd. 1 Licensees. Any licensee found to have violated this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance, \$200 for a second offense at the same licensed premises within a twenty-four month period; and \$250 for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for not less than seven days.

Subd. 2 Employees of Licensees and Other Individuals. Employees of Licensees and other individuals, other than minors regulated by subdivision 3 of the Subsection, found to be in violation of this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

Subd. 3 Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

Subd. 4 Community Service and Other Conditions. The hearing officer may, in its sole discretion, allow community service to be substituted for some or all of the fine. Such substitution shall be a rate established by the hearing officer. The hearing officer may also stay the imposition of some or all of the fine on such other conditions that it, in its sole discretion, deems appropriate.

Subd. 5 Misdemeanor. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this ordinance.

750.15 Exceptions and Defenses. Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by State law.

750.16 Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

750.17 Effective Date. This ordinance shall take effect the day following publication in the city's official newspaper.

Section 750 Archery Deer Hunting shall be amended to read:

Section 760 – Archery Deer Hunting

760.01 Definitions. As used in this Section, the following terms have the meanings given:

Subd. 1. Archery Deer Hunting. “Archery Deer Hunting” shall mean the sport of shooting a deer with a bow and arrow.

760.02 Designated Hunting Areas. The Newport City Council shall determine, by Resolution, areas for archery deer hunting. The said Resolution shall define the area(s), by map, which may be hunted. This map shall be effective for the stated hunting season.

760.03 Hunting Permitted. Archery deer hunting shall be permitted on private lots consisting of a minimum of five (5) contiguous acres as allowed by Resolution. A combination of parcels may be used to create five (5) contiguous acres of land. All hunting must be done in accordance with archery deer hunting regulations set forth by Minnesota State Statutes and the Ordinances of the City. Hunters must obtain written permission from the landowner(s) to hunt on the property owner's land.

760.04 Regulations.

Subd. 1 Persons archery deer hunting must have completed and have in their possession the Newport Proficiency Test Certificate.

Subd. 2 Written permission from the landowner(s) must be in the possession of the hunter at the time of hunting, along with adequate identification.

Subd. 3 Persons may hunt deer with a bow and arrow on land approved by the map provided they are at least:

- A. Twenty feet (20') from any property with a zoning classification other than those areas identified by the hunting map.
- B. Twenty feet (20') from any public right-of-way.
- C. Twenty feet (20') from any land or building not owned by the landowner, unless permission has been granted.

Subd. 4 Deer shall be the only animal allowed to be hunted. No other small or large game hunting shall be permitted.

Subd. 5 Hunting on public land is prohibited.

760.05 Enforcement.

Subd. 1 Authority of Peace Officers. A peace officer is hereby authorized and empowered to enforce all requirements of this Ordinance and related Minnesota State Statutes.

Subd. 2 Seizure, Confiscation, and Disposal of Deer and Property. A peace officer is hereby authorized and empowered to seize and confiscate any deer taken in violation of this Ordinance and to seize, confiscate, and dispose of all guns, firearms, bows and arrows, boats, or vehicles used by the owner or any other person with his or her knowledge in unlawfully taking or transporting such deer in violation of this Ordinance. Articles which have no lawful use may be summarily destroyed. Upon conclusion of the prosecution of any case, the guns, firearms, bows and arrows, boats, or vehicles seized pursuant to this subsection shall be returned to the lawful owner thereof upon payment to the City of all costs incurred by the City in the seizure, to include towing fees and storage or impound fees. In the event the lawful owner cannot be determined or located, the property shall be disposed of in compliance with court order

760.06 Violations and Penalties. Any person violating, or otherwise refusing to comply with any provisions of this Ordinance, shall be guilty of a misdemeanor and subsequent penalties shall apply.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 5th day of January 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator

CHAPTER 7. GENERAL REGULATIONS AND OFFENSES

Section 700 - Curfew

700.01 Findings and Purpose.

Subd. 1 Crime. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

Subd. 2 Victimization. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.

Subd. 3 Safety/Welfare. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the City also has a substantial interest in the safety and welfare of juveniles. Moreover, the City has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.

Subd. 4 Uniformity. A county-wide curfew will reduce juvenile victimization and crime and will advance public safety, health and general welfare.

700.02 Definitions.

Subd. 1 Emergency. "Emergency" shall mean a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

Subd. 2 Establishment. "Establishment" shall mean any privately-owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment or refreshment.

Subd. 3 Guardian. "Guardian" shall mean an adult appointed pursuant to Minn. Stat. § 525.6155 or § 525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. § 525.619.

Subd. 14 Juvenile. "Juvenile" shall mean a person under the age of seventeen (17). The term shall not include persons under 17 who are married or have been legally emancipated.

Subd. 2-5 Parent. "Parent" shall mean birth parents, adoptive parents and stepparents.

Subd. 6 Proprietor. "Proprietor" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term shall include the members or partners of any association or partnership and the officers of a corporation.

Subd. 7 Public Place. "Public Place" shall mean any place to which the public or a substantial group of the public has access and includes, but shall not be limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Subd. 8 Responsible Adult. "Responsible Adult" shall mean a person over the age of eighteen (18) specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Subd. 9 Serious Bodily Injury. "Serious Bodily Injury" shall mean bodily injury that creates a

~~substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.~~

~~**Subd. 3 Guardian.** "Guardian" shall mean an adult appointed pursuant to Minn. Stat. § 525.6155 or § 525.6165 who has the powers and responsibilities of a parent as defined by Minn. Stat. § 525.619.~~

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~~**Subd. 6 Emergency.** "Emergency" shall mean a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.~~

~~**Subd. 7 Serious Bodily Injury.** "Serious Bodily Injury" shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.~~

~~**Subd. 8 Establishment.** "Establishment" shall mean any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment or refreshment.~~

~~**Subd. 9 Proprietor.** "Proprietor" shall mean any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term shall include the members or partners of any association or partnership and the officers of a corporation.~~

700.03 Prohibited Acts.

Subd. 1 It shall be unlawful for a juvenile under the age of 15 to be present in any public place or establishment within the City:

- A. any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and 5:00 a.m. of the following day.
- B. any time between 11:00 p.m. on any Friday or Saturday, and 5:00 a.m. on the following day.

Subd. 2 It shall be unlawful for a juvenile, age 15 or 16, to be present in any public place or establishment within the City:

- A. any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and 5:00 a.m. of the following day.
- B. any time between 12:01 a.m. and 5:00 a.m. on any Friday or Saturday.

Subd. 3 It shall be unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the City during the hours prohibited in Subdivision, 1 and 2 of this Subsection.

Subd. 4 It shall be unlawful for a proprietor of an establishment within the City to knowingly permit a juvenile to remain in the establishment or on the establishments property during the hours prohibited in

Subdivisions 1 and 2 of this Subsection.

If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

700.04 Defenses.

Subd. 1 It shall be an affirmative defense for a juvenile to prove that:

- A. the juvenile was accompanied by his or her parent guardian, or other responsible adult;
- B. the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment;
- C. the juvenile was involved in an emergency situation;
- D. the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
- E. the juvenile was on an errand at the direction of a parent or guardian;
- F. the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;
- G. the juvenile was engaged in interstate travel;
- H. the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence;
- I. the juvenile was an emancipated minor.

