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SECTION 100: CITY CODE

100.01 Title. This code may be cited as the “Pine City Code” and is sometimes referred to in the Pine City Code as “this code” or “the code.” Reference to the code shall be deemed to include amendments and additions to the code.

100.02 Numbering System. Each section number of this code consists of two parts separated by a decimal. The first digit refers to the chapter number. The digits preceding the decimal point indicate the section number. The digits following the decimal point indicate the subsection. Subdivisions are denominated as

such.

100.03 Headings and Index. Chapter, section, subdivision and other titles shall not be considered part of the subject matter of this code, but are intended only for convenient reference. The indexing system is not a part of the subject matter of this code, but is intended only to facilitate access to code sections.

100.04 Availability to the Public. Copies of the code shall be kept in the office of the Administrator for public inspection. Copies may be purchased for a reasonable charge as determined by the City Council.

100.05 Enactment of Ordinances. Ordinances and resolutions shall be enacted and adopted according to the procedures of Minn. Stat. Ch. 412, as it may be amended from time to time. All ordinances shall be integrated into this code, as provided in Subsection 100.06.

100.06 Amendments and Additions. Ordinances proposing additions or amendments to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this code, the clause indicating date of adoption and validating signatures and dates. In integrating ordinances into the code, the Administrator, in cooperation with the City Attorney, may correct obvious grammatical, punctuation and spelling errors and perform like actions to insure a uniform and accurate code of ordinances so long as the meaning of the ordinance shall not be altered.

100.07 Repeals. Repeal of an ordinance shall not revive any ordinance in force when the repealed ordinance took effect; nor shall any repeal affect any penalty incurred before the repeal took effect or any action or prosecution or proceeding pending at the time of the repeal.

100.08 Giving Notice to Individuals. Wherever it is provided in this code that the City or an officer or employee shall give notice to a particular person, the notice shall be deemed to have been given when a letter, with postage prepaid, is deposited in the United States mail, addressed to the person entitled to receive the notice at the person's last known address or at the latest address that can be found for the person by the exercise of reasonable diligence.

100.09 Existing Rights and Liabilities. The repeal of prior ordinances and the adoption of this code shall not be construed in any manner to affect the rights and liabilities existing at the time of repeal and enactment of this code. Insofar as provisions in this code are substantially the same as ordinances in existence at the time of its enactment, they shall be considered as continuations and not as new enactments. Any act done, offense committed, right accruing, liability, penalty, forfeiture or punishment occurring, incurred or assessed prior to the effective date of this code shall not be affected by the enactment of this code.

100.10 Separability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code shall be held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, the decision shall not affect the validity or effectiveness of any other portions of this code.

100.11 Penalties.

Subd. 1 Petty Misdemeanors. Except as otherwise provided in this code, whenever an act or omission is

declared in this code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to the penalties specified by State law for a petty misdemeanor.

Subd. 2 Misdemeanors. Except as otherwise provided in this code, in any case other than those in which a violation is expressly stated to be a petty misdemeanor in this code, any person violating any provision of this code or any rule or regulation adopted under this code shall, upon conviction, be guilty of a misdemeanor and subject to the penalties specified by State law for a misdemeanor, as it may be amended from time to time.

Subd. 3 Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues shall constitute a separate offense.

Subd. 4 Application to City Personnel. The failure of officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for the failure.

SECTION 105: DEFINITIONS

105.01 General. Unless otherwise provided or where the context clearly indicates otherwise, the following words and phrases have the meanings given them in this section.

Subd. 1 City. “City” shall mean the City of Pine City, Minnesota.

Subd. 2 City Administrator. “City Administrator” shall mean the person appointed as the City Administrator for the City of Pine City and who shall act as chief executive of the City, incorporating the statutory duties of the City Clerk.

Subd. 3 City Treasurer. “City Treasurer” shall mean the person appointed to perform the statutory duties of City Treasurer.

Subd. 4 Council. “Council” shall mean the Pine City City Council.

Subd. 5 Councilmember. “Councilmember” shall mean any member of the Council, including the Mayor.

Subd. 6 Municipal Officer. “Municipal officer” shall mean any person holding any elected office, and any person holding an appointed position of public trust, whether salaried or not, that are recognized as an officer of the City by statutes or the courts.

Subd. 7 Owner. “Owner” shall mean, in the case of personal property, a person, other than a lien holder, having an ownership interest in or title to personal property. In the case of real property, the term means the fee owner of land or the beneficial owner of land whose interest is primarily one (1) of possession and enjoyment in contemplation of ultimate ownership. The term includes purchasers under a contract for deed.

Subd. 8 Person. "Person" shall mean any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members. As applied to corporations, the term includes the officers, agents and employees.

Subd. 9 Public Building. "Public building" shall mean any school building, church, theater, dance hall or place of assembly arranged or used from time to time for assembly of twenty-five (25) or more persons.

Subd. 10 Public Grounds. "Public grounds" shall mean parks, playgrounds, squares, boulevards and grass plots adjoining streets and sidewalks owned or operated by the city or other governmental entity.

Subd. 11 Section. "Section" shall mean a section of this code unless the reference is expressly made to the Minnesota Statutes or other law.

Subd. 12 Shall. "Shall" shall mean the act referred to is mandatory.

Subd. 13 State. "State" shall mean the State of Minnesota.

Subd. 14 Statutory Definitions. In this code, the terms defined in Minn. Stat. §§ 645.44 and 645.45, as they may be amended from time to time, have the meanings given them in those sections. The definitions of any terms defined by statutes, rules, regulations or ordinances adopted by reference in this code are also adopted in this code.

Subd. 15 Street. "Streets" shall mean all public ways, alleys, lanes, sidewalks and those parts of public parks which form traveled parts of highways. When used in franchise ordinances and other grants of right from the municipality, the word "street" shall be given its ordinary limited meaning, and shall not include alleys, lanes, sidewalks or any parts of public grounds outside a platted highway.

105.02 Interpretation.

Subd. 1 Common Usage. Words and phrases used in this code shall be interpreted and understood in accordance with common and accepted usage. Technical words or phrases or other words or terms that have acquired a specific or peculiar meaning shall be interpreted and understood in accordance with the meaning.

Subd. 2 Statutory Rules of Interpretation. The rules of interpretation contained in Minn. Stat. Ch. 645, as it may be amended from time to time, are adopted by reference and shall apply to this code and govern its interpretation.

SECTION 110: INCORPORATION OF STATE LAW

110.01 Adoption by Reference. Statutes, ~~or~~ administrative rules, ~~or~~ regulations of the State and codes and ordinances adopted by reference in this code are adopted under authority granted by Minn. Stat. § 471.62, as it may be amended from time to time. One (1) copy of any item adopted, unless more copies are required

by law, shall be kept by the Administrator for review by the public.

110.02 Official Statutes, Codes, Regulations and Ordinances. References in this code to Minnesota Statutes are to the most current edition, as amended, unless otherwise provided in this code. Reference in this code to rules and regulations of State agencies, codes and ordinances of other municipalities are to those documents in effect at the time this code is adopted and as amended unless otherwise provided.

110.03 Relation to State Law. The provisions of this code shall be construed as the fullest exercise of the regulatory and other powers granted to the City and its officers by State law unless otherwise provided. When this code imposes a more stringent standard or rule of conduct than imposed by State law, it is intended that the provisions of this code shall prevail over the State law, rule or regulation to the extent permitted by law.

