Section 100 - Title; citation; statutory references

100.01. Title.

The ordinances embraced in the following chapters and sections will constitute and be designated as the "Minnetrista city code" and must be so cited.

100.03. Citation.

For the purposes of internal references in code and citation by its users, the following terms are used:

Chapter	Roman numerals (e.g. chapter I)
Section	Arabic numerals (e.g. section 100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g., subsection 110.01)
Subdivision	Arabic numerals (e.g. subdivision 1)
Clause	Arabic letters in lower case after the subdivision (e.g. subdivision 1(a))

Reference or citations made in a form other than described above will not defeat the intent of the council in enacting an ordinance or the intent of a user in citing the code. This code is to be construed liberally to carry out its intent and purposes.

100.05. Adoption by reference.

Statutes or administrative rules or regulations of the state of Minnesota, codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by section 471.62 of Minnesota Statutes. At least one copy of any item so adopted, but not less than the number of copies required by law, must be kept in the office of the city clerk for use by the public.

100.07. Official statutes; codes; regulations; and ordinances.

References in this code to Minnesota Statutes are to Minnesota Statutes 2004, unless otherwise provided. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on August 1, 2004, unless otherwise provided.

100.09. Relation to state law.

It is the intent of the city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law. Where this code imposes a more stringent rule or standard of conduct than contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this code prevail over that state law, rule or regulation to the extent permitted by law.

Section 105 – Definition of terms; interpretation; conflicts

105.01. Definitions; common terms.

The definitions in this section apply to the entire code.

City. The word "city" means the city of Minnetrista, Hennepin County, Minnesota, and all the territory lying within its boundaries over which it has jurisdiction.

City council or *council.* The words "city council" or "council" mean the city council of the city of Minnetrista.

Code. The word "code" means the Minnetrista city code as designated in subsection 100.01.

City administrator. The words "city administrator" means the Minnetrista city administrator.

City planner. The words "city planner" means the planning/zoning administrators of the city of Minnetrista.

Clerk. The word "clerk" means the Minnetrista city clerk.

County. The word "county" means Hennepin County.

Finance officer/treasurer. The words "finance officer-treasurer" means the Minnetrista city finance officer-treasurer.

Ordinance or *city ordinance.* The unqualified use of the term "ordinance" or "city ordinance" must be construed to be followed by the phrase "of the City of Minnetrista, Minnesota."

Owner. The word "owner" must, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word "person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Property. The word "property" includes real, personal and mixed property.

Real property. The words "real property" includes lands, tenements and hereditaments.

Signature. A "signature" includes a mark when the person cannot write, provided that the person's name is written near such mark and is witnessed by a person who writes their own name as witness.

105.03. <u>Definitions; statutory</u>.

For purposes of this code, the terms defined in chapter 645 of Minnesota Statutes, have the meanings given them by that chapter; and terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them by those statutes, rules and regulations.

105.05. <u>Definitions; internal</u>.

Terms defined in other sections of this code have the meanings given them by those sections.

105.07. <u>Interpretation</u>.

Subdivision 1. <u>Common usage</u>. Words and phrases used in this code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with such meaning.

Subd. 2. <u>Conflicts.</u> Where any provision of the code imposes greater restrictions upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation must control.

Subd. 3. <u>Statutory rules</u>. The provisions of chapter 645 of Minnesota Statutes, are adopted by reference and are a part of this code. All questions of meaning, construction and interpretation of this code must be resolved by application of the rules and canons of construction contained in chapter 645.

Subd. 4. <u>Delegation of authority</u>. Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

Subd. 5. <u>Joint authority</u>. All words giving a joint authority to three or more persons or officers must be construed as giving such authority to a majority of such persons or officers.

Subd. 6. <u>Time</u>. The word "month" means a calendar month. The word "week" means seven days. The word "year" means a calendar year, unless otherwise designated.

Subd. 7. <u>Headnotes.</u> Chapter, section, subsection and subdivision headnotes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

Section 110 – Legislative procedure

110.01. <u>Enactment of ordinances</u>.

Ordinances are enacted in accordance with the procedures set forth in the laws of Minnesota. Ordinances are to be integrated into this code in accordance with this section.

110.03. <u>Form of amendments and new ordinances</u>.

An ordinance amending this code must specify the subsection, subdivision and clause to be amended. Language to be added must be underlined; language to be repealed must be stricken. An ordinance repealing an entire chapter, section, subsection, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause, and the text need not be reproduced. The text of an ordinance adding only new provisions to the code need not be underlined.