Subd. 2 It shall be an affirmative defense for a proprietor of an establishment to prove that:

- A. the proprietor or employee reasonably and in good faith relied upon a juvenile's representation of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, Subd. 6, or other verifiable means, shall include, but shall not be limited to, school identification cards and birth certificates.
- B. the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

700.05 Penalty.

Subd. 1 Violation of 700.01 or 700.02 shall be prosecuted pursuant to Minn. Stat. § 260.195 and shall be subject to the penalties therein.

Subd. 2 Violation of 700.03, Subdivision 3 or 4 shall be a misdemeanor and shall be subject to the penalty set forth in Minn. Stat. § 609.09(3).

Section 710 - Weapons

710.01 Purpose. The purpose of this Section shall be to closely regulate and control the possession and use of weapons.

710.02 Definition - Weapon. Weapon shall mean any rifle, shotgun handgun, pistol, firearm, BB gun, bow & arrow, slingshot, or wrist-rocket.

710.03 Discharge Prohibited. No person shall fire or discharge any weapon within the City, except as provided in 710.06.

710.04 Carrying Weapons. Except as provided by 710.06, no person shall have in his or her possession any weapon unless the weapon is unloaded and dismantled, or carried unloaded in a case.

710.05 Minors. No minor under the age of fourteen years shall handle or have in his or her possession or under his or her control any weapon except while accompanied by or under the immediate charge of his or her parent or guardian.

710.06 Exceptions. The provisions of 710.03 and 710.04 shall not apply to the following:

Subd. 1 Peace Officers. The possession or discharge of any weapon by a peace officer or military personnel in the scope of their official duties.

Subd. 2 Possession in Home. The possession of a weapon within the home or place of business of a person.

Subd. 3 Self Defense. The discharge of a weapon in the lawful defense of a person or property.

Subd. 4 Ranges. The discharge of a weapon at a range or facility approved by the Chief of Police.

Subd. 5 Archery Deer Hunters. Archery deer hunters who hunt deer in the City of Newport and follow City Ordinance Regulations and MN State Archery Deer Hunting Laws.

Section 720 - Open Burning

720.01 Definitions. As used in this Section, the following terms have the meanings given:

Subd. 1 Agency. "Agency" shall mean the Minnesota Department of Natural Resources.

Subd. 2 Commissioner. "Commissioner" shall mean the Commissioner of the Minnesota Department of Natural Resources.

Subd. 3 Delegated Authority. "Delegated Authority" shall mean the City of Newport authorized by the Commissioner to issue open burning permits.

Subd. 4 Incorporated Land. "Incorporated Land" shall mean land within the City of Newport.

Subd. 5 Land Used for Farming. "Land Used for Farming" shall mean land that is in agricultural use.

Subd. 6 Local Authority. "Local Authority" shall mean the City of Newport Fire Chief, Fire Marshal, or

local governmental official.

Subd. 7 Non-attainment Area. "Non-attainment Area" shall mean a geographic region that has been:

- A. designated by the agency as violating a State ambient air quality standard; or
- B. designated by the United States Environmental Protection Agency as violating a national ambient air quality standard.

Subd. 8 Open Burning. "Open Burning" shall mean the burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stock, duct, or chimney.

Subd. 9 Owner or Operator. "Owner" or "Operator" shall mean a person who owns, leases, operates, controls, or supervises an open burning site, or who conducts open burning.

Subd. 10 Practical. "Practical" shall mean technically feasible, available within the general area where the material to be burned is located, and available at a cost that shall not be prohibitive for most users.

Subd. 11 Solid Waste. "Solid Waste" shall mean garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but shall not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, or discharges which are point sources subject to Federal permits, dissolved material in irrigation return flows; or source, special nuclear, or by-product material from atomic energy sources.

720.02 Open Burning Restrictions.

Subd. 1 Open Burning Without a Permit. Except as provided in this Section, open burning without an agency permit shall be allowed only on unincorporated land in attainment areas, and only if the owner or operator conducts the burning for the purposes described in Subdivision 3 of this Subsection, according to the conditions in this Section, and prior notice shall have been given to the City Fire Chief.

Subd. 2 Open Burning With a Permit. Owners or operators of permanent tree and brush open burning sites shall obtain permits under Subsection 720.04 and shall be subject to the requirements of this Section. Owners or operators who conduct open burning for the instruction and training of firefighters shall obtain permits under Subsection 720.04 and shall be subject to the requirements of this Section, except as otherwise provided in the permit issued by the Commissioner, or this Section. Owners or operators who conduct, cause or permit open burning on incorporated land or in a non-attainment area shall obtain permits under Subsection 720.04, and shall be subject to the requirements of all of this Section. Owners or operators who conduct, cause, or permit open burning in forest areas or on forest land defined as land which is at least ten percent stocked by trees of any size and capable of producing timber, or of exerting an influence on the climate or on the water; land from which the trees described above have been removed to less than ten percent stocking and which has not been developed for other use; shall obtain permits from the Minnesota Department of Natural Resources if a permit is required by Minnesota Statutes Sections 88.16 and 88.17, Minnesota Statutes 88.16 and 88.17 state a permit shall be required if a fire is used for the purpose of cleanup, clearing and improving land through the use of fire to any grass, stubble, peat,

brush, raking of leaves, rubbish, garbage, branches, slashings or woods,

Subd. 3 Purposes for Burning. Open burning shall be allowed if conducted for the following purposes:

- A. elimination of fire or health hazards that cannot be abated by any other practical means;
- B. disposal of vegetative matter for purposes of managing forests, prairies, or wildlife habitats;
- C. ground thawing for utility repair and construction;
- D. disposal of trees, brush, gross, and other vegetative matter in the development and maintenance of land and rights-of-way where chipping, composting, or other alternative methods are not practical;
- E. consistent with Minnesota Statutes, regarding Municipal Shade Tree Ordinances Section 18.024, the disposal of diseased shade trees such as diseased elm trees and diseased oak trees including the above ground parts thereof shall be properly disposed of by such methods including burning, burying, chipping and utilization;
- F. disposal of diseased or infested nursery stock, diseased bee hives under Minnesota Statutes, Section 19.56.
- G. the disposal of burnable building material such as unpainted or untreated lumber, wood shakes, or other unpainted or untreated wood products generated by construction, where recycling, reuse, shipping, or other alternative disposal methods are not practical.
- H. other reasons authorized or required by State law or regulations.

Subd. 4 Conditions. Open burning shall be conducted according to the requirements in Items A to J below.

- A. The prevailing wind at the time of the burning shall be away from nearby residences and occupied buildings,
- B. The burning shall be conducted as far away from a road as possible and controlled so that a traffic hazard shall not be created.
- C. The burning shall be conducted consistent with Article 11.101(b) of the Minnesota Uniform Fire Code.
- D. The burning shall not be conducted within one mile of an airport or landing strip unless the affected airport or landing strip is notified prior to burning.
- E. The burning shall not be conducted during the duration of an agency-declared air pollution alert, warning, emergency, or significant harm episode.
- F. The person conducting the open burning shall give notice to the local authority, and to the local Department of Natural Resources representative when the open burning is within an area under Department of Natural Resources jurisdiction, prior to any open burning. The notice shall include the time and location of the fire.

- G. Propane gas torches or other clean gas burning devices causing minimal pollution shall be used to start the burning.
- H. The person conducting the open burning shall be present at the burn site from the commencement of the burning until the fire is completely extinguished and if a permit is required shall have a copy of the permit at the burning site at all times.
- I. Fires shall not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies, or wildlife habitats.
- J. Fires set or allowed to burn for the purpose of managing forests, prairies, or wildlife habitats shall be managed according to a prescribed burn plan approved by the managing agency.

720.03 Open Burning Prohibitions.

Subd. 1 Prohibited Materials. No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.

Subd. 2 Hazardous Wastes. No person shall conduct, cause, or permit open burning of hazardous waste.

Subd. 3 Industrial Solid Waste. No person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment.

Subd. 4 Demolition Debris. No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building shall not be defined as a commercial structure.

Subd. 5 Salvage Operations. No person shall conduct, cause, or permit salvage operations by open burning.

Subd. 6 Motor Vehicles. No person shall conduct, cause, or permit the processing of motor vehicles by open burning.

Subd. 7 Garbage. No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food.

Subd. 8 Burning Ban. No person shall conduct, cause, or permit open burning during a burning ban put into effect by the City or the State.

720.04 Permits Required.

Subd. 1 Permits Required. No person shall conduct, cause, or permit open burning on incorporated land or in a non-attainment area without obtaining an open burning permit from the City. No person shall conduct, cause, or permit open burning at a permanent tree and brush open burning site or for instruction and training of firefighters without first having obtained an open burning permit from the Commissioner.

Subd. 2 Permit Conditions. Before issuing a permit, the City shall find that the burning is shall be for one of the following purposes:

- A. elimination of fire or health hazards;
- B. disposal of vegetative matter for purposes of managing prairies or wildlife habitats;
- C. ground thawing for utility repair and construction;
- D. disposal of trees, brush, gross and other vegetative matter in the development and maintenance of land rights-of-way where chipping, composting, or other alternative methods are not practical;
- E. the disposal of diseased shade trees;
- F. disposal of diseased or infested nursery stock, diseased bee hives or dunnage; and that the burning shall be conducted according to the requirements of this Section. The City may impose other reasonable conditions in the permit on the conduct of the open burning if needed for the prevention of pollution or nuisance conditions. The burning shall be conducted during the dates established in the permit and conducted under the conditions of the permit.

Subd. 3 Application Process. After completing the application, the applicant shall submit the application to the City for its approval.

The application process for permanent tree and brush open burning sites shall be as described in Minnesota States Rules.

To obtain a permit for fire training, an application shall be submitted by the City Fire Department or other entity seeking to conduct fire training directly to the Commissioner by May 15 of each year. The application shall describe the Fire Department's or other entity's annual training plans and identify the estimated number of structures that will need to be burned for training purposes.

Subd. 4 Information Requests. The City may request, and the applicant shall provide, any information additional to that required in the application form which the City needs to determine if the open burning can be conducted in compliance with State of Minnesota Rules.

Subd. 5 Permittees. The permit application shall be signed by all owners and operators, and the City shall designate all owners and operators as co-permittees when issuing the permit.

720.05 Permit Denial. The City shall deny a permit application submitted if:

- A. a practical alternative method of disposal of the material is available, such as chipping or composting;
- B. the burning cannot be conducted according to the conditions established in Minnesota Rules; or
- C. a nuisance condition would result from the burning.

720.06 Permit Revocation. A permit shall be subject to revocation by if:

- A. a practical method of disposal of the material is found;
- B. a fire hazard exists or develops during the course of the burning;

- C. the permittee violates Minnesota Rules or the regulation of the DNR;
- D. any of the conditions of the permit are violated; or
- E. a nuisance condition has resulted from the burning.

720.07 Department of Natural Resources Jurisdiction. Designated Department of Natural Resources officers or fire wardens shall be authorized to accept applications and issue, deny, enforce, and revoke open burning permits on behalf of the Commissioner for locations within their jurisdiction.

720.08 Fire Training.

Subd. 1 Structure Burn Training. Except for owners or operators conducting fire training in specialized industrial settings pursuant to applicable Federal, State, or local standards, owners or operators conducting open burning for the purpose of instruction and training of firefighters with regard to structures shall follow the techniques described in Structural Burn Training Procedures for the Minnesota Technical Training Procedures for the Minnesota Technical College System. This document is written and published by the Regional State Fire Training Coordinator Staff, June 1967, and shall be incorporated by reference. It is not subject to frequent change. This publication is available at the Minnesota State Law Library and at the Fire Information, Research, and Education Center.

Subd. 2 Restrictions. Flammable or combustible liquids should not be burned during fire training unless liquid fuels or arson investigation training is being conducted. The use of small amounts of uncontaminated diesel fuel or kerosene for ignition of live burn fires shall not be prohibited.

Subd. 3 Liquid Fuels Training. Fire training shall be conducted according to the conditions in items A to C below when liquid fuels are burned.

- A. The fuel shall be completely contained within a limited structure, such as a cement- or metal-lined container.
- B. The amount of fuel to be burned shall be the minimum amount necessary to conduct the training.
- C. If fuel is released from the lined structure, or if oil or groundwater contamination is suspected to have resulted from the burn, the spill shall be reported and recovered as required under Minnesota Statutes, Section 115.061.

Subd. 4 Conditions. Fire training shall be conducted according to Minnesota Rules, except as specifically authorized by the permit issued by the Commissioner.

720.09 Delegated Authority.

Subd. 1 Delegated Authority to Issue Permits. The City may issue permits for open burning other than for fire training or permanent tree and brush burning conducted according to Minnesota Rules or the regulations of the DNR, if delegated authority is obtained as provided in Subpart 2. Permits shall be issued on a form approved by the Commissioner and records shall be maintained of all open burning permits issued.

720.10 Recreational Fires. Fires set for recreational, ceremonial, food preparation, or social purposes shall be allowed and shall not require an agency permit. The material to be burned shall be limited to a pile no larger

than three feet in diameter by three feet high. Only unpainted and untreated wood, coal, or charcoal shall be burned.

No recreational fire shall be located closer than twenty-five (25') feet from any building, structure, or combustible material, and no closer than ten (10') feet from any property line. Combustible materials are things such as wood, paper, and plastics. A hose connected to a water supply, fire extinguisher or other means of extinguishments sufficient to fully extinguish the fire shall be provided at all times while the fire is burning. No recreational fire will be permitted without adult supervision.

720.11 Liability. The granting of an open burning permit or allowance of open burning without a permit shall not excuse a person from consequences, damages, or injuries which may result from the open burning.

720.12 Permanent Tree and Brush Open Burning Sites.

Subd. 1 Permanent Sites. The Commissioner shall issue permits authorizing continuous use of a site for open burning.

Subd. 2 Tree and Brush Burning Only. Only trees, tree trimmings or brush shall be permitted to be burned at a permanent open burning site.

Subd. 3 Alternatives to Burning. Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as shipping, composting, or other method, shall be permitted to be burned at a permanent open burning site.

Subd. 4 Location. A permanent open burning site shall not be located within:

- A. 1,000 feet of an occupied building unless written permission is obtained from the building owner and occupant;
- B. 1,000 feet of a public roadway;
- C. one mile of an airport or landing strip unless written permission is obtained from the affected airport or landing strip;
- D. 300 feet of a stream, river, lake, or other water body unless berms or other measures are used to ensure that ash or organic material does not enter the water body; or
- E. a wetland.

Subd. 5 Site Operation. A permanent open burning site shall be developed and operated according to items A to J below.

- A. A qualified attendant shall be on duty at all times when the site is open for disposal of material to be burned and for the duration of any fire on the site.
- B. Access to the site shall be controlled through a gate that shall be locked when the attendant is not on duty.
- C. A permanent sign indicating the times of operation, rates, the penalty for nonconforming dumping, and other pertinent information of use to the public shall be posted at the site entrance.

- D. Burning and ash storage areas shall be designated and maintained.
- E. Surface water drainage shall be diverted around and away from the burning and ash storage areas.
- F. Burning shall be conducted according to the conditions in Minnesota Rules and the regulations of the DNR.
- G. Prior notice shall be given to the local authority of the time and duration of each burn.
- H. Fugitive ash emissions shall be controlled and ash residue shall be collected periodically and disposed of in a permitted solid waste land disposal facility or other method allowed by applicable statutes and rules.
- I. The fire shall not be allowed to smolder with no flame present.
- J. Fugitive dust emissions from access roads and the site shall be controlled.

Subd. 6 Site Termination. A permanent open burning site shall be terminated in compliance with items A to D below.

- A. All unburned materials shall be removed and disposed of through burning at another permitted burn site or by other method allowed by applicable statutes, rules, and ordinances.
- B. All ash shall be removed to a permitted solid waste land disposal facility or disposed of by other method allowed by applicable statutes, rules, and ordinances.
- C. Areas affected by burning shall be covered with soil and seeded to prevent erosion and to restore the site to a natural condition.
- D. A sign shall be posted informing the public that the site has been closed, and listing the closest disposal site alternative.

Subd. 7 Application Process. Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the Commissioner. This application shall be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application shall be submitted to the Commissioner and shall contain:

- A. The name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;
- B. If the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;
- C. A general description of the materials to be burned, including the source and estimated quantity;
- D. A topographic or similarly detailed map of the site and surrounding area within a one mile circumference showing all structures that might be affected by the operation of the site; and
- E. Any other information relevant to the operation of the site, or as requested by the Commissioner.

Subd. 8 Permittees. The permit application shall be signed by all owners and operators of the proposed permanent open burning site, and the Commissioner shall designate all owners and operators as co-permittees when issuing the permit.

Section 730 - False Alarms

730.01 Definitions.

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

Subd. 1 Alarm System means an assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into a one-hundred-ten volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond.

Subd. 2 Audible Alarm means a device designed for the detection of unauthorized entry on premises, and which, when actuated, generates an audible sound on or near the premises.

Subd. 3 Criminal Activity means entrance upon or into the property of another, taking the property of another, or damaging the property of another without permission. Criminal activity includes burglary, robbery, assault, theft, damage to property, or other crimes as defined by State law.

Subd. 4 False Alarm means any alarm system triggered by some reason other than criminal activity. It does not include activation of the alarm by acts of God or by utility company power outages.

730.02 Installation. No person may layout, install, maintain, or repair alarm and communication systems, unless the person is licensed as an alarm and communications contractor or is a licensed electrical contractor, or is an employee of the contractor, and has a permit from the City.

730.03 Response to False Alarms.

- a) A fee, as established by Council resolution, shall be paid to the City for the fourth response and each subsequent response by the Police Department or Fire Department within one (1) calendar year to a false alarm.
- b) The City may collect such fee by whatever means necessary, including the institution of a civil action against the person responsible for the payment of such fee or certifying the fine on the property tax.

730.04 False Alarm Reports.

- a) The Chief of Police, the Fire Chief and/or Fire Marshal may require the person in control of the alarm system to submit a written report after any false alarm. The report shall contain information specified by the Chief making the request.
- b) The Chief of Police, the Fire Chief and/or the Fire Marshal may excuse false alarms associated with their respective departments when there is evidence that they are the result of an effort or order to upgrade, install, or maintain an alarm system or if one (1) or more false alarms result from the same malfunction within a seven (7) day period.

730.05 Audible Alarm Requirements.

- a) All audible alarms shall meet the requirements of this Section.
- b) Every person maintaining an audible alarm shall post a notice containing the name and telephone number of the persons to be notified to render repairs or service during any hour of the day or night that the alarm sounds. Such notice shall be posted at the main entrance to such premises or near the alarm in such a position as to be legible from the ground level adjacent to the building or kept currently corrected on file with the Police Department and/or the Fire Marshal's office.
- c) Audible alarms that sound like police and fire sirens are forbidden.
- d) Audible alarms shall have an automatic shut-off which will silence the audible alarm within a period not to exceed twenty (20) minutes and such alarms shall not sound for more than twenty (20) minutes during any hour.

730.06 Dishonored Checks In addition to the requirements of Minnesota Statute, Section 609.535 pertaining to the issuance of dishonored checks, whenever restitution is made by the issuer of a dishonored check after service of Notice of Dishonor by the Newport Police Department, an administrative fee, as established by Council resolution, shall be paid to the City of Newport by cashiers check or money order, made payable to the City of Newport.

Section 740 - Graffiti

740.01 Definition. As used in this Code of Ordinances and except as otherwise required by the context:

- 1) 'Making of graffiti' means the act of defacing, damaging or destroying any real or personal property of another by any means including, but not limited to carving, scratching, etching, burning, marking or painting through the use of an aerosol container of spray paint, brush, a broad tipped indelible marker, or any other method or means. Such defacing shall include, but not be limited to, walls, buildings, billboards or other signs, rock or other natural markings or monuments, gravestones, fencing, roads, bridges or other public property, vehicles, trees or other vegetation.
- 2) 'Broad tipped indelible marker' means any felt tipped marker or similar implement which contains a fluid which is not soluble in water and has a flat or angled writing surface of a width of one-quarter inch or greater.

740.02 Making Graffiti.

- 1) No person shall make graffiti of any type on any building, public or private, or any other property real or personal owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.
- 2) The making of each mark of graffiti in violation of the foregoing shall be a misdemeanor.

740.03 Possession of Graffiti Instruments.

- 1) A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to paint, write, spray, scratch, affix, inscribe or otherwise place a mark upon a piece of property which that person has no permission or authority to paint, write, spray, scratch, affix, inscribe or otherwise mark, under circumstances

evinced an intent to use same in order to make graffiti upon such property. Possession of spray paint can in a public building, park, facility, or alley shall be presumptive evidence of intent to use same in order to damage such property.

740.04 Possession by Minors, Parental/Guardian Liability.

- 1) It shall be unlawful for any person under the age of 18 years to purchase or possess any aerosol container of spray paint or broad tipped indelible marker unless accompanied by a parent or guardian, or while involved in an activity sponsored by a school, church or community.
- 2) Each parent or guardian of a minor found guilty of making graffiti shall be liable for such damages created or caused to the City or to the party suffering damage as a result of such acts, or both.

740.05 Building Owner Responsibility Each owner or renter or lessee of a building or business upon which graffiti has been made shall within 72 hours of notice by the City Police, remove or obliterate such graffiti so that it shall become or be made indistinguishable as a message, depiction, code or marking. If not removed, the obliteration of the graffiti shall be made with paint or other suitable covering reasonably similar to the background coloring of - the wall or place where the graffiti has ' been made or placed. Failure to do so by the building owner, renter or lessee will result in the City taking such action on its own and then assessing the cost of such to the building owner, renter or lessee, if the perpetrator of the making of graffiti or his or her parents or guardians cannot be quickly identified by the City. The cost of same, being a benefit to the City and to the land owner, may be certified as a lien or debt against the land and placed on the Washington County tax rolls as an unpaid assessment. The building owner, renter or lessee required to make such cleanup shall be subrogated to the rights of the City to require reimbursement by the party making the graffiti or that party's parents or guardian, if the maker is of minor age.

740.06 Waiver of Costs Any owner or renter or lessee of a building or business who has been compelled to cause removal of such graffiti as set forth in Section 740.05 above may petition the City of Newport City Council for waiver of cost and fees. Consideration for such waiver shall be made based upon income, ability to pay and any other criteria reasonably calculated to provide a basis for equitable waiver of any such costs and fees.

Section ~~740-750~~ - Tobacco

~~740.00~~750.01 Tobacco, Tobacco Products and Tobacco Related Devices.

~~740.10~~750.02 Purpose. Because the city recognizes that many person under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices, and such sales, possession, and user are violations of both State and Federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices, and to further the purposes of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn.Stat. □ 144.391.

~~740.20~~750.03 Definitions and Interpretations. Except as may otherwise be provided or -clearly implies by

context, all terms shall be given their commonly accepted definitions, the singular shall include the plural and the plural shall include the singular. the masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

Subd. 1 Compliance Checks. "Compliance Checks" shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or Local laws and regulations relating to tobacco, tobacco products, and tobacco related devices.

Subd. 2 Individually Packaged. "Individually packaged" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

Subd. 3 Loosies. "Loosies" shall mean the common term used to refer to a single or individually packaged cigarette.

Subd. 4 Minor. "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 5 Moveable Place of Business. "Moveable Place of Business: shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 6 Retail Establishment. "Retail Establishment" shall mean any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 7 Sale. A "sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 8 Self-Service Merchandising. "Self-Service Merchandising" shall mean open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

740.21Subd. -9 Tobacco or Tobacco Products. "Tobacco" or "Tobacco products" shall mean any substance or item containing tobacco leaf, including but not limited to cigarettes; cigars; pipe tobacco; snuff, fine cut or other smoking tobacco; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, duttings, and sweepings of tobacco; and other kinds and forms of

tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.

740.22 Subd. -10 Tobacco Related Devices. “Tobacco related devices” shall mean any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

Subd. 11 Vending Machine. “Vending Machine” shall mean any mechanical, electrical or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products, or tobacco device.

~~**740.23 — Self-Service Merchandising.** “Self-Service Merchandising” shall mean open displays of tobacco, tobacco products, or tobacco related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco related devices, without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.~~

~~**740.24 — Vending Machine.** “Vending Machine” shall mean any mechanical, electrical or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products, or tobacco device.~~

~~**740.25 — Individually Packaged.** “Individually packaged” shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.~~

~~**740.26 — Loosies.** “Loosies” shall mean the common term used to refer to a single or individually packaged cigarette.~~

~~**740.27 — Minor.** “Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.~~

~~**740.28 — Retail Establishment.** “Retail Establishment” shall mean any place of business where tobacco, tobacco products, or tobacco related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.~~

~~**740.29 — Moveable Place of Business.** “Moveable Place of Business: shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.~~

~~**740.210 Sale.** A “sale” shall mean any transfer of goods for money, trade, barter, or other consideration.~~

~~**740.211 Compliance Checks.** “Compliance Checks” shall mean the system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco related devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who~~

~~attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or Local laws and regulations relating to tobacco, tobacco products, and tobacco related devices.~~

~~740.30-750.04~~ **License.** No person shall sell or offer any tobacco, tobacco products, or tobacco related devices without first having obtained a license to do so from the city.

~~740.31~~**Subd. 1 Application.** An application for a license to sell tobacco, tobacco products, or tobacco related devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administration shall forward the application to the council for action at its next regularly scheduled council meeting. If the administration shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

~~740.32~~**Subd. 2 Action.** The council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

~~740.33~~**Subd. 3 Term.** Except as herein otherwise provided, licenses issued under this ordinance shall be valid for one calendar year from the date of issue. The City, by ordinance, may from time to time establish one uniform period for all such licenses.

~~740.34~~**Subd. 4 Revocation or Suspension.** Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

~~740.35~~**Subd. 5 Transfers.** licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

~~740.36~~**Subd. 6 Moveable Place of Business.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

~~740.37~~**Subd. -7 Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

~~740.38~~**Subd. -8 Renewals.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

~~740.40~~**750.05 Fees.** No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set annually by the City.

~~740.50~~**750.06 Basis for Denial of License.** The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly

issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section.

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or Local law, ordinance provision, or other regulation relating to tobacco or tobacco products, or tobacco related devices.
- C. The applicant has had a license to sell tobacco, tobacco products, or tobacco related devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other Local law, ordinance, or other regulation, from holding such a license.

740.60750.07 Prohibited Sales. It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device:

- A. To any person under the age of eighteen (18) years.
- B. By means of any type of vending machine, except as may otherwise be provided in this ordinance.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer.
- D. By means of loosies as defined in Section 200 of this ordinance.
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- F. By any other means, to any other person, or in any other manner or form prohibited by Federal, State or other Local law, ordinance provision or other regulation.

740.70750.08 Vending Machines. It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

740.80750.09 Self-Service Sales. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco related devices shall either be

stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco related devices at the time this ordinance is adopted shall comply with this Section within 60 days following the effective date of this ordinance except where 90% of the sales of the particular establishment are tobacco related products and minors are at all times prohibited from entering the licensed establishment.

740.90750.10 Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this ordinance, State or Federal law, or other applicable law or regulation.

740.100-750.11 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel.

Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

740.110750.12-Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this ordinance.

740.111Subd. 1 Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco related device to any minor.

740.112Subd. 2 Illegal Possession. It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

740.113Subd. 3 Illegal Use. It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

Subd. 4740.114 Illegal Procurement. It shall be a violation of this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

740.115Subd. 5 Use of False Identification. It shall be a violation of this ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the

identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

740.120-750.13 Violations.

740.121Subd. 1 Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

740.122Subd. 2 Hearings. If a person accused of violating this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

740.123Subd. 3 Hearing Officer. The City Council shall serve as the hearing officer.

740.124Subd. 4 Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officers' reasons for finding a violation and the penalty to be imposed under Section 1300 of this ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

740.125Subd. 5 Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the city in which the alleged violation occurred.

740.126Subd. 6 Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

740.127Subd. 7 Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

740.130-750.14 Penalties.

740.131Subd. 1 Licensees. Any licensee found to have violated this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance, \$200 for a second offense at the same licensed premises within a twenty-four month period; and \$250 for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for not less than seven days.

740.132Subd. 2 Employees of Licensees and Other Individuals. Employees of Licensees and other individuals, other than minors regulated by subdivision 3 of the Subsection, found to be in violation of this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

740.133Subd. 3 Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

740.134 Subd. 4 Community Service and Other Conditions. The hearing officer may, in its sole discretion, allow community service to be substituted for some or all of the fine. Such substitution shall be a rate established by the hearing officer. The hearing officer may also stay the imposition of some or all of the fine on such other conditions that it, in its sole discretion, deems appropriate.

740.135 Subd. 5 Misdemeanor. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this ordinance.

740.140-750.15 Exceptions and Defenses. Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by State law.

740.150-750.16 Severability and Savings Clause. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

740.160-750.17 Effective Date. This ordinance shall take effect the day following publication in the city's official newspaper.

Section 750-760 – Archery Deer Hunting

750760.01 Definitions. As used in this Section, the following terms have the meanings given:

Subd. 1. Archery Deer Hunting. “Archery Deer Hunting” shall mean the sport of shooting a deer with a bow and arrow.

750760.02 Designated Hunting Areas. The Newport City Council shall determine, by Resolution, areas for archery deer hunting. The said Resolution shall define the area(s), by map, which may be hunted. This map shall be effective for the stated hunting season.

750760.03 Hunting Permitted. Archery deer hunting shall be permitted on private lots consisting of a minimum of five (5) contiguous acres as allowed by Resolution. A combination of parcels may be used to create five (5) contiguous acres of land. All hunting must be done in accordance with archery deer hunting regulations set forth by Minnesota State Statutes and the Ordinances of the City. Hunters must obtain written permission from the landowner(s) to hunt on the property owner's land.

750760.04 Regulations.

Subd. 1 Persons archery deer hunting must have completed and have in their possession the Newport Proficiency Test Certificate.

Subd. 2 Written permission from the landowner(s) must be in the possession of the hunter at the time of hunting, along with adequate identification.

Subd. 3 Persons may hunt deer with a bow and arrow on land approved by the map provided they are at least:

A. Twenty feet (20') from any property with a zoning classification other than those areas identified

by the hunting map.

B. Twenty feet (20') from any public right-of-way.

C. Twenty feet (20') from any land or building not owned by the landowner, unless permission has been granted.

| **Subd. ~~3-4~~** Deer shall be the only animal allowed to be hunted. No other small or large game hunting shall be permitted.

| **Subd. ~~4-5~~** Hunting on public land is prohibited.

| **~~750760.05~~ Enforcement.**

Subd. 1 Authority of Peace Officers. A peace officer is hereby authorized and empowered to enforce all requirements of this Ordinance and related Minnesota State Statutes.

Subd. 2 Seizure, Confiscation, and Disposal of Deer and Property. A peace officer is hereby authorized and empowered to seize and confiscate any deer taken in violation of this Ordinance and to seize, confiscate, and dispose of all guns, firearms, bows and arrows, boats, or vehicles used by the owner or any other person with his or her knowledge in unlawfully taking or transporting such deer in violation of this Ordinance. Articles which have no lawful use may be summarily destroyed. Upon conclusion of the prosecution of any case, the guns, firearms, bows and arrows, boats, or vehicles seized pursuant to this subsection shall be returned to the lawful owner thereof upon payment to the City of all costs incurred by the City in the seizure, to include towing fees and storage or impound fees. In the event the lawful owner cannot be determined or located, the property shall be disposed of in compliance with court order

| **~~750760.06~~ Violations and Penalties.** Any person violating, or otherwise refusing to comply with any provisions of this Ordinance, shall be guilty of a misdemeanor and subsequent penalties shall apply.

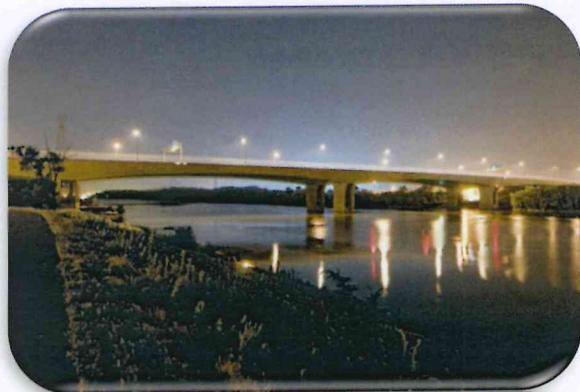
City of Newport

2011 Strategic Work Plan



Mission Statement

The City of Newport is committed to serving the people and businesses of Newport by creating an environment which encourages pride in the community, promotes prosperity for businesses, and improves the quality of life for all.



Vision Statement

Newport is a historic city on the Mississippi River where small-town tradition is preserved, strong work ethic and self reliance is valued, and a shared sense of community pride fosters active family neighborhoods, expanding business opportunities, and a healthy lifestyle for all to enjoy!

Local Governance

Newport City Council Members are elected at-large to represent the entire community and are empowered by law to legislate citywide policy. This includes the authority to pass and enforce ordinances, establish public and administrative policies, create advisory boards and commissions, and manage the City's financial operations, including preparing a budget, auditing expenditures, and transacting other City business as required by law. The City Council also serves as the Housing and Redevelopment Authority (HRA) for the City. The City Council appoints a City Administrator who directs City staff on implementation of Council decisions and providing day-to-day City operations, which allows the City Council to focus on Newport's vision and other long-term goals.

- Inform and educate residents and businesses on pertinent information through various communication channels including the City's web site, cable television, quarterly newsletter, and other media outlets.
- Recreate the Newport Vision video to encourage stakeholders to invest in new development and redevelopment.
- Maintain staffing levels that can effectively administer City operations by providing the necessary training and technical support for all City employees.
- Develop a review of possible City Hall options, including Joint Powers Agreements (JPA's) and mixed used concepts for the expansion of the current site, recently purchased site, possible transit site location, and others.
- Work with governmental agencies to develop a buyout program for those living on or adjacent to the levee.
- Continue to apply for community grants involving parks, life-cycle housing, market analysis, TOD financing, etc.
- Work with Washington County towards a solution for Newport's Library.
- Support community events such as Booya, Pioneer Day, Buckthorn Removal Day, Fun Walk, and others.



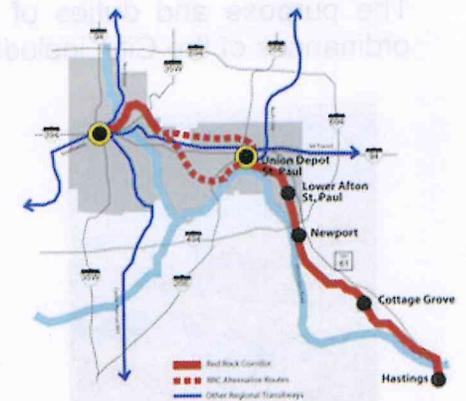
Fiscal Responsibility

- In reaction to the current economy, restructure the budget so it eliminates the reliance on Local Government Aid (LGA) and Market Value Homestead Credit (MVHC) by 2014.
- Find alternative funding sources to assist in reducing the reliance of tax revenue.
- Review the use of our current Tax Increment Financing (TIF) district and explore the use of any future TIF policies.
- Continue moderation of tax levy amount in comparison to peer communities, and moderation of future operating cost increases below our funding ability.

COMMUNITY & ECONOMIC DEVELOPMENT

The Newport Economic Development Authority is dedicated to improving the economic wellbeing of the City by creating opportunities for well-managed residential and commercial growth, encouraging quality community developments, and promoting meaningful employment opportunities for citizens that will enhance the quality of life in Newport.

- Create a business policy that includes incentives for businesses that want to locate in Newport and/or reinvest in their current businesses.
- Promote new construction and redevelopment projects throughout Newport.
- Support the development of a new transit station, along with the Red Rock Corridor Station Planning Project.
- Research the options of Transit Orientated Development Plan for the areas around the proposed transit station.
- Assist in marketing the larger parcels of commercial land for development through economic websites and other media outlets.
- Provide for enhanced Chamber, EDA, and Council business outreach coordination.



Housing Development

- Market Newport's 20 acres in the northeast corner of the City in conjunction with adjoining properties.
- Market the old public works site(s) to encourage single family homes.
- Explore the possible development of residential housing along the bluff.
- Continue to monitor all houses and businesses for code compliance.
- Monitor foreclosed properties to reduce unwanted blight.

PLANNING

Mission Statement - The purpose of the Planning & Zoning Commission is to provide professional support to ensure proper and legal interpretation of the Zoning Ordinance, make recommendations on planning related matters, and to oversee and enforce the Zoning Ordinance, subdivision process, and Comprehensive Plan.

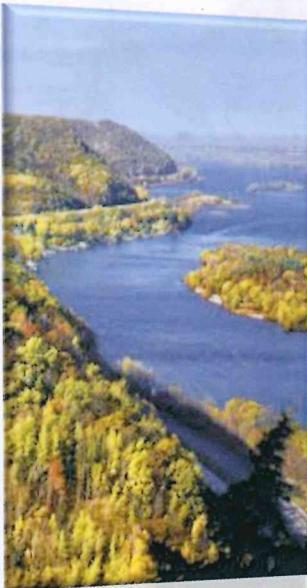
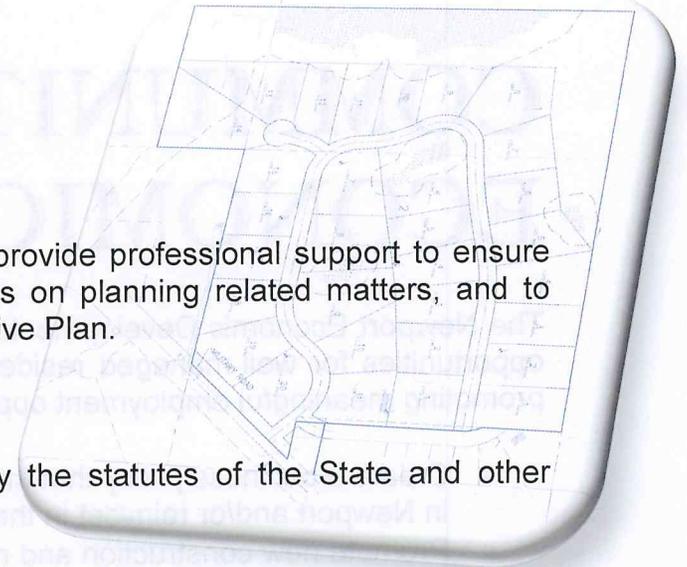
Duties

The purpose and duties of the Planning Commission are those vested in it by the statutes of the State and other ordinances of the City, including, but not limited to:

- Hold public hearings, review applications, and make recommendations as set forth in the City Code.
- Review and make recommendations on proposed amendments to zoning, subdivision, Comprehensive Plan, and district plan provisions of the City Code.
- Enforce the Zoning Ordinance to achieve the goals of the Comprehensive Plan.
- Work cooperatively with all City staff, City Council, and commissions to achieve the goals of the Comprehensive Plan and address issues related to planning and zoning.
- Work cooperatively with Washington County, the Metropolitan Council, and neighboring communities to address issues related to the Comprehensive Plan and its implementation.

2011 Projects

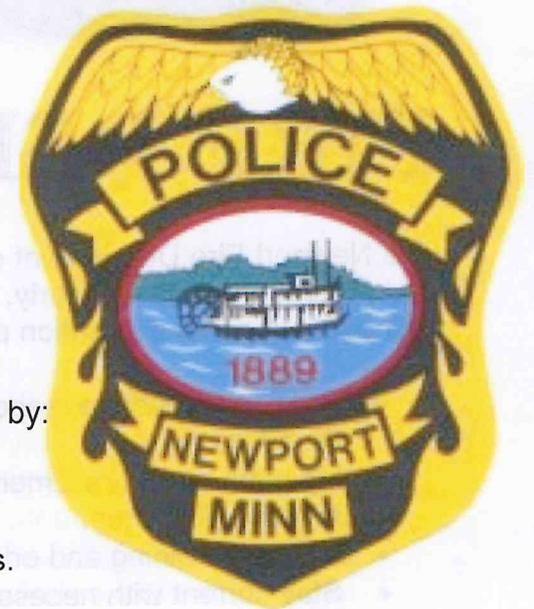
- Establish standards for the MX-3 Transit Oriented Design District.
- Review the Linn Development proposal.
- Review the Bancor 58-acre RE (Residential Estate) Development proposal.



Police Department

Mission Statement: The Newport Police Department is committed to excellence, fairness, and compassion in providing balanced police services in accordance with the law, responsive to the priorities and needs of the community and in harmony with the mission of the City of Newport.

- Create a safer environment for the citizens and businesses of Newport by:
 - Providing officers with annual medical training.
 - Continuing to support Safe and Sober programs.
 - Encouraging officer and business dialogue.
 - Participating as a member in County Emergency Response Team (ERT).
 - Maintaining continued attention towards traffic enforcement.
 - Sustaining a proactive approach towards juvenile issues.
 - Providing routine code compliance monitoring and enforcement.
- Create a safer working environment for members of the Newport Police Department by:
 - Providing officers with the current and necessary safety equipment.
 - Investing in modern crime-fighting technology.
 - Enrolling officers in annual education classes and training seminars.
 - Continue to participate in Mutual Aid assistance with other local organizations.





