

## **Chapter 1 GENERAL PROVISIONS**

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### **Sec. 1-1. Designation and citation of Code.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Le Center, Minnesota."

(Code 1987, § 100.01(1))

**State law reference(s)**--Codification, M.S.A. § 415.021.

### **Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

*Agent or employee.* Whenever the Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

*City.* The term "city" shall mean the City of Le Center, Minnesota, and shall extend to and include its several officers, agents and employees.

*City council, council.* The terms "city council" and "council" shall mean the city council of the City of Le Center, Minnesota.

*Code.* The term "Code" shall mean the Code of Ordinances, City of Le Center, Minnesota, as designated in section 1-1.

*Computation of time.* The time, where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for its performance or doing is prescribed and fixed by law or ordinance, shall be computed so as to exclude the first and include the last day of the prescribed period or duration of time. When the last day of the period falls on a Saturday, Sunday or legal holiday, that day shall be omitted from the computation.

*County.* The term "county" shall mean the County of Le Sueur, Minnesota.

*Gender.* A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

*Joint authority.* Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

*Keeper and proprietor.* The terms "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

*Month.* The term "month" shall mean a calendar month.

*M.S.A.* The abbreviation "M.S.A." shall mean and refer to the latest edition or supplement of Minnesota Statutes Annotated.

*Number.* A word importing the singular may extend and be applied to the plural, and vice versa.

*Oath.* The term "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

*Officer, employee, department, board, commission or other agency.* Whenever any officer, employee, department, board, commission or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of Le Center, Minnesota." Whenever, by the provisions of this Code, any officer, employee, department, board, commission or other agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission or other agency shall mean and include such officer or any designee or authorized subordinate and shall

also include the successor in function to such officer, employee, department, board, commission or agency.

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

*Person.* The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals. For the purpose of imposing penalties or fines for violation of any section of this Code and whenever the term "person" is used in such section for which a penalty is imposed, the term shall include partners or members of an association, and as to corporations shall include its officers, agents or members who are responsible for any such violation.

*Personal property.* The term "personal property" shall include every species of property except real property.

*Property.* The term "property" shall include real, personal and mixed property.

*Public place.* The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

*Real property.* The term "real property" shall include lands, tenements and hereditaments.

*Shall, may.* The term "shall" is mandatory; the term "may" is permissive.

*Sidewalk.* The term "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians.

*State.* The term "state" shall mean the State of Minnesota.

*Street.* The term "street" shall embrace streets, avenues, boulevards, roads, highways, alleys, lanes, viaducts and all other public ways in the city.

*Tenant, occupant, lessee.* The terms "tenant," "occupant" and "lessee," when applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Written and in writing.* The terms "written" and "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

The words and phrases used in this Code shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(Code 1987, § 100.02)

**State law reference(s)**--Construction of words and phrases, M.S.A. § 645.08 et seq.; definitions of words and phrases, M.S.A. § 645.44 et seq.

**Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1987, § 100.01(4))

**Sec. 1-4. References to chapters or sections.**

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

**Sec. 1-5. History notes.**

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

**Sec. 1-6. References and editor's notes.**

References and editor's notes following certain sections of this Code are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

**Sec. 1-7. Code does not affect prior offenses, penalties and rights.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(Code 1987, § 100.04)

**Sec. 1-8. Effect of repeals.**

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

(Code 1987, § 100.04)

**Sec. 1-9. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issue of any bonds of the city, or any evidence of the city's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city.
- (3) Any administrative ordinances of the city not in conflict or inconsistent with the provisions of this Code.
- (4) Any right or franchise granted by any ordinance.
- (5) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city.
- (6) Any appropriation ordinance.
- (7) Any ordinance levying or imposing taxes.
- (8) Any ordinance prescribing fees, fines, charges, rates or other specific monetary values.
- (9) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the city.
- (10) Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.
- (11) Any ordinance regarding salaries or compensation of city officers or employees.
- (12) Any zoning ordinance or zoning map amendment.
- (13) Any temporary or special ordinances.

All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code. All ordinances are on file in the office of the administrative clerk-treasurer.

**Sec. 1-10. Amendments to Code.**

- (a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the city council to make such additions or amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include such additions and amendments.
- (b) All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of a chapter, article, division, section or subsection, such repealed portions may be excluded from the Code by their omission from reprinted pages.
- (c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City of Le Center, Minnesota, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full.
- (d) If a new section not then existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Le Center, Minnesota, is hereby amended by adding a section to be numbered \_\_\_\_\_, which section reads as follows: . . . ." The new section may then be set out in full.
- (e) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

#### **Sec. 1-11. Supplementation of Code.**

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," or "this section," as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### **Sec. 1-12. Severability of parts of Code.**

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1987, § 100.07)

#### **Sec. 1-13. General penalty.**

- (a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any such provision of this Code or city ordinance shall be punished as a misdemeanor, that is, with a fine of up to \$700.00 or imprisonment for not more than 90 days or by both such fine and imprisonment, unless otherwise provided in this Code. The term "misdemeanor" shall be as defined in M.S.A. § 609.02, subd. 3. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$200.00.
- (c) In case of the amendment by the city council of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection (a) of this section shall apply to the section, as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed.

(Code 1987, § 100.06)

**State law reference(s)**--Authority to adopt penalty of up to \$700.00, M.S.A. § 609.034; prosecutions, violations of ordinances, M.S.A. § 412.861.