110.05 <u>Integration of ordinances into code</u>.

Subdivision 1. <u>Integration process</u>. The city administrator and city attorney must recommend to the council a system for integrating ordinances into the code in the most expeditious manner possible. All ordinances amending or in any way affecting this code must be assigned appropriate code numbers in accordance with the numbering system adopted by section 100.03 of this code and reproduced on the reprinted pages to be included into the code. Any of the existing chapters, sections and subsections or any of its part that is being repealed by an ordinance passed subsequent to this code must be omitted from the reprinted pages of this code. The city clerk or city attorney may rearrange and consolidate provisions of this code to ensure a uniform, well-organized and accurate code.

Subd. 2. <u>Matters omitted</u>. When an ordinance is integrated into this code, the following matters may be omitted:
        (a)   Title;
        (b)   Enacting clause;
        (c)   Section numbers;
        (d)   Definition of terms identical to those contained in this code;
        (e)   Validation and repealing clauses;
        (f)   Validating signatures and dates;
        (g)   Punctuation and other matters not an integral part of the text of the ordinance; and,
        (h)   Penalty provisions.

Subd. 3. <u>Errors</u>. When integrating ordinances into the code, the city administrator and city attorney may correct grammatical, punctuation, and spelling errors; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without altering the meaning of the ordinances enacted.

Subd. 4. <u>Source notes</u>. When an ordinance is integrated into this code, a source note must be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the changed language was derived.

110.07. <u>Ordinance records; special ordinances.</u>

The city clerk is responsible for the safe and orderly keeping of ordinances in a manner directed by the council. Any ordinance not included in this code by council direction is a special ordinance. The city clerk must maintain an up-to-date, indexed record of all special ordinances. The council may direct that special ordinances and others be included in appendices to this code.

110.09. <u>Effective date of ordinances.</u>

Ordinances are effective on the dates specified in the ordinance.

110.11. <u>Ordinances not affected by code.</u>

Nothing in this code or the ordinance adopting this code will affect any ordinance:

(a)   Promising or guaranteeing the payment of money by or to the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(b)   Appropriating funds establishing or relating to the annual budget;

(c)   Imposing taxes which are not inconsistent with this code;

(d)   Establishing positions, classifying employees or setting salaries;

(e)   Granting a franchise;

(f)   Dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way;

(g)   Establishing or prescribing street grades;

(h)   Providing for local improvements and assessing taxes for the improvements;

(i)   Prescribing through streets, parking prohibitions, parking limitations, one-way streets, speed limits, load limits or loading zones not inconsistent with this code;

(j)   Rezoning specific property;

(k)   Dedicating, accepting or rejecting any plat or subdivision;

(l)   Annexing or detaching property;

(m)   Whose purpose has been accomplished;

(n)   Which are special or temporary.

All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length herein.

Section 115 – Penalties

115.01. Misdemeanor.

Whenever in this code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided, the violation of any such provision of this code will be a misdemeanor punishable to the maximum extent authorized in section 412.231of Minnesota Statutes.

115.03. Exceptions.

Where a provision of this code or a statute adopted by reference sets a lesser penalty or a different period constituting a violation than set in subsection 115.01, the code provision will prevail.

115.05. Enforcement.

The city may bring an action to restrain, enjoin or abate violations of this code.

115.07. Licensed peace officers.

Except as otherwise provided by statute, only a licensed peace officer may:

(a)   Ask a person receiving a citation to give a written promise to appear in court; or

(b)   Take a person into custody as permitted by section 629.34 of Minnesota Statutes.

115.09. Authority to issue citations.

Subdivision 1. Authorization. In the judgment of the city, it is necessary to authorize certain employees who are not licensed peace officers to issue citations for those violations of the city code that do not require enforcement by a licensed peace officer.

Subd. 2. Code enforcement officers. The city administrator may from time to time designate certain city employees as code enforcement officers who may issue citations under the direct supervision of the police department.

Subd. 3. Building inspectors. Inspectors working under the direct supervision of the city building official are authorized to issue citations for the violation of housing, building and zoning regulations within the city.

115.11. <u>Applicability</u>.

It is the intention of the council that the penalty provided by this section or any other section of this code applies to any amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance unless otherwise provided in the amendatory ordinance.