FIRE DEPARTMENT

The Newport Fire Department dedicates its efforts to provide for the safety and welfare of the public through preservation and protection of life, property, and the environment. This Department strives to meet the task through sustained training and education, fire prevention programs, fire suppression, and emergency preparedness.

- Provide immediate response to the general public to protect life and property from other man-made or natural disasters.
- Maintain the City's Emergency Preparedness Program, including Civil Defense System, Natural Disaster Plan and Weather Watches.
- Maintain training and education as per (National Fire Protection Association (NFPA) standards.
- Stay current with necessary technology for communicating and routine maintenance.
- Maintain fire station facilities and equipment.
- Continue to provide proper funding for the Fire Relief Fund.
- Continue to participate in Mutual Aid assistance with other local organizations.

ENGINEERING & PUBLIC WORKS

The Newport Public Works Department is responsible for the operation and maintenance of all water systems, sanitary sewer systems, storm water systems, City-owned equipment, and City roadways, including snow removal and sanding, pavement repairs, striping, signs, and traffic signals.

ENGINEERING

- Complete the design and begin construction of the North Ravine Project.
- Monitor the 4th Ave. Ravine Project and finalize the project in 2011.

PUBLIC WORKS

- Research the creation of a cooperative Pavement Management program with the City of Cottage Grove, including seal coating, street sweeping, and street striping.
- Ensure Ms4 compliance as permitted by the Metropolitan Pollution Control Agency (MPCA).
- Research, develop, and implement a Water Meter Replacement Program.
- Research, develop, and implement an Inflow and Infiltration Project.
- Research, develop, and implement a Lift Station Rehabilitation Program.

Did you know that the Newport Public Works Department operates and maintains:

- 25 miles of streets
- 19.5 miles of sewer line
- 15 miles of water line
- 7 sanitary lift stations
- 2 wells and a booster station
- 11 storm water ponds
- 180 acres of City parks
- 9 miles of trails
- 4 pedestrian bridge landings
- 17 pieces of PW vehicles & equipment
- 6 City Facilities
- 7 fire engines
- 5 police squads
- 2 warming houses

Parks & Recreation



Mission Statement: Develop, preserve, and enhance parks, natural settings and outdoor spaces for recreation, education, and enjoyment of area citizens. Newport Park Board will collaborate with City Staff and Council, local businesses, volunteers, and other partners to achieve this mission.

Newport offers its residents the following park amenities:

- 6 City parks totaling 180 acres
- 9 miles of trails
- 3 river overlook parks
- 6 pavilions
- horseshoe pits
- 3 tennis courts
- BBQ grills at many locations
- Volleyball
- Basketball
- 4 ice rinks
- Along with many other amenities

- Maintain an extensive Volunteer Program for a variety of activities and locations.
- Continue to promote the eradication of buckthorn throughout Newport.
- Conduct a joint meeting with the Heritage Preservation Committee to establish goals and alternative funding sources for Pioneer Park.
- Develop a plan for the Frances & Henry James Park (pocket park by East Fire Station).
- Continue to support and implement park improvements for Lions, Loveland, and Pioneer parks as outlined in the Master Plan.
- Implement names for the Pedestrian Bridge Pocket Parks.
- Begin to create a Mississippi Park Master Plan including the “Island”, Levee Park, and other river properties that may prove beneficial to Newport.
- Develop an interpretive plan for the Newport Bailey Family School Forest (Mike Philips) Learning Center.
- Develop Park Board’s participation in the annual History/Parks Fun Walk.
- Provide recreation and reading activities for children.
- Review the Bancor 58-acre RE Development proposal.
- Complete the Statewide Health Improvement Plan (SHIP) Grant Trails Map.

HERITAGE PRESERVATION

Mission Statement: The purpose of the Newport Heritage Preservation Commission is to provide guidance and recommendations for the preservation, protection and use of Historical and Archeological resources of significant properties within the City of Newport. The Newport 2011 Heritage Preservation Committee Goals include the following:

- Hold bi-monthly regular meetings of the HPC, with special meetings as needed.
- Sponsor public education activities in association with Preservation Month (May).
- Sponsor public education activities in association with the Civil War sesquicentennial.
- Nominate properties for Newport Heritage Landmark designation.
- Provide City officials and the public with information, education, and training in historic preservation.



- Complete management plans for City-owned historic buildings (CLG grant project.)
- Digitize historic municipal records, 1880's – 1940's (Newport village council, library board, etc.)
- Implement the heritage resources Disaster Management Plan.

The following properties have been officially designated Newport Heritage Landmarks by the City Council:

- Armstrong-Yelland House ("Dilaram Cottage"). 280 2nd Avenue
- Chicago, Milwaukee & St. Paul Railroad Switching Tower ("Train Tower"). Behind City Hall
- Kaposia Mission Building ("Kavanaugh Log Cabin"). Newport United Methodist Church
- Marko, F. A., Riverfront. 121 10th Street
- Newport Baptist Church/Public Library. 405 7th Avenue
- Red Rock Cemetery. End of Cemetery Road
- Red Rock/Eyah Shah. Newport United Methodist Church

**CITY OF NEWPORT
NEWPORT ECONOMIC DEVELOPMENT AUTHORITY**

October 6TH, 2011
6:30 P.M.
Newport City Hall

<i>President:</i>	<i>Tim Geraghty</i>	<i>E. D. Director/Executive Director:</i>	<i>Brian Anderson</i>
<i>Board of</i>	<i>Tom Ingemann</i>	<i>City Administrator/Asst. Exec. Dir.:</i>	<i>Brian Anderson</i>
<i>Commissioners:</i>	<i>Bill Sumner</i>	<i>Executive Analyst:</i>	<i>Renee Helm</i>
	<i>Tracy Rahm</i>	<i>Authority Attorney:</i>	<i>Fritz Knaak</i>
	<i>Steve Gallagher</i>	<i>Planning & Zoning Official:</i>	<i>Brian Anderson</i>

1. CONVENE ECONOMIC DEVELOPMENT AUTHORITY MEETING

- A. Roll Call
- B. Review Agenda
- C. Approval of NEDA Minutes
 - a) Minutes of September 16, 2010, NEDA Annual Meeting

2. NEW BUSINESS

- A. Resolution No. 2011-1 2012 NEDA Budget
- B. Resolution No. 2011-2 Election of the NEDA Treasurer for 2012
- C. Business Assistance Policy
 - a) TIF Policy
 - b) Tax Abatement Policy
 - c) Downtown Façade Rehabilitation Grant Program or Matching Improvement Loan Program
 - d) Tim Murphy's request
- D. Business Assistance Programs
 - a) DEED, CEE, Xcel Energy, Newport web site, Metro MSP
- E. Homeowner Assistance Programs
 - a) Washington County HRA, CEE, MN Housing, Xcel Energy
- F. Vacant Building Registration Program Review
- G. Property Update: Knauff, Linn, Old PW site, Raceway to Fun, etc
- H. Red Rock Gateway Vision & Implementation Plan roles and review
- I. Newport Development Information Guide
- J. Business Marketing Strategies Plan for attraction & retention of businesses.

3. OTHER BUSINESS

4. ADJOURN