

CITY CODE

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Citation of Code.

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

Sec. 1-3. Additions to Code.

Sec. 1-4. Supplementation of Code.

Sec. 1-5. Title headings.

Sec. 1-6. Availability of copies.

Sec. 1-7. Existing rights and liabilities.

Sec. 1-8. Construction of severable provisions.

Sec. 1-9. Penalties.

Sec. 1-10. References to chapters or sections.

Sec. 1-11. History notes.

Sec. 1-12. References and editor's notes.

Sec. 1-13. Certain ordinances not affected by Code.

Sec. 1-1. Citation of Code.

This Code of Ordinances shall be known as the Grand Marais, Minnesota, City Code and may be so cited.

(Code 1977, § 1.01(1))

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

Unless the context clearly indicates otherwise, the following words and phrases have the meanings given them in this section:

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

City. ``City'' means the City of Grand Marais, Minnesota.

Clerk. ``Clerk'' means the city clerk.

Code. The word ``Code'' shall mean the Grand Marais, Minnesota, City Code.

Council. ``Council'' means the city council.

County. The word ``county'' shall mean the County of Cook, Minnesota.

Gender. The masculine shall include the feminine and the neuter.

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.

Minn. Stat. The abbreviation ``Minn. Stat.'' shall mean and refer to the latest edition or supplement of the Minnesota Statutes.

Number. The singular shall include the plural and vice versa.

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 Grand Marais, Minnesota.''

Owner. Unless otherwise defined, the word ``owner'' 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. ``Person'' may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

State law reference(s)--Similar provisions, Minn. Stat. § 645.44, subd. 7.

Personal property. The term ``personal property'' shall include every species of property except real property.

Property. The word ``property'' shall include real and personal 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 open space adjacent thereto and any lake or stream.

Real property. The term ``real property'' shall include lands, tenements and hereditaments.

Shall, may. The word ``shall'' is interpreted to be mandatory; the term ``may'' is interpreted to be permissive.

Sidewalk. The word ``sidewalk'' shall mean any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians.

State. ``State'' means the State of Minnesota.

Statutory rules adopted. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minn. Stat. ch. 645 are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code and references to the legislature mean the council.

Street or highway. ``Street or highway'' means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

State law reference(s)--Similar provisions, Minn. Stat. § 169.01, subd. 29.

Tenant; occupant. The words ``tenant'' and ``occupant'' 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 present tense shall include the future; words used in the future tense shall include the present.

Usage of words and phrases. Words and phrases shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in the law shall be understood according to their technical import.

(Code 1977, §§ 1.02, 1.03, 19.02(1); Mo. of 4-28-82, ch. 9A, § 1.0)

Sec. 1-3. Additions to Code.

New ordinances proposing amendments or additions to the Code shall be assigned appropriate Code numbers and shall be

incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments and additions. 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 chapter, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the Code, the clerk, or other person authorized by the city, may correct obvious grammatical, punctuation and spelling errors; change reference numbers to conform with sections, articles and chapters; substitute figures for written words and vice versa; substitute dates for the words ``the effective date of this ordinance''; and perform like actions to ensure a uniform Code of Ordinances without, however, altering the meaning of the ordinances enacted.

(Code 1977, § 1.01(2))

Sec. 1-4. 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 council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the council during the period covered by the supplement and all changes made thereby 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 that 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 the adoption of the latest ordinance included in the supplement.

(b) In the preparation of a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof 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 such 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,'' etc., as the case may be or to ``sections _____ to _____'' (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated in the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of the 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. 1-5. Title headings.

Chapter, section, subsection and other titles shall not be considered part of the subject matter of this Code but are intended for convenience only and not necessarily as comprehensive titles.

(Code 1977, § 1.01(4))

Sec. 1-6. Availability of copies.

Copies of this Code shall be kept in the office of the clerk for public inspection and for sale for a reasonable charge.

(Code 1977, § 1.01(5))

Sec. 1-7. Existing rights and liabilities.

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

(Code 1977, § 1.04)

Sec. 1-8. Construction of severable provisions.

Unless there is a provision in an ordinance or this Code that the provisions shall not be severable, the provisions of all ordinances and of this Code shall be severable. If any provision of an ordinance or this Code is found to be unconstitutional and void, the remaining provisions thereof shall remain valid, unless the court finds the valid provisions thereof are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the council would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

(Code 1977, § 1.05)

State law reference(s)--Similar provisions, Minn. Stat. § 645.20.

Sec. 1-9. Penalties.

(a) *Misdemeanors.* Any violation of this Code is a misdemeanor, unless otherwise specified. Whenever an act or omission is a misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$700.00 or imprisonment for a term not to exceed 90 days or both.

(b) *Petty misdemeanors.* Whenever an act or omission is declared by this Code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$100.00.

(c) *Separate violations.* Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

(d) *Application to city personnel.* The failure of any 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 expressly provided for such failure.

(Code 1977, § 1.06)

State law reference(s)--Maximum penalty for ordinance violations, Minn. Stat. §§ 412.231, 609.034.

Sec. 1-10. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code, or any regulation incorporated by reference therein, unless otherwise specified.

(Mo. of 4-28-82, ch. 9A, §§ 1.3, 1.19)

Sec. 1-11. 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. 1-12. References and editor's notes.

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

Sec. 1-13. 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 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.
- (2) Any ordinance granting a right or franchise.
- (3) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating, any street or public way in the city.
- (4) Any appropriation ordinance.
- (5) Any annual ordinance levying or imposing taxes.
- (6) Any ordinance annexing territory to or excluding territory from the city.
- (7) Any ordinance relating to zoning.
- (8) Any temporary or special ordinance.